

Republic of the Philippines
Congress of the Philippines
Metro Manila
Seventeenth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-third day of July, two thousand eighteen.

[REPUBLIC ACT NO. 11284]

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 House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Conversion.* — The Northern Bukidnon Community College in the Municipality of Manolo Fortich, Province of Bukidnon, is hereby converted into a state college to be known as the Northern Bukidnon State College, and hereinafter referred to as the College. Its main campus shall be in the Municipality of Manolo Fortich.

SEC. 2. *General Mandate.* – The College shall primarily provide advance studies and research, higher professional and technical instructions and training in science and technology, and other related fields. It shall also undertake research and extension services, and provide progressive leadership in its areas of specialization in the Province of Bukidnon and in Region X.

SEC. 3. *Curricular Offerings.* – The College shall offer undergraduate, graduate and short-term technical courses within its areas of competence and specialization, as the Board of Trustees may deem necessary to carry out its objectives, and for the human resource development needs of the Province of Bukidnon and Region X.

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

SEC. 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 in the President of the College, insofar as authorized by the Board.

SEC. 5. *The Governing Board.* – The governing board of the College shall be the Board of Trustees, hereinafter referred to as the Board, which shall be chaired and co-chaired by the Chairperson of the Commission on Higher Education (CHED) and the President of the College, respectively, and with the following, as members:

- (a) Chairperson of the Committee on Education, Arts and Culture of the Senate;
- (b) Chairperson of the Committee on Higher and Technical Education of the House of Representatives;

(c) Regional Director of the National Economic and Development Authority (NEDA);

(d) Regional Director of the Department of Science and Technology (DOST);

(e) Regional Director of the Department of Agriculture (DA);

(f) President of the faculty associations of the College;

(g) President of the student councils of the College;

(h) President of the alumni associations of the College;

(i) Two (2) prominent citizens from the private sector who have distinguished themselves in their professions or fields of specialization.

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

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

Membership in the governing board of the President of the faculty association, the President of the student council and the President of the alumni association shall be coterminous with their terms of office as provided under their respective terms of office as set forth in their respective constitutions and bylaws.

SEC. 6. *Promulgation and Implementation of Policies.* – The Board shall promulgate and implement policies in accordance with the declared State policies on education and other pertinent provisions of the Philippine Constitution

on education, agriculture, science and technology, as well as the policies, standards and thrusts of the CHED under Republic Act No. 7722, otherwise known as the "Higher Education Act of 1994".

SEC. 7. Powers and Duties of the Board of Trustees. – 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, the Board shall have the following specific powers and duties:

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

(b) Approve the curricula, instructional programs, and rules of discipline drawn by the Administrative and the Academic Councils herein provided;

(c) Appoint, upon the recommendation of the President of the College, the vice presidents, deans, directors, heads of the campuses, faculty members and other officials and employees of the College;

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

(e) Fix the tuition fees and other necessary school charges, such as matriculation fees, graduation fees, and laboratory fees, as the Board may deem proper to impose, after due consultation with the concerned sectors. The fees and charges, including government subsidies and other income

generated by the College, shall constitute its special trust funds, and shall be deposited in any authorized government depository bank, all interests that shall accrue therefrom shall form part of the same funds for the use of the College. Any provision of existing law, rules or regulations to the contrary notwithstanding, any income generated by the College from tuition fees and other charges, as well as from the operation of auxiliary services and land grants, shall be retained by the College, and may be disbursed by the Board for instruction, research, extension services or other programs and projects of the College: *Provided*, That all fiduciary fees shall be disbursed for the specific purposes for which these are collected: *Provided, however*, That if, for reasons beyond its control, the College shall not be able to pursue any project for which the funds have been appropriated and allocated under its approved program of expenditures, the Board may authorize the use of said funds for any reasonable purpose which, in its discretion, may be necessary and urgent for the attainment of the objectives and goals of the College;

(f) Adopt and implement a socialized scheme of tuition and other school fees for greater access of poor but deserving students in accordance with Republic Act No. 10931 or the "Universal Access to Quality Tertiary Education Act";

(g) Establish professorial chairs in the College and provide fellowships for qualified faculty members, and scholarships to deserving students;

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

(i) Set the policies on admission and graduation of students;

