


SENATE

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Senate Bill No. 521

RECEIVED BY: 

Introduced by Senator Juan Miguel F. Zubiri

**AN ACT
CONVERTING THE DON CARLOS POLYTECHNIC COLLEGE INTO A STATE
COLLEGE TO BE KNOWN AS DON CARLOS POLYTECHNIC STATE
COLLEGE**


EXPLANATORY NOTE

Section 17, Article II of the 1987 Constitution provides: "The State shall give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development." Section 1, Article XIV of the same Constitution further provides: "The State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all."

The Don Carlos Polytechnic College is a local college situated in the municipality of Don Carlos, province of Bukidnon. If converted into a state college, it will not only address the growing needs of the youth of Don Carlos, but will also offer a more accessible option to students from the neighboring municipalities south of Don Carlos.

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 after graduation. The list of courses that will be offered shall include agriculture, agricultural entrepreneurship, fishery education, marine transportation, tourism, trade and the arts. It shall also offer vocational and technology courses in welding technology, vocational technology, fishery technology, hotel and restaurant services, hotel and household services, baking technology, electronic services and repair.

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

1 SECTION 1. **Conversion.** – The Don Carlos Polytechnic College in the
2 Municipality of Don Carlos, Province of Bukidnon is hereby converted into a state
3 college to be known as the Don Carlos Polytechnic State College, hereinafter
4 referred to as the Polytechnic State College.

5
6 SEC. 2. **Purpose.** – The Polytechnic State College shall primarily offer
7 professional and technical instructions and trainings in both the graduate and
8 undergraduate levels in the fields of agriculture, agricultural entrepreneurship,
9 fishery education, marine transportation, tourism, trade and the arts. It shall also
10 offer vocational and technology courses in welding technology, vocational
11 technology, fishery technology, hotel and restaurant services, hotel and
12 household services, baking technology, electronic services and repair. The
13 Polytechnic State College shall continue to offer the Junior High School and
14 Senior High School Program under the technical-vocational curriculum of the K to
15 12 program of the Department of Education.

16
17 It shall serve as the center for development of the agricultural industry
18 and shall provide technological, professional, and occupational training on the
19 utilization and development of appropriate technologies. It shall also undertake
20 research and extension services and provide progressive leadership in the area of
21 agricultural education.

1
2 The Polytechnic State College shall offer undergraduate, graduate, and
3 short-term technical courses within its area of specialization as the Board of
4 Trustees may deem necessary to carry out its objectives, particularly in order to
5 meet the needs of the municipality and the province.
6

7 **SEC. 3. The Governing Board; Manner of Appointment. –**

8 a) Composition – The governing body of the Polytechnic State College
9 shall be the Board of Trustees, hereinafter referred to as the Board, composed of
10 the following:

11 1) Chairperson of the Commission on Higher Education (CHED),
12 Chairperson;

13 2) President of the Polytechnic State College, Vice-Chairperson;

14 3) Regional Director of the National Economic Development Authority
15 (NEDA) or a duly authorized representative, member;

16 4) Regional Director of the Department of Science and Technology
17 (DOST) or a duly authorized representative, member;

18 5) President of the faculty association of the Polytechnic State College,
19 member;

20 6) President of the student council of the Polytechnic State College,
21 member;

22 7) President of the alumni association of the Polytechnic State College,
23 member;

24 8) Two (2) prominent citizens who have distinguished themselves in
25 their professions or fields of specialization chosen from among at least five (5)
26 qualified persons in the municipality of Don Carlos, as recommended by the
27 search committee constituted by the President of the Polytechnic State College in
28 consultation with the Chairperson of the CHED based on the normal standards
29 and qualifications for the position. The two (2) private sector representatives
30 shall be appointed by the Board upon recommendation of the duly appointed
31 search committee. The Municipal Government of Don Carlos shall be represented
32 in the search committee.

33 b) Term of Office – The president of the faculty, the president of the
34 alumni association, and the president of the student council shall sit in the Board
35 until the expiration of their term of office in such capacities. The prominent
36 citizens shall serve for a term of two (2) years from the date of appointment.

