



HOUSE OF REPRESENTATIVES

H. No. 5974

BY REPRESENTATIVES CHIONGBIAN, VILLAR, CUA (J.), JAVIER, REMULLA, CHATTO, PADILLA, MADRONA, NICOLAS, DEL MAR, AMATONG, AQUINO, MITRA, DE GUZMAN, GARAY, ANGPING AND ALMARIO, PER COMMITTEE REPORT NO. 1784

AN ACT CONVERTING THE GLAN SCHOOL OF ARTS AND TRADE IN THE MUNICIPALITY OF GLAN, PROVINCE OF SARANGANI INTO A STATE COLLEGE TO BE KNOWN AS THE SARANGANI STATE POLYTECHNIC COLLEGE AND APPROPRIATING FUNDS THEREFOR

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

1 SECTION 1. *Conversion.* – The Glan School of Arts and Trade (GSAT)
2 in the Municipality of Glan, Province of Sarangani is hereby converted into a
3 state college to be known as the Sarangani State Polytechnic College,
4 hereinafter referred to as the College.

5 SEC. 2. *General Mandate.* – The College shall primarily provide
6 advanced education, higher technological, professional instruction and training
7 in the fields of agriculture, forestry, engineering, arts and sciences, education
8 and other related courses. It shall also undertake research and extension
9 services, and provide progressive leadership in its areas of specialization.

1 SEC. 3. *Curricular Offerings.* – The College shall offer undergraduate
2 and graduate studies in the fields of agriculture, forestry, engineering, arts and
3 sciences, education, nontraditional courses and other degrees/courses within its
4 areas of specialization and according to its capabilities as the Board of
5 Trustees may deem necessary to carry out its objectives, particularly to meet
6 the needs of the Province of Sarangani and Region XII.

7 The existing high school shall be transferred to the jurisdiction and
8 supervision of the Department of Education (DepEd): *Provided*, That the high
9 school shall be allowed to remain and operate within the campus of the College
10 until its students, who are presently enrolled, shall have completed their high
11 school education: *Provided, further*, That the College may operate a
12 reasonably-sized laboratory school, if it has a College of Education.

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

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

21 (a) The Chairperson of the Commission on Higher Education (CHED),
22 Chairperson;

23 (b) The President of the College, Vice Chairperson;

24 (c) The Chairperson of the Committee on Education, Arts and Culture
25 of the Senate, member;

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

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

1 (f) The Regional Director of the Department of Agriculture (DA),
2 member;

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

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

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

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

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

15 The term of office of the President of the faculty association, the
16 President of the student council and the President of the alumni association
17 shall be coterminous with their respective terms of office, as set forth in their
18 respective constitutions and bylaws.

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

21 *SEC. 6. Promulgation and Implementation of Policies.* – The Board
22 shall promulgate and implement policies in accordance with the declared State
23 policies on education and other pertinent provisions of the Philippine
24 Constitution on education, agriculture, science and technology, as well as the
25 policies, standards and thrusts of the CHED under Republic Act No. 7722,
26 otherwise known as the “Higher Education Act of 1994”.

27 *SEC. 7. Powers and Duties of the Board of Trustees.* – The Board shall
28 have the following specific powers and duties, in addition to its general powers

1 of administration and the exercise of all the powers granted to the board of
2 directors of a corporation under existing laws:

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

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

8 (c) To import duty-free economic, technical and cultural books and/or
9 publications, upon certification by the CHED that such imported books and/or
10 publications are for economic, technical, vocational, scientific, philosophical,
11 historical or cultural purposes, in accordance with the provisions of the Tariff
12 and Customs Code of the Philippines, as amended;

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

17 Such donations shall be exempt from the donor's tax and the same shall
18 be considered as allowable deductions from the gross income in the
19 computation of the income tax of the donor, in accordance with the provisions
20 of the National Internal Revenue Code (NIRC) of 1997, as amended;
21 *Provided*, That such donations shall not be disposed of, transferred or sold;

22 (e) To fix the tuition fees and other necessary school charges such as,
23 but not limited to, matriculation fees, graduation fees and laboratory fees, as
24 the Board may deem proper to impose, *after due consultations with the*
25 *involved sectors.*

26 Such fees and charges, including government subsidies and other
27 income generated by the College, shall constitute special trust funds and shall
28 be deposited in any authorized government depository bank, and all interests

1 that shall accrue therefrom shall form part of the same funds for the use of the
2 College.

