



HOUSE OF REPRESENTATIVES

H. No. 6142

BY REPRESENTATIVES COSALAN, ROMULO, UNGAB AND QUIMBO, PER
COMMITTEE REPORT NO. 881

AN ACT ESTABLISHING A STATE POLYTECHNIC COLLEGE IN THE
MUNICIPALITY OF KABAYAN, PROVINCE OF BENGUET TO
BE KNOWN AS THE KABAYAN STATE POLYTECHNIC
COLLEGE AND APPROPRIATING FUNDS THEREFOR

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

1 SECTION 1. *Establishment.* – There is hereby established a state
2 polytechnic college in the Municipality of Kabayan, Province of Benguet to be
3 known as the Kabayan State Polytechnic College, hereinafter referred to as the
4 College.

5 SEC. 2. *General Mandate.* – The College shall primarily provide
6 higher technological, professional instruction and training in the sciences, arts,
7 teacher education, agriculture, engineering, business and entrepreneurial
8 technology as well as short-term technical-vocational courses. It shall seek
9 academic leadership in these areas of specialization. It shall likewise promote
10 research and advance studies in other relevant fields of study.

1 SEC. 3. *Academic Freedom and Institutional Autonomy.* -- The
2 College shall enjoy academic freedom and institutional autonomy, pursuant to
3 paragraph 2, Section 5 of Article XIV of the Constitution of the Republic of
4 the Philippines.

5 SEC. 4. *Curricular Offerings.* -- The College shall offer undergraduate
6 and graduate studies in the sciences, arts, teacher education, agriculture,
7 engineering, business and entrepreneurial technology, as well as short-term
8 technical-vocational courses, and other courses within its areas of
9 specialization and according to its capability as the Board of Trustees may
10 deem necessary to carry out its objectives, particularly in meeting the needs of
11 the Province of Benguet and the Cordillera Administrative Region.

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

14 SEC. 5. *Administration.* -- The College shall have the general powers
15 of a corporation set forth in Batas Pambansa Blg. 68, as amended, otherwise
16 known as "The Corporation Code of the Philippines". The administration of
17 the College and the exercise of its corporate powers shall be vested exclusively
18 in the Board of Trustees and the President of the College.

19 SEC. 6. *The Governing Board.* -- The governing body of the College
20 shall be vested in its Board of Trustees, hereinafter referred to as the Board,
21 which shall 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) of the Cordillera Administrative Region, member;

3 (f) The President of the federation of faculty associations of the
4 College, member;

5 (g) The President of the supreme student council or the student
6 representative elected by the student council: *Provided*, That in the absence of
7 a student council president, or student representative elected by the student
8 council, the College shall schedule one (1) week for the campaign and election
9 of a student representative, member;

10 (h) The President of the federation of alumni associations of the
11 College, member; and

12 (i) Two (2) prominent citizens who have distinguished themselves in
13 their professions or fields of specialization and chosen from among a list of at
14 least five (5) qualified persons, within the Lone Legislative District of the
15 Province of Benguet, as recommended by the search committee constituted by
16 the College President, in consultation with the Chairperson of the CHED,
17 based on the normal standards and qualifications for the position, members.

18 The private sector representatives shall be appointed by the Board upon
19 the recommendation of a duly constituted search committee, members.

20 (1) Term of Office. – The presidents of the faculty and alumni
21 associations and the student representative shall sit in the Board until the
22 expiration of their respective terms of office, as set forth in the constitution and
23 bylaws of their respective associations.

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

26 (2) Meetings. – The Board shall regularly convene at least once every
27 quarter. The Chairperson of the Board may call a special meeting whenever

1 necessary: *Provided*, That members are notified in writing at least three (3)
2 days prior to the said meeting.