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SEC. 4. Powers and Duties of the Board of Trustees. – The Board shall have the specific powers and duties in addition to its general powers of administration and the exercise of all powers granted to the board of directors of a corporation under existing laws:

a) To promulgate rules and regulations necessary to law as may be necessary to carry out the purposes and functions of the Polytechnic State College;

b) To receive and appropriate all sums as may be provided for the support of the Polytechnic State College in the manner it may determine, in its discretion, to carry out the purposes and functions of the Polytechnic State College;

c) To receive in trust legacies, gifts and donations of real properties of all kinds, to administer and dispose of the same when necessary for the benefit of the Polytechnic State College, subject to the 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 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;

d) To fix tuition fees and other necessary school fees and charges including 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 Polytechnic State College, shall constitute special trust funds and shall be deposited in any authorized government depository bank, and all interests that shall accrue therefrom shall form part of the same fund for the use of the Polytechnic State College.

Any provision of existing laws, rules and regulations to the contrary notwithstanding, any income generated by the Polytechnic State College from tuition fees and other charges, as well as from the operation of auxiliary services and land grants, shall be retained by the Polytechnic State College and may be disbursed by the Board for instruction, research, extension, or other programs and projects of the Polytechnic State College: *Provided*, That all fiduciary fees shall be disbursed for the specific purposes for which they are collected.

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

7 e) To adopt and implement a socialized scheme of tuition and school
8 fees for greater access by poor but deserving students;

9 f) To authorize construction and repair of buildings, equipment, and
10 other facilities, and the purchase and acquisition of real and personal properties,
11 including necessary supplies, materials, and equipment. Purchases and other
12 transactions entered into by the Polytechnic State College through the Board
13 shall be exempted from all taxes and duties;

14 g) To appoint, upon the recommendation of the President of the
15 Polytechnic State College, vice presidents, deans, directors, heads of
16 departments, faculty members and other officials and employees;

17 h) To fix and adjust the salaries of faculty members and administrative
18 officials and employees subject to the provisions of the Revised Compensation
19 and Position Classification System, as amended, and other pertinent budget and
20 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 regulations as it may promulgate, any provision of existing law to
23 the contrary notwithstanding, and to remove them for cause in accordance with
24 the due process of law;

25 i) To approve the curricula, institutional programs and rules of
26 discipline drawn by the administrative and academic councils as herein provided;

27 j) To set policies on admission, graduation, and certification of
28 students;

29 k) To award honorary degrees upon persons in recognition of
30 outstanding contribution in the field of education, public service, arts, science
31 and technology, or in any field of specialization within the competence of the
32 Polytechnic State College and to authorize the award of certificates of completion
33 of non-degree and non-traditional courses;

34 l) To absorb non-chartered institutions within the province of
35 Bukidnon in coordination with CHED and in consultation with the Department of
36 Budget and Management (DBM), and to offer therein needed programs and

- 1 courses, to promote and carry out equal access to educational opportunities
2 mandated by the Constitution;
- 3 m) To establish research and extension centers of the Polytechnic
4 State College where such will promote the development of the latter;
- 5 n) To establish chairs in the Polytechnic State College and to provide
6 fellowships for qualified faculty members and scholarship grants to deserving
7 students;
- 8 o) To delegate any of its powers and duties provided for hereinabove
9 to the President or other officials of the Polytechnic State College as it may deem
10 appropriate so as to expedite the affairs of the Polytechnic State College;
- 11 p) To authorize an external management audit of the institution to be
12 financed by the CHED and to institute reforms, including academic and structural
13 changes, on the basis of audit results and recommendations;
- 14 q) To collaborate with CHED, TESDA, and other governing boards of
15 state colleges and universities within the region, under the supervision of CHED
16 and in consultation with the DBM, in the restructuring of the Polytechnic State
17 College to become more efficient, relevant, productive and competitive in
18 producing professionals, technologists, and technicians;
- 19 r) To enter into joint ventures with business and industry for the
20 profitable development and management of the assets of the Polytechnic State
21 College, the proceeds of which will be used for the development and
22 strengthening of the Polytechnic State College;
- 23 s) To develop partnerships and other forms of linkages with local
24 government units, institutions and agencies, both public and private, local and
25 foreign, in furtherance of the purposes and objectives of the Polytechnic State
26 College;
- 27 t) To develop academic arrangements for institutional capacity
28 building with appropriate institutions and agencies, public or private, local or
29 foreign, and to appoint experts or specialists or consultants, or visiting or
30 exchange professors, scholars, and researchers, as the case may be;
- 31 u) To set up the adoption of modern and innovative modes of
32 transmitting knowledge such as the use of information technology, the dual
33 system, open learning, community laboratory, and competency-based training for
34 the promotion of greater access to higher education, professional and
35 technological education and skills development;

1 v) To establish policy guidelines and procedures for participative
2 decision-making and transparency within the Polytechnic State College;

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

6 x) To extend beyond the age of retirement but not later than the age
7 of seventy (70) the term of the President of the Polytechnic State College whose
8 performance has been unanimously rated as outstanding and upon unanimous
9 recommendation by the Search Committee for the President of the Polytechnic
10 State College.