(j) Award honorary degrees upon persons in recognition of their outstanding contribution in the fields of education, public service, arts, science and technology,

agriculture or any field of specialization within the academic competence of the College, and authorize the awarding of certificates of completion of nondegree and nontraditional courses;

(k) Establish research and extension centers to promote the development of the College;

(l) Develop academic arrangements for institutional capability-building with appropriate public, private, local or foreign institutions and agencies, and appoint experts/specialists as consultants, part-time/visiting/exchange professors, scholars or researchers, as the case may be;

(m) Adopt modern and innovative modes of transmitting knowledge for the promotion of greater access to education such as the use of information technology, dual training system, open distance learning, and community laboratory;

(n) Collaborate with the governing boards of the state universities and colleges (SUCs) within the Province of Bukidnon and in Region X, under the supervision of the CHED and in consultation with the Department of Budget and Management (DBM), in restructuring the College to make it more efficient, relevant, productive and competitive;

(o) Absorb non-chartered tertiary institutions within the Province of Bukidnon and in Region X as branches and extension/external centers, in coordination with the CHED, and in consultation with the DBM, and offer therein programs or courses to promote and carry out equal access to educational opportunities, as mandated by the Constitution;

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

(q) Develop consortia and other economic forms of linkages with local government units (LGUs), public, private, local and foreign institutions and agencies in the furtherance of the purposes and objectives of the College;

(r) Import economic, technical and cultural books and publications;

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

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

(u) Authorize the construction or repair of its buildings, machinery, equipment and other facilities, and the purchase and acquisition of real property, including the necessary supplies, materials and equipment;

(v) Extend the term of the President of the College beyond the age of retirement, but not beyond the age of seventy (70), based on the guidelines, qualifications and standards set by the Board: *Provided*, That the President's performance has been rated by the Board as outstanding and unanimous recommendation has been decided by the search committee;

(w) Delegate any of its powers and duties provided to the President and other officials of the College, as it may deem appropriate, so as to expedite the administration of the affairs of the College;

(x) Establish policy guidelines and procedures for participative decision-making and transparency within the College;

(y) Where most advantageous to the College, privatize the management of nonacademic services such as health, food, building or grounds or property maintenance, and such other similar activities; and

(z) Promulgate rules and regulations, as may be necessary, to carry out the purposes and functions of the College.

SEC. 8. *Meetings of the Board.* - The Board shall regularly convene once every quarter. The Chairperson of the Board may, however, upon three (3) days' prior written notice, call a maximum of two (2) special meetings whenever necessary within the year.

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

In the absence of the Chairperson of the CHED, a Commissioner of the CHED, duly designated by the CHED Chairperson as representative in the meeting, shall have all the rights and responsibilities of a regular member: *Provided,* That during this meeting, the President of the College, as Vice Chairperson, shall be the presiding officer: *Provided, further,* That this *proviso* notwithstanding, the Chairperson of the CHED is hereby authorized to designate a CHED Commissioner as the regular Chairperson of the Board, in which case said CHED Commissioner shall act as the presiding officer.

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

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

meetings of the Board or in connection with other official business authorized by resolutions of the Board, subject to existing laws and regulations.

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

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

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

In case of vacancy in the Office of the President by reason of death, compulsory retirement, resignation, removal for cause or incapacity of the President to perform the functions of the office, the Board shall designate an Officer-in-Charge (OIC) of the College within six (6) months from the date of vacancy, pending the appointment of a new President.

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

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

The salary of the President of the College shall be in accordance with the Revised Compensation and Position Classification System, as modified by Joint Resolution No. 4 dated June 17, 2009, and by such other laws amendatory thereto, which may hereinafter be enacted, and shall be comparable to that being received by the Presidents of similar educational institutions.

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

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

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

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

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

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

SEC. 14. *Faculty.* – No political belief, gender preference, cultural or community affiliation or ethnic origin, nor religious opinion or affiliation shall be the matter of inquiry in the appointment of faculty members of the College: *Provided, however,* That said appointment shall be subject to the qualifications and standards set by the Board: *Provided, further,* That no member of the faculty shall teach for or against any particular church or religious sect.

SEC. 15. *Academic Freedom and Institutional Autonomy.* – The College shall enjoy academic freedom and institutional autonomy pursuant to paragraph 2, Section 5 of Article XIV of the Constitution.

SEC. 16. *Scholarship Programs/Admission.* – The College shall provide scholarship programs and other affirmative action programs to assist poor but deserving students who qualify for admission to the College.

