



HOUSE OF REPRESENTATIVES

H. No. 6310

BY REPRESENTATIVES CASTRO, VILLAR, CUA (J.), JAVIER AND REMULLA,
PER COMMITTEE REPORT NO. 1996

AN ACT CONVERTING THE DUMALAG VOCATIONAL-TECHNICAL SCHOOL IN THE MUNICIPALITY OF DUMALAG, PROVINCE OF CAPIZ INTO A STATE COLLEGE TO BE KNOWN AS THE SOUTHERN CAPIZ POLYTECHNIC 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. *Conversion.* – The Dumalag Vocational-Technical School
2 in the Municipality of Dumalag, Province of Capiz is hereby converted into a
3 state college to be known as the Southern Capiz Polytechnic State 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 agriculture, fishery, trade, engineering, arts and sciences, education,
8 management, finance, accounting, business and public administration,
9 information technology and other relevant fields of study. It shall also

1 undertake research and extension services, and provide progressive leadership
2 in its areas of specialization.

3 SEC. 3. *Curricular Offerings.* – The College shall offer undergraduate
4 and graduate studies in the fields of agriculture, fishery, trade, engineering, arts
5 and sciences, education, management, finance, accounting, business and public
6 administration, information technology and other degrees/courses within its
7 areas of specialization and according to its capabilities as the Board of
8 Trustees may deem necessary to carry out its objectives, in order to meet the
9 needs of the Province of Capiz and Region VI.

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

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

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

24 (a) The Chairperson of the Commission on Higher Education (CHED),
25 Chairperson;

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

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

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

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

5 (f) The Regional Director of the Department of Science and
6 Technology (DOST); member;

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

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

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

10 and

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

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

19 The term of office of the President of the faculty association, the
20 President of the student council and the President of the alumni association
21 shall be coterminous with their respective terms of office, as set forth in their
22 respective constitutions and bylaws.

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

25 SEC. 6. *Promulgation and Implementation of Policies.* – The Board
26 shall promulgate and implement policies in accordance with the declared State
27 policies on education and other pertinent provisions of the Philippine
28 Constitution on education, agriculture, science and technology, as well as the

1 policies, standards and thrusts of the CHED under Republic Act No. 7722,
2 otherwise known as the “Higher Education Act of 1994”.

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

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

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

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

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

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

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

1 Such fees and charges, including government subsidies and other
2 income generated by the College, shall constitute special trust funds and shall
3 be deposited in any authorized government depository bank, and all interests
4 that shall accrue therefrom shall form part of the same funds for the use of the
5 College.

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

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

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

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

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

26 (i) To fix and adjust salaries of faculty members and administrative
27 officials and employees, subject to the provisions of the Revised Compensation
28 and Position Classification System and other pertinent budget and
29 compensation laws governing hours of service and such other duties and

1 conditions as it may deem proper; to grant them, at its discretion, leaves of
2 absence under such regulations as it may promulgate, any provision of existing
3 law to the contrary notwithstanding; and to remove them for cause in
4 accordance with the requirements of due process of law;

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

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

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

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

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

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

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

27 (q) To authorize an external management audit of the College, to be
28 financed by the CHED, subject to the rules and regulations of the Commission

1 on Audit (COA); and to institute reforms, including academic and structural
2 changes on the basis of the audit results and recommendations;

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

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

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

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

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

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

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

1 (y) To extend the term of the President of the College beyond the age
2 of retirement but not beyond the age of seventy (70), whose performance has
3 been unanimously rated by the Board as outstanding, based on the guidelines,
4 qualifications and/or standards set by the Board, after unanimous
5 recommendation by the search committee.

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

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

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

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

26 The members of the Board shall not receive any salary but shall be
27 entitled to reimbursements for actual and necessary expenses incurred, either in
28 their attendance to meetings of the Board or in connection with other official

1 business authorized by resolution of the Board, subject to existing laws and
2 regulations.

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

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

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

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

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

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

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

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

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

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

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

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

27 SEC. 14. *The Faculty.* – No political beliefs, gender preference,
28 cultural or community affiliation or ethnic origin, and religious opinion or
29 affiliation shall be a matter of inquiry in the appointment of faculty members of

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

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

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

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

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

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

25 SEC. 18. *Assets, Liabilities and Personnel*. – All assets, real and
26 personal, personnel and records of the Dumalag Vocational-Technical School,
27 as well as liabilities or obligations, are hereby transferred to the College. The
28 positions, rights and security of tenure of faculty members and personnel

1 therein employed under existing laws prior to the conversion into a College
2 shall be respected.

3 All parcels of land belonging to the government and occupied by the
4 Dimalag Vocational-Technical School are hereby declared to be property of
5 the College, and shall be titled under that name: *Provided*, That should the
6 College cease to exist or be abolished, or should such parcels of land
7 aforementioned be no longer needed by the College, the same shall revert to
8 the LGUs concerned.

9 SEC. 19. *Appropriations* – The amount necessary to carry out the
10 provisions of this Act shall be charged against the current year’s appropriations
11 of the Dimalag Vocational-Technical School, except the sums needed to
12 continue the operations of the existing high school. Thereafter, such sums as
13 may be necessary for the continued operation and maintenance of the Southern
14 Capiz Polytechnic State College shall be included in the annual General
15 Appropriations Act.

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

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

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

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

27 SEC. 21. *Filing of Report.* – On or before the fifteenth (15th) day of the
28 second (2nd) month after the opening of the regular classes each year, the
29 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,

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