11
12 **SEC. 6. Promulgation and Implementation of Policies.** – The Board
13 shall promulgate and implement policies on education and other pertinent
14 provisions of the Philippine Constitution on education, science and technology,
15 arts, culture and sports; as well as policies and standard and thrusts of the CHED
16 under Republic Act No. 7722 and also in accordance with the policies, standards,
17 and programs of the Technical Education and Skills Development Authority
18 (TESDA), the designated government authority in technical education and skills
19 development.

20
21 **SEC. 7. Board Meetings; Quorum.** – The Board shall regularly convene
22 at least once every quarter. The Chairperson of the Board of Trustees may call a
23 special meeting whenever necessary: *Provided*, That members are notified in
24 writing at least three (3) days prior to said meeting.

25
26 A majority of all members holding office shall constitute a quorum for board
27 meetings: *Provided*, That the Chairperson of the CHED who is the Chairperson of
28 the Board or the President of the Polytechnic State College is among those
29 present in the meeting. In the absence of the Chairperson of the CHED, a duly
30 designated Commissioner of the CHED shall represent the Chairperson of the
31 CHED in the meeting with all the rights and responsibilities of a regular member:
32 *Provided, however*, That in the said meeting the President of the Polytechnic
33 State College as vice-chairperson shall be the presiding officer; *Provided, further*,
34 That this proviso notwithstanding, the Chairperson of the CHED is hereby
35 authorized to designate a CHED Commissioner as the regular Chairperson to the
36 Board of the Polytechnic State College, in which case said CHED Commissioner

1 shall act as the presiding officer. The members shall serve without compensation,
2 but they shall be reimbursed for necessary expenses incurred in the attendance
3 of meetings of the Board or in connection with their official business authorized
4 by resolution of the Board, subject to existing laws and regulations.

5
6 **SEC. 8. Administration.** – The administration of the Polytechnic State
7 College shall be vested in a President who shall render full-time service. The
8 President shall be appointed by the Board upon the recommendation of a duly
9 appointed search committee. The President shall have a term of four (4) years
10 and shall be eligible for reappointment for another term. In order to effect a
11 smooth transition to a Polytechnic State College, the current head of the Don
12 Carlos Polytechnic College shall become the first President of the Don Carlos
13 Polytechnic State College.

14
15 The President shall be assisted by a Vice President for Academic Affairs
16 who shall be appointed by the Board upon the recommendation of the President
17 of the Polytechnic State College without prejudice to the appointment of more
18 through another Vice President when so warranted.

19
20 Within six (6) months before the expiration of the term of the incumbent
21 President, the Board shall create a search committee for the Presidency.

22
23 In case of vacancy by reason of death, compulsory retirement,
24 resignation, removal for cause or incapacity of the President to perform the
25 functions of the office, the Board shall have the authority to designate an officer-
26 in-charge of the Polytechnic State College within six (6) months from the date of
27 vacancy, pending the appointment of a new President.

28
29 The powers and duties of the President of the Polytechnic State College in
30 addition to those specifically provided in this Act shall be those usually pertaining
31 to the office of the President and of other educational institutions.

32
33 The salary of the President of the University shall be in accordance with
34 the Revised Compensation and Position Classification System, as modified by
35 Joint Resolution No. 4 dated 17 June 2009 and other pertinent budget and

1 compensation laws, and shall be comparable to that being received by the
2 president of similar institutions.

3

4 SEC. 9. **Secretary.** – The Board shall appoint a Secretary, who shall serve
5 as such for both the Polytechnic State College and the Board, and who shall keep
6 all records of the Board.

7

8 SEC. 10. **Treasurer.** – The Treasurer of the Philippines shall be the ex
9 officio Treasurer of the Polytechnic State College.

