



HOUSE OF REPRESENTATIVES

H. No. 5992

BY REPRESENTATIVES ALMONTE, SUANSING, GARIN (S.), ALVAREZ (M.),
NOGRALES, ROMULO, UNGAB AND QUIMBO, PER COMMITTEE
REPORT NO. 823

AN ACT ESTABLISHING THE MISAMIS OCCIDENTAL STATE
COLLEGE IN THE CITY OF OROQUIETA, PROVINCE OF
MISAMIS OCCIDENTAL, INTEGRATING THEREWITH THE
OROQUIETA AGRO-INDUSTRIAL SCHOOL (OAIS) IN
BARANGAY VILLAFLOR, OROQUIETA CITY 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
2 college in the City of Oroquieta, Province of Misamis Occidental to be known
3 as the Misamis Occidental State College (MOSC), hereinafter referred to as
4 the College, integrating therewith the Oroquieta Agro-Industrial School
5 (OAIS) in Barangay Villaflor, Oroquieta City, Province of Misamis
6 Occidental. The existing campus of the OAIS in Barangay Villaflor, Oroquieta
7 City shall be the main campus of the College.

8 SEC. 2. *General Mandate.* – The College shall primarily provide
9 advanced and professional training in the sciences, arts, teacher education,
10 agriculture, engineering and technology and other related fields. 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
4 undergraduate and graduate studies, as well as short-term technical-vocational
5 courses within its area of specialization and according to its capabilities as the
6 Board of Trustees may deem necessary to carry out its objectives, particularly
7 to meet the needs of the Province of Misamis Occidental and Region X.

8 The existing high school shall be transferred to the jurisdiction and
9 supervision of the Department of Education: *Provided,* That the high school
10 shall be allowed to remain and operate within the campuses of the College
11 until the existing students shall have completed their high school education:
12 *Provided, further,* That the College may operate a reasonably-sized laboratory
13 school if it has a College of Education.

14 SEC. 4. *Administration.* – The College shall have the general powers
15 of a corporation set forth in the corporation law. The administration of the
16 College and the exercise of its corporate powers shall be vested exclusively in
17 the Board of Trustees and the President of the College insofar as authorized by
18 the Board.

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

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

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

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

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

1 (e) The Regional Director of the National Economic and Development
2 Authority (NEDA), Region X, member;

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

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

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

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

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

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

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

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

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

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

3 (a) To enact 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, to carry
7 out the purposes and functions of the College;

8 (c) To import economic, technical and cultural books and publications;

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

13 (e) To fix the tuition fees and other necessary school charges such as
14 matriculation fees, graduation fees and laboratory fees as the Board may deem
15 proper to impose.

16 Such fees and charges, including government subsidies and other
17 income generated by the College, shall constitute special trust funds and shall
18 be deposited in any authorized government depository bank and all interests
19 that shall accrue therefrom shall form part of the same funds for the use of the
20 College.

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

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

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

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

11 (h) To appoint, upon the recommendation of the President of the
12 College, vice presidents, deans, directors and head of departments, faculty
13 members and other officials and employees of the College;

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

22 (j) To approve the curricula, instructional programs and rules of
23 discipline drawn by the Administrative and Academic Councils herein
24 provided;

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

26 (l) To award honorary degrees upon persons in recognition of their
27 outstanding contribution in the fields of education, public service, arts, science
28 and technology, agriculture or in any field of specialization within the

1 academic competence of the College, and to authorize the awarding of
2 certificates of completion of nondegree and nontraditional courses;

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

9 (n) To establish research and extension centers to promote the
10 development of the College;

11 (o) To establish Chairs in the College and to provide fellowships for
12 qualified faculty members, and scholarships to deserving students;

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

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

20 (r) To collaborate with other governing boards of state universities and
21 colleges within the region, under the supervision of the CHED and in
22 consultation with the DBM, and work for the restructuring of the College to
23 become more efficient, relevant, productive and competitive;

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

1 (t) To develop consortia and other economic forms of linkages with
2 local government units (LGUs), institutions and agencies, both public and
3 private, local and foreign, in the furtherance of the purposes and objectives of
4 the College;

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

9 (v) To set up the adoption of modern and innovative modes of
10 transmitting knowledge such as the use of information technology, the dual
11 training system, open distance learning, and community laboratory, for the
12 promotion of greater access to education;

13 (w) To establish policy guidelines and procedures for participative
14 *decision-making and transparency within the College;*

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

18 (y) To extend the term of the President of the College beyond the age
19 of retirement, but not beyond the age of seventy (70), whose performance has
20 been unanimously rated by the Board as outstanding, after unanimous
21 recommendation by the search committee.

