



HOUSE OF REPRESENTATIVES

H. No. 6312

BY REPRESENTATIVES SOON-RUIZ, VILLAR, CUA (J.), JAVIER AND REMULLA,
PER COMMITTEE REPORT NO. 1998

AN ACT CONVERTING THE MANDAUE CITY COLLEGE IN THE CITY
OF MANDAUE, PROVINCE OF CEBU INTO A STATE COLLEGE
TO BE KNOWN AS THE MANDAUE 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 Mandaue City College in the City of
2 Mandaue, Province of Cebu is hereby converted into a state college to be
3 known as the Mandaue State College, hereinafter referred to as the College.

4 SEC. 2. *General Mandate.* – The State College shall primarily provide
5 quality but affordable advanced instruction and professional training in arts
6 and sciences, education, engineering and technology and other relevant fields
7 of study. It shall also undertake research and extension services, and provide
8 progressive leadership in its areas of specialization.

9 SEC. 3. *Curricular Offerings.* – The State College shall offer
10 undergraduate and graduate studies in the fields of arts and sciences,
11 education, engineering and technology, and other degrees/courses within its
12 areas of specialization and according to its capabilities, as the Board of

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

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

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

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

17 (a) The Chairperson of the Commission on Higher Education (CHED),
18 Chairperson;

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

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

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

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

26 (f) The Regional Director of the Department of Science and
27 Technology (DOST); member;

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

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

1 (i) The President of the alumni association of the College, member;
2 and

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

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

11 The president of the faculty association, the president of the student
12 council and the president of the alumni association shall serve in the Board
13 only for the duration of their terms of office, as set forth in their respective
14 constitutions and bylaws.

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

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

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

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

29 (b) To receive and appropriate all sums as may be provided, for the

1 support of the College in the manner it may determine, in its discretion, in
2 order to carry out the purposes and functions of the College;

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

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

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

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

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

26 Any provision of existing laws, rules and regulations to the contrary
27 notwithstanding, any income generated by the College from tuition fees and
28 other charges, as well as from the operation of auxiliary services and land
29 grants shall be retained by the College, and may be disbursed by the Board for

1 instruction, research, extension, or other programs/projects of the College:
2 *Provided*, That all fiduciary fees shall be disbursed for the specific purpose for
3 which these are collected.

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

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

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

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

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

25 (j) To approve the curricula, instructional programs and rules of
26 discipline drawn by the Administrative and Academic Councils as herein
27 provided;

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

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

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

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

14 (o) To establish professorial chairs in the College and to provide
15 fellowships for qualified faculty members and scholarships to deserving
16 students;

17 (p) To delegate any of its powers and duties provided for hereinabove
18 to the President or Officer-in-Charge and/or other officials of the College as it
19 may deem appropriate, so as to expedite the administration of the affairs of the
20 College;

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

25 (r) To collaborate with other governing boards of state universities and
26 colleges within the Province of Cebu or Region VII, under the supervision of
27 the CHED and in consultation with the DBM, and work towards the
28 restructuring of the College to become more efficient, relevant, productive and
29 competitive;

1 (s) To enter into joint ventures with business and industry for the
2 profitable development and management of the economic assets of the College,
3 the proceeds from which shall be used for the development and strengthening
4 of the same;

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

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

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

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

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

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

27 SEC. 8. *Meetings of the Board.* – The Board shall regularly convene
28 at least once every quarter. However, the Chairperson of the Board may, upon

1 three (3)-days' prior written notice, call a maximum of two (2) special
2 meetings whenever necessary.

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

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

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

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

24 SEC. 9. *The College President.* – The College shall be headed by a
25 President, who shall render full-time service. He/She shall be appointed by the
26 Board, subject to the guidelines, qualifications and/or standards set by the
27 Board, upon recommendation of a duly constituted search committee. He/She
28 shall have a term of four (4) years and shall be eligible for reappointment for
29 another term: *Provided,* That in order to effect a smooth transition into a State

1 College, the incumbent head of the Mandaue City College, if qualified, shall
2 act as the Officer-in-Charge, pending the appointment of the first President of
3 the College.

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

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

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

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

18 The salary of the President of the College shall be in accordance with
19 the Revised Compensation and Position Classification System and shall be
20 comparable to that being received by the Presidents of similar educational
21 institutions.

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

25 *SEC. 10. The Administrative Council.* – There shall be an
26 Administrative Council consisting of the President of the College as
27 Chairperson, Vice Presidents, deans, directors and other officials of equal rank
28 as members, whose duty is to review and recommend to the Board the policies

1 governing the administration, management and development planning of the
2 College.

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

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

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

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

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

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

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

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

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

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

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

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

1 exist or be abolished or should such parcels of land aforementioned be no
2 longer needed by the College, the same shall revert to the City of Mandaue or
3 the Republic of the Philippines, as the case may be.

4 SEC. 19. *Appropriations.* – The amount necessary to initially
5 implement the provisions of this Act shall be charged against the current year's
6 funding provided by the LGU concerned. The concerned LGU shall continue
7 to provide assistance to the Mandaue City College until such time that the full
8 funding requirement of the Mandaue State College is included in the annual
9 General Appropriations 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. *Report.* – On or before the fifteenth (15th) day of the second
22 (2nd) month after the opening of the regular classes each year, the Board shall
23 file with the Office of the President of the Philippines, through the Chairperson
24 of the CHED and with both Houses of Congress, a detailed report on the
25 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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