



## HOUSE OF REPRESENTATIVES

H. No. 6309

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BY REPRESENTATIVES GULLAS, VILLAR, CUA (J.), JAVIER AND REMULLA, PER  
COMMITTEE REPORT NO. 1995

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AN ACT ESTABLISHING A STATE COLLEGE IN THE CITY OF  
TALISAY, PROVINCE OF CEBU TO BE KNOWN AS THE  
TALISAY CITY STATE COLLEGE AND APPROPRIATING  
FUNDS THEREFOR

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

1           SECTION 1. *Establishment.* – There is hereby established a state college  
2 in the City of Talisay, Province of Cebu to be known as the Talisay City State  
3 College, hereinafter referred to as the College.

4           SEC. 2. *General Mandate.* – The College shall primarily provide  
5 advanced education, higher technological, professional instruction and training  
6 in science, education, agriculture, fishery and industrial fields and other  
7 relevant fields of study. It shall also undertake research and extension services  
8 and programs in food production, nutrition, health and sports development, and  
9 provide progressive leadership in its areas of specialization.

10           SEC. 3. *Curricular Offerings.* – The College shall offer undergraduate  
11 and graduate studies in the fields of science, education, agriculture, fishery and  
12 industrial fields and other degrees/courses within its areas of specialization and

1 according to its capabilities, as the Board of Trustees may deem necessary to  
2 carry out its objectives, in order to meet the needs of the Province of Cebu  
3 and Region VII.

4 The College may operate a reasonably-sized laboratory school, if it has  
5 a College of Education.

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

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

14 (a) The Chairperson of the Commission on Higher Education (CHED),  
15 Chairperson;

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

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

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

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

23 (f) The Regional Director of the Department of Agriculture (DA);  
24 member;

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

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

27 (i) The President of the alumni association of the College, member;

28 and

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

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

9 The term of office of the President of the faculty association, the  
10 President of the student council and the President of the alumni association  
11 shall be coterminous with their respective terms of office, as set forth in their  
12 respective constitutions and bylaws.

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

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

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

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

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

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

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

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

18 (e) To fix the tuition fees and other necessary school charges such as,  
19 but not limited to, matriculation fees, graduation fees and laboratory fees, as  
20 the Board may deem proper to impose, after due consultations with the  
21 involved sectors.

22 Such fees and charges, including government subsidies and other  
23 income generated by the College, shall constitute special trust funds and shall  
24 be deposited in any authorized government depository bank, and all interests  
25 that shall accrue therefrom shall form part of the same funds for the use of the  
26 College.

27 Any provision of existing laws, rules and regulations to the contrary  
28 notwithstanding, any income generated by the College from tuition fees and

1 other charges, as well as from the operation of auxiliary services and land  
2 grants, shall be retained by the College and may be disbursed by the Board for  
3 instruction, research, extension or other programs/projects of the College:  
4 *Provided*, That all fiduciary fees shall be disbursed for the specific purpose for  
5 which these are collected.

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

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

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

16 (h) To appoint, upon recommendation of the President of the College,  
17 Vice Presidents, deans, directors, heads of departments, faculty members and  
18 other officials and employees of the College;

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

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

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

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

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

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

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

21 (p) To delegate any of its powers and duties provided for hereinabove  
22 to the President or Officer-in-Charge and/or other officials of the College as it  
23 may deem appropriate, so as to expedite the administration of the affairs of the  
24 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 state universities and  
2 colleges within the Province of Cebu or Region VII, under the supervision of  
3 the CHED and in consultation with the DBM, and work towards the  
4 restructuring of the College to become more efficient, relevant, productive and  
5 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 same;

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

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

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

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

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

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

1 has been unanimously rated by the Board as outstanding, based on the  
2 guidelines, 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 at  
5 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 CHED 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  
26 in 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.

7           Pending the appointment of the first President of the College, the  
8 Chairperson of the CHED shall appoint an Officer-in-Charge 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 of the College 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.

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

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

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

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

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

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

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

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

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

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

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

25           The employees so detailed shall perform such duties as required of them  
26 by the President of the College, and the time so employed shall be counted as  
27 part of their regular services.

1           SEC. 18. *Campus Site/Assets.* – The College shall have an area of not  
2 less than five (5) hectares, at least three (3) hectares of which are contiguous to  
3 the main campus, for its exclusive use as campus site for its academic and  
4 instructional programs, research and development activities and experimental  
5 and laboratory facilities.

6           The Board shall forthwith recommend a suitable site within the  
7 Municipality of Talisay for this purpose. The parcel of land to be occupied by  
8 the Talisay City State College is hereby declared to be property of the College,  
9 and shall be titled under that name: *Provided*, That should the College cease to  
10 exist or be abolished, or should said parcel of land aforementioned be no  
11 longer needed by the College, the same shall revert to the LGU concerned.

12           SEC. 19. *Appropriations.* – The amount necessary to carry out the  
13 provisions of this Act shall be included in the annual General Appropriations  
14 Act of the year following its enactment into law and thereafter.

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

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

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

23           (c) Accordingly set up its organizational, administrative as well as  
24 academic structure, including the appointment of the key officials of the  
25 College.

26           SEC. 21. *Filing of Report.* – On or before the fifteenth (15<sup>th</sup>) day of the  
27 second (2<sup>nd</sup>) month after the opening of the regular classes each year, the  
28 Board shall file with the Office of the President of the Philippines, through the

1 Chairperson of the CHED and with both Houses of Congress, a detailed report  
2 on the progress, conditions and needs of the College.

3       SEC. 22. *Suppletory Application.* – The provisions of Republic Act  
4 No. 8292, otherwise known as the “Higher Education Modernization Act of  
5 1997”, shall be an integral part of this Act and shall serve as part of the  
6 Governing Charter of the College.

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

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

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

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

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

Approved,