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

10 If, for reasons beyond its control, the College shall not be able to pursue
11 any project for which the funds have been appropriated and allocated under its
12 approved program of expenditures, the Board may authorize the use of said
13 funds for any reasonable purpose which, in its discretion, may be necessary
14 and urgent for the attainment of the objectives and goals of the College;

15 (f) To adopt and implement a socialized scheme of tuition and school
16 fees for greater access to poor but deserving students;

17 (g) To authorize the construction or repair of its buildings, machinery,
18 equipment and other facilities, and the purchase and acquisition of real
19 property, including necessary supplies, materials and equipment;

20 (h) To appoint upon recommendation of the President of the College,
21 Vice Presidents, deans, directors, heads of campuses, faculty members and
22 other officials and employees of the College;

23 (i) To fix and adjust salaries of faculty members and administrative
24 officials and employees, subject to the provisions of the Revised Compensation
25 and Position Classification System and other pertinent budget and
26 compensation laws governing hours of service, and such other duties and
27 conditions as it may deem proper; to grant them, at its discretion, leaves of
28 absence under such regulations as it may promulgate, any provision of existing

1 law to the contrary notwithstanding; and to remove them for cause in
2 accordance with the requirements of due process of law;

3 (j) To approve the curricula, instructional programs and rules of
4 discipline drawn by the Administrative and Academic Councils herein
5 provided;

6 (k) To set policies on admission and graduation of students;

7 (l) To award honorary degrees upon persons in recognition of their
8 outstanding contribution in the fields of education, public service, arts, science
9 and technology, agriculture or in any field of specialization within the
10 academic competence of the College; and to authorize the awarding of
11 certificates of completion of nondegree and nontraditional courses;

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

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

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

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

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

1 (r) To collaborate with other governing boards of the state colleges and
2 universities within the Province of Sarangani or Region XII, under the
3 supervision of the CHED and in consultation with the DBM, and work towards
4 the restructuring of the College to become more efficient, relevant, productive
5 and competitive;

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

10 (t) To develop consortia and other economic forms of linkages with
11 local government units (LGUs), institutions and agencies, both public and
12 private, local and foreign, in the furtherance of the purposes and objectives of
13 the College;

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

18 (v) To set up the adoption of modern and innovative modes of
19 transmitting knowledge such as the use of information technology, the dual
20 learning system, open learning or distance education and community
21 laboratory for the promotion of greater access to education and graduate
22 studies, as the case may be;

23 (w) To establish policy guidelines and procedures for participative
24 decision-making and transparency within the College;

25 (x) To privatize, where most advantageous to the College, management
26 of nonacademic services such as health, food, building or grounds or property
27 maintenance and such other similar activities; and

28 (y) To extend the term of the President of the College beyond the age
29 of retirement but not beyond the age of seventy (70), whose performance has

1 been unanimously rated by the Board as outstanding, based on the guidelines,
2 qualifications and/or standards set by the Board, after unanimous
3 recommendation by the search committee.

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

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

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

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

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

1 SEC. 9. *The College President.* – The College shall be headed by a
2 President, who shall render full-time service. He/She shall be appointed by the
3 Board, subject to the guidelines, qualifications and/or standards set by the
4 Board, upon recommendation of a duly constituted search committee. He/She
5 shall have a term of four (4) years and shall be eligible for reappointment for
6 another term: *Provided*, That in order to effect a smooth transition to a state
7 college, the incumbent head of the GSAT, if qualified, shall serve as the first
8 President of the College.