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

SEC. 17. *Authority to Lend or Transfer Apparatus/Equipment/Supplies and Detail of Personnel.* – The heads of the bureaus and offices of the national government are hereby authorized to lend and/or transfer, upon the request of the President of the College, such apparatus, equipment or

supplies as may be needed by the College, and detail employees for duty therein when, in the judgment of the head of bureau or office, such apparatus, equipment, supplies or services of such employees can be spared without serious detriment to public service. The employees so detailed shall perform such duties as required of them by the President of the College and the time so employed shall be counted as part of their regular service.

SEC. 18. *Assets, Liabilities and Personnel.* – All assets, real and personal, personnel and records of the Northern Bukidnon Community College, as well as its liabilities or obligations, are hereby transferred to the College: *Provided*, That the positions, rights and security of tenure of the academic staff and personnel therein employed under existing laws prior to the conversion of the Northern Bukidnon Community College into a State College shall be respected: *Provided, finally*, That the College shall also accordingly upgrade or increase its human resource component.

All parcels of land belonging to the government occupied by the Northern Bukidnon Community College are hereby declared the property of the College and shall be titled under its name: *Provided*, That should the College cease to exist or be abolished or would no longer need such aforementioned parcels of land, the title to said parcels of land shall be transferred to the local government of Manolo Fortich, Province of Bukidnon.

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

All grants, bequests, endowments, donations and contributions made to the College and used actually, directly and exclusively by it, shall be exempt from the donor's tax

and the same shall be considered as allowable deduction from the gross income of the donor, in accordance with the provisions of the National Internal Revenue Code of 1997, as amended.

SEC. 20. *Compliance with CHED Requirements.* – The provisions of this Act notwithstanding, the conversion of the institution into a state college shall become effective only upon the determination and declaration by the CHED, based on the recommendation of a panel of experts it shall constitute for the purpose, that the institution has complied with the requirements for a college status based on CHED Memorandum Order No. 46, series of 2012 (Policy-Standard to Enhance Quality Assurance in Philippine Higher Education Through an Outcomes-Based and Typology-Based Quality Assurance): *Provided*, That the panel may issue such recommendation when the institution has substantially complied with the requirements for the grant of college status.

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

(a) The College shall possess full-time permanent faculty members who have the relevant degrees as required by the CHED and experience in the subject areas they handle;

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

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

(d) The College shall maintain links with the community that would ensure the development of relevant academic and extension programs as well as the application of their learning outcomes; and

(e) The College shall conduct outreach programs involving students in social-development oriented experiences that allow them to contextualize their knowledge within actual social and human experiences.

The CHED, through its regional office, shall regularly provide technical assistance to the institution and monitor compliance with the requirements of the Commission.

The institution shall retain its status prior to the effectivity of this Act until it is able to comply with the requirements provided herein.

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

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

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

(c) Set up its organizational, administrative, as well as academic structure, including the appointment of key officials of the College; and

(d) Set in motion the establishment of at least four (4) separate degree-granting units, one of which is in the arts and sciences, and another unit for nondegree technical-vocational education and training.

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

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

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

SEC. 25. *Appropriations.* – The amount necessary to carry out the initial implementation of this Act shall be charged against the current year’s funding of the Northern Bukidnon Community College provided by the Municipality of Manolo Fortich, Province of Bukidnon. The municipality shall continue to provide the same funding to the Northern Bukidnon Community College corresponding to the funding given before the same is converted into the Northern Bukidnon State College until such time that the full funding requirement of the Northern Bukidnon State College is included in the annual General Appropriations Act.

SEC. 26. *Implementing Rules and Regulations.* – Within sixty (60) days after the effectivity of this Act, the Board shall, in consultation with the CHED, formulate the guidelines to fully implement the provisions of this Act.

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

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

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

Approved,


VICENTE C. SOTTO III
President of the Senate


GLORIA MACAPAGAL-ARROYO
Speaker of the House of Representatives

This Act which originated in the House of Representatives was passed by the House of Representatives and the Senate of the Philippines on January 21, 2019 and February 4, 2019, respectively.


MYRA MARIE D. VILLARICA
Secretary of the Senate


DANTE ROBERTO B. MALING
Acting Secretary General House of Representatives

Approved: **APR 12 2019**


RODRIGO ROA DUTERTE
President of the Philippines



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