22 SEC. 8. *Meetings of the Board.* – The Board shall convene regularly
23 at least once every two (2) months. The Chairperson of the Board may, upon
24 three (3) days prior written notice, call for a maximum of two (2) special
25 meetings within the same period.

26 A quorum of the Board shall consist of majority of all its members
27 holding office at the time of the meeting: *Provided,* That the Chairperson of

1 the Board or the President of the College is among those present in the
2 meeting.

3 The Chairperson of the CHED may designate a Commissioner of the
4 CHED as the Chairperson's representative in the meeting, with all the rights
5 and responsibilities of a regular member: *Provided, however,* That during this
6 meeting, the President of the College, as Vice Chairperson, shall be the
7 presiding officer: *Provided, further,* That this proviso notwithstanding, the
8 Chairperson of the CHED is hereby authorized to designate a CHED
9 Commissioner as the regular Chairperson of the Board, in which case said
10 CHED Commissioner shall act as the presiding officer.

11 In case the Chairpersons of the Senate and House Committees on
12 Education shall not be able to attend the Board meeting, they may duly
13 designate their respective representatives to attend the said meeting, who shall
14 have the same rights and responsibilities as a regular member of the Board.

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

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

24 The College President shall have a term of four (4) years and shall be
25 eligible for reappointment for another term. Within six (6) months before the
26 expiration of the term of office of the incumbent President, the Board shall
27 constitute the Search Committee for the Presidency (SCP).

1 The salary of the College President shall be in accordance with the
2 Revised Compensation and Position Classification System, as modified by
3 Joint Resolution No. 4 dated June 17, 2009 and other pertinent budget and
4 compensation laws, and shall be comparable to that being received by the
5 presidents of similar educational institutions.

6 In case of vacancy in the Office of the President by reason of death,
7 compulsory retirement, resignation, removal for cause or incapacity of the
8 President to perform the functions of the said office, the Board shall have the
9 authority to designate an Officer-in-Charge of the College, pending the
10 appointment of a new President.

11 SEC. 10. *The Administrative Council.* – There shall be an
12 Administrative Council consisting of the President of the College, as
13 Chairperson, the Vice President(s), deans, directors and other officials of equal
14 rank, as members, whose duty is to implement the policies governing the
15 administration, management and development of the College, as approved by
16 the Board.

17 SEC. 11. *The Academic Council.* – There shall be an Academic
18 Council with the President of the College, as Chairperson, and all members of
19 the academic staff with the rank of not lower than assistant professor, as
20 members.

21 The Academic Council shall have the power to review and recommend
22 the curricular offerings and rules of discipline of the College, subject to the
23 appropriate action by the Board. It shall fix the requirements for the admission
24 of students, as well as for their graduation and conferment of degrees, subject
25 to review and approval by the Board through the President of the College.

26 It shall have disciplinary power over the students of the College and
27 shall formulate academic policies and rules and regulations on discipline,
28 subject to the approval of the Board.

1 SEC. 12. *The Secretary of the College.* – The Board shall appoint a
2 Secretary, who shall serve as such for both the Board and the College and shall
3 keep all records and proceedings of the Board. The Secretary shall
4 communicate to each member of the Board the notices of meetings.

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

7 SEC. 14. *The Faculty.* – Members of the faculty of the College at the
8 tertiary level shall be exempt from any civil service examination as a requisite
9 for appointment, without prejudice to the right of the Board to impose other
10 professional examination requirements intended to maintain high academic
11 standards.

12 No religious opinion or affiliation shall be a matter of inquiry in the
13 appointment of faculty members of the College: *Provided*, That no member of
14 the faculty shall teach for or against any particular church or religious sect.

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

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

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

24 SEC. 17. *Annual Report.* – On or before the fifteenth (15th) day of the
25 second month after the opening of the regular classes each year, the Board
26 shall file with the Office of the President of the Philippines, through the
27 Chairperson of the CHED and with both Houses of Congress, a detailed report
28 on the progress, conditions and needs of the College.

1 SEC. 18. *Authority to Loan or Transfer Apparatus/Equipment/Supplies*
2 *and Detail of Employees.* – The heads of the bureaus and offices of the
3 national government are hereby authorized to loan or transfer, upon the request
4 of the President of the College, such apparatus, equipment or supplies as may
5 be needed by the College, and to detail employees for duty therein when, in
6 the judgment of the head of the bureau or office, such apparatus, equipment,
7 supplies or services of such employees can be spared without serious detriment
8 to public service. The employees so detailed shall perform such duties as
9 required of them by the President of the College, and the time so employed
10 shall be counted as part of their regular services.