10

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

16

17 SEC. 12. **Academic Council.** - There shall be an academic council
18 consisting of the President of the Polytechnic College as Chairperson, vice
19 presidents, and all members of the instructional staff with the rank not lower
20 than assistant professor, as members. The academic council shall have the
21 power to review and recommend the curricular offerings and rules of discipline of
22 the Polytechnic State College for the approval of the board. It shall fix the
23 requirements for admission to the Polytechnic State College, as well as for
24 graduation and the conferring of certificates and diplomas, subject to review and
25 approval by the Board through the President of the Polytechnic State College.

26

27 SEC. 13. **Academic Freedom.** – Pursuant to Section 5(2) of Article XIV
28 of the Constitution of the Republic of the Philippines, all institutions of higher
29 learning, public or private, shall enjoy academic freedom and institutional
30 autonomy.

31

32 SEC. 14. **Admission and Scholarships.** – No student shall be denied
33 admission to the Polytechnic State College by reason of gender, nationality,
34 religion, cultural, or community affiliation or ethnic origin, or political affiliation.

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1 The Polytechnic State College shall provide a scholarship program and
2 other subsidies to assist poor but deserving students who qualify for admission to
3 the Polytechnic State College.

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5 **SEC. 15. Faculty.** – No religious opinion or affiliation, political beliefs,
6 gender, preference, cultural or community affiliation or ethnic origin, shall be a
7 matter of inquiry in the appointment of faculty members of the Polytechnic State
8 College: *Provided, however,* That no member of the faculty shall teach for or
9 against any particular church or regular sect.

10
11 **SEC. 16. Development Plan; Management Audit; Organizational,**
12 **Administrative, and Academic Structure.** – Within the period of one
13 hundred and twenty (120) days after the approval of this Act, the Polytechnic
14 State College shall accomplish the following:

15 (a) Submit a five (5) year development plan, including the program
16 budgets to CHED and TESDA, for corresponding recommendation to the DBM;

17 (b) Undergo a management audit in cooperation with CHED and
18 TESDA; and

19 (c) Set up its organizational, administrative, as well as academic
20 structure, including the appointment of key Polytechnic State College officials.

21
22 **SEC. 17. Transfer of Assets.** – All assets, real and personal, personnel
23 and records of the Don Carlos Polytechnic College, as well as liabilities or
24 obligations, are hereby transferred to the Polytechnic State College. The position,
25 rights, and security of tenure of personnel under existing employment laws shall
26 be respected.

27
28 All parcels of land belonging to the government and occupied by the Don
29 Carlos Polytechnic College are hereby declared to be the property of the
30 Polytechnic State College and shall be titled under that name.

31
32 **SEC. 18. Loan of Equipment.** – The heads of bureaus and offices of the
33 national government are hereby authorized to loan or transfer upon request of
34 the President of the Polytechnic State College such apparatus, equipment, or
35 supplies as may be needed by the Polytechnic State College, and to detail
36 employees for duty therein when, in the judgment of the head of the bureau or

1 office, such apparatus, equipment, or supplies or services of such employees can
2 be spared without detriment to the public service. Employees detailed shall
3 perform such duties as required of them by the President of the Polytechnic
4 State College and the time so employed shall be counted as part of their regular
5 services.

6
7 SEC. 19. **Auditing.** – All accounts and expenses of the Polytechnic State
8 College shall be audited by the Commission on Audit or its duly authorized
9 representative.

10
11 SEC. 20. **Filing of Report.** – Not later than the fifteenth day of the
12 second month after the opening of regular classes of each year, the Board shall
13 file with the Office of the President, through CHED and TESDA, and to both
14 Houses of Congress, a detailed report on the progress, conditions, and needs of
15 the Polytechnic State College.

16
17 SEC. 21. **Appropriations.** – The amount necessary for the
18 implementation of this Act shall be charged against the current appropriations of
19 the Don Carlos Polytechnic College. Thereafter, such sums as may be necessary
20 for the continued operations and maintenance of the Polytechnic State College
21 shall be included in the General Appropriations Act.

22
23 SEC. 22. **Separability Clause.** - If any portion or provision of this Act is
24 declared unconstitutional, the same shall not affect the validity and effectivity of
25 the other provisions not affected thereby.

26
27 SEC. 23. **Repealing Clause.** - All laws, parts of laws, decrees, presidential
28 issuances, proclamations, orders, ordinances, and administrative regulations in
29 conflict with the provisions of this Act are hereby amended, modified or repealed
30 accordingly.

31
32 SEC. 24. **Effectivity.** - This Act shall take effect fifteen (15) days after its
33 publication in the Official Gazette or in at least two (2) newspapers of general
34 circulation.

Approved,