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

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

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

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

23 The salary of the President of the College shall be in accordance with
24 the Revised Compensation and Position Classification System and shall be
25 comparable to that being received by the presidents of similar educational
26 institutions.

27 The President shall be assisted by a Vice President for Academic Affairs
28 who shall be appointed by the Board upon the recommendation of the
29 President.

1 SEC. 10. *The Administrative Council.* – There shall be an
2 Administrative Council consisting of the President of the College as
3 Chairperson, Vice Presidents, deans, directors and other officials of equal rank
4 as members, whose duty is to review and recommend to the Board the policies
5 governing the administration, management and development planning of the
6 College.

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

11 The Academic Council shall have the power to review and recommend
12 the curricular offerings and rules of discipline of the College, subject to the
13 approval of the Board. It shall fix the requirements for the admission of
14 students, as well as for their graduation and conferment of degrees, subject to
15 review and/or approval by the Board through the President of the College.
16 It shall have the disciplinary power over students of the College and shall
17 formulate academic policies and rules and regulations on discipline, subject to
18 the approval of the Board.

19 SEC. 12. *The Secretary of the College.* – The Board shall appoint a
20 secretary, who shall serve as such for both the Board and the College and shall
21 keep all records and proceedings of the Board. He/She shall serve upon each
22 member of the Board the appropriate notice of the Board meetings.

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

25 SEC. 14. *The Faculty.* – No political beliefs, gender preference,
26 cultural or community affiliation or ethnic origin, and religious opinion or
27 affiliation shall be a matter of inquiry in the appointment of faculty members of
28 the College: *Provided, however,* That said appointment shall be subject to the
29 guidelines, qualifications and/or standards set by the Board: *Provided, further,*

1 That no member of the faculty shall teach for or against any particular church
2 or religious sect.

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

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

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

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

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

27 All parcels of land belonging to the government and occupied by the
28 GSAT are hereby declared to be property of the College and shall be titled
29 under that name: *Provided*, That should the College cease to exist or be

1 abolished or should such parcels of land aforementioned be no longer needed
2 by the College, the same shall revert to the LGUs concerned.

3 SEC. 19. *Appropriations.* – The amount necessary to carry out the
4 provisions of this Act shall be charged against the current year’s appropriations
5 of the Glan School of Arts and Trade, except the sums needed to continue the
6 operations of the existing high school. Thereafter, such sums as may be
7 necessary for the continued operation and maintenance of the Sarangani State
8 Polytechnic College shall be included in the annual General Appropriations
9 Act.

10 SEC. 20. *Development Plan, Management Audit, Organizational/
11 Administrative/Academic Structure.* – Within the period of one hundred twenty
12 (120) days after the approval of this Act, the College shall accomplish the
13 following:

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

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

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

21 SEC. 21. *Filing of Report.* – On or before the fifteenth (15th) day of the
22 second (2nd) month after the opening of the regular classes each year, the
23 Board shall file with the Office of the President of the Philippines, through the
24 Chairperson of the CHED, and with both Houses of Congress a detailed report
25 on the progress, conditions and needs of the College.

26 SEC. 22. *Suppletory Application.* – The provisions of Republic Act
27 No. 8292, otherwise known as the “Higher Education Modernization Act of
28 1997”, shall be an integral part of this Act and shall serve as part of the
29 Governing Charter of the College.

1 SEC. 23. *Parity Clause.* – All other powers, functions and privileges,
2 responsibilities and limitations to state colleges and/or their officials under
3 existing laws shall be deemed granted to or imposed upon the College and/or
4 its officials, whenever appropriate.

5 SEC. 24. *Implementing Rules and Regulations.* – The Board, in
6 consultation with the CHED, shall formulate the guidelines to fully implement
7 the provisions of this Act.

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

11 SEC. 26. *Repealing Clause.* – All laws, presidential decrees, executive
12 orders, rules and regulations contrary to or inconsistent with the provisions of
13 this Act are hereby repealed or modified accordingly.

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

Approved,

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