11 SEC. 19. *Assets, Liabilities and Personnel.* – All assets, real and
12 personal, personnel and records of the OAIS in Oroquieta City, Province of
13 Misamis Occidental, as well as its liabilities or obligations, are hereby
14 transferred to the College: *Provided*, That the positions, rights and security of
15 tenure of the academic staff and personnel therein employed, except those who
16 would be transferred along with the high school components of the College
17 under existing laws prior to absorption by the College, are not impaired:
18 *Provided, further*, That the incumbents of the positions shall remain in the
19 same status until otherwise provided for by the Board.

20 All parcels of land belonging to the government occupied by the OAIS
21 are hereby declared the property of the College and shall be titled under that
22 name: *Provided*, That should the College cease to exist or be abolished, or
23 should such aforementioned parcels of land be no longer needed by the
24 College, the title to said parcels of land shall be transferred to Oroquieta City,
25 Province of Misamis Occidental.

26 SEC. 20. *Tax Exemptions.* – The importation of economic, technical
27 and cultural books and publications, which are for economic, technical,
28 vocational, scientific, philosophical, historical or cultural purposes made by

1 the College, upon certification by the CHED, shall be exempt from customs
2 duties in accordance with the provisions of the Tariff and Customs Code of the
3 Philippines, as amended.

4 All grants, bequests, endowments, donations and contributions made to
5 the College to be used actually, directly and exclusively by the College shall
6 be exempt from donor's tax and the same shall be considered as allowable
7 deduction from the gross income of the donor for purposes of computing the
8 taxable income of the donor in accordance with the provisions of the National
9 Internal Revenue Code of 1997, as amended.

10 SEC. 21. *Appropriations.* – The amount necessary to carry out the
11 provisions of this Act shall be included in the annual General Appropriations
12 Act.

13 SEC. 22. *Development Plan, Management Audit, Organizational/
14 Administrative/Academic Structure.* – Within the period of one hundred
15 twenty (120) days after the approval of this Act, the College shall accomplish
16 the following:

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

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

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

23 (d) Set in motion the establishment of at least four (4) separate
24 degree-granting units, one of which is in the arts and sciences and another, at
25 the graduate level.

26 SEC. 23. *Inclusion Clause.* – The provisions of Republic Act No.
27 8292, otherwise known as the "Higher Education Modernization Act of 1997",

1 shall be an integral part of this Act and shall serve as part of the Governing
2 Charter of the College.

3 SEC. 24. *Imposition of Powers.* – All other powers, functions and
4 privileges, responsibilities and limitations to state colleges/universities and to
5 their officials under existing laws shall be deemed granted to or imposed upon
6 the College and/or its officials, whenever appropriate.

7 SEC. 25. *Compliance with CHED Requirements.* – The provisions of
8 this Act notwithstanding, the establishment or conversion of the institution
9 into a state college shall become effective only upon the determination and
10 declaration by the CHED, based on the recommendation of a panel of experts,
11 that the institution has complied with the requirements for a college status. The
12 CHED, through its regional office, shall regularly provide technical assistance
13 to the institution and monitor compliance with the requirements of the
14 Commission.

15 The CHED shall designate a panel of experts who shall prepare a
16 recommendation to the Chairperson of the CHED on whether the institution
17 has complied with the requirements for the grant of college status.

18 The following operational requirements for a state college shall be
19 complied with:

20 (a) Equivalent or appropriate accreditation under CHED policies and
21 guidelines for a college;

22 (b) Ratio of qualified full-time faculty with requisite degrees to number
23 of students;

24 (c) Adequate library and laboratories;

25 (d) Research and development output of practical and commercial
26 application to the community;

27 (e) Relevant linkages and outreach programs that are of service to the
28 community; and

1 (f) Relevant academic policies, systems and processes.

2 The institution shall retain its status prior to the effectivity of this Act,
3 unless in the meantime it is able to comply with the requirements provided
4 herein, within a period not beyond January 1, 2019.

5 SEC. 26. *Transitory Provisions.* – Pending the appointment of the
6 first President of the College, the Chairperson of the CHED shall appoint an
7 Officer-in-Charge of the College.

8 The CHED shall be empowered to formulate rules, regulations and
9 guidelines to fully implement the provisions of this Act.

10 SEC. 27. *Implementing Rules and Regulations.* – The Board, in
11 consultation with the CHED, shall formulate the guidelines to fully implement
12 the provisions of this Act.

13 SEC. 28. *Separability Clause.* – If, for any reason, any part or provision
14 of this Act is declared invalid or unconstitutional, the remaining parts or
15 provisions not affected shall remain in full force and effect.

16 SEC. 29. *Repealing Clause.* – All laws, presidential decrees,
17 executive orders, rules and regulations contrary to or inconsistent with the
18 provisions of this Act are hereby repealed or modified accordingly.

19 SEC. 30. *Effectivity.* – This Act shall take effect fifteen (15) days after
20 its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

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