3 (3) Quorum. – A majority of all members holding office shall constitute
4 a quorum for Board meetings: *Provided*, That the Chairperson of the CHED
5 who is the Chairperson of the Board or the President of the College is among
6 those present in the meeting. The Chairperson of the CHED may designate a
7 Commissioner of the CHED as the Chairperson’s representative in the meeting,
8 with all the rights and responsibilities of a regular member: *Provided, however*,
9 That in the said meeting, the President of the College, as Vice Chairperson,
10 shall be the presiding officer: *Provided, further*, That this proviso
11 notwithstanding, the Chairperson of the CHED is hereby authorized to
12 designate a CHED Commissioner as the regular Chairperson of the Board, in
13 which case the CHED Commissioner shall act as the presiding officer.

14 (4) Compensation. – *The members shall serve without compensation*,
15 but they shall be entitled to reimbursements for actual and necessary expenses
16 incurred in their attendance to meetings of the Board of Trustees or in
17 connection with their official business authorized by a resolution of the Board.

18 SEC. 7. *Powers and Duties of the Board.* -- The Board shall have the
19 following specific powers and duties in addition to its general powers of
20 administration and the exercise of all the powers granted to the Board of
21 Directors of a corporation under Section 36 of Batas Pambansa Blg. 68,
22 otherwise known as “The Corporation Code of the Philippines”, to wit:

23 (a) To enact rules and regulations not contrary to law as may be
24 necessary to carry out the purposes and functions of the College;

25 (b) To receive and appropriate all sums in the manner it may determine
26 in its discretion and to carry out the purposes and functions of the College;

27 (c) To receive in trust, legacies, gifts and donations of real and
28 personal properties of all kinds, and to administer and dispose of the same

1 when necessary for the benefit of the College, subject to limitations,
2 discretions, and instructions of the donors, if any;

3 (d) To fix the tuition fees and other necessary school charges, such as
4 matriculation fees, graduation fees and laboratory fees, as the Board may deem
5 proper to impose after due consultations with the involved sectors.

6 Such fees and charges, including government subsidies and other
7 income generated by the College, shall constitute special trust funds and shall
8 be deposited in any authorized government depository bank, and all interests
9 that shall accrue therefrom shall form part of the same funds for the use of the
10 College.

11 Any income generated by the College from tuition fees and other
12 charges, as well as from the operation of auxiliary services and land grants,
13 shall be retained by the College, and may be disbursed by the Board for
14 instruction, research, extension, or other programs/projects of the College:
15 *Provided*, That all fiduciary fees shall be disbursed for the specific purposes
16 for which these are collected.

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

22 (e) To adopt and implement a socialized scheme of tuition and school
23 fees for greater access to poor but deserving students;

24 (f) To authorize the construction or repair of its buildings, machineries,
25 equipment and other facilities, and the purchase and acquisition of real and
26 personal properties, including necessary supplies, materials and equipment.
27 Purchases and other transactions entered into by the College through the Board
28 shall be exempt from all taxes and duties;

1 (g) To appoint, upon the recommendation of the College President,
2 vice presidents, deans, directors, heads of departments, faculty members and
3 *other officials and employees*;

4 (h) To fix and adjust salaries of faculty members and administrative
5 officials and employees, subject to the provisions of the Revised Compensation
6 and Position Classification System and other pertinent budget and
7 compensation laws governing hours of service, and such other duties and
8 conditions as it may deem proper; to grant them, at its discretion, leaves of
9 absence under such regulations as it may promulgate, subject to existing
10 budgetary laws; and to remove them for cause in accordance with the
11 requirements of due process of law;

12 (i) To approve the curricula, instructional programs and uniform rules
13 of discipline drawn by the Administrative and Academic Councils as herein
14 provided;

15 (j) To set policies on admission and graduation of students;

16 (k) To award honorary degrees upon persons in recognition of their
17 outstanding contribution in the fields of education, public service, arts, science
18 and technology or in any field of specialization within the academic
19 competence of the College and to authorize the awarding of certificates of
20 completion of nondegree and nontraditional courses;

21 (l) To absorb nonchartered tertiary institutions within the Province of
22 Benguet, in coordination with the CHED and in consultation with the
23 Department of Budget and Management (DBM), to carry out the constitutional
24 mandate to provide and promote equal access to educational opportunities;

25 (m) To establish research and extension centers to promote the
26 development of the College;

27 (n) To establish Chairs in the College and to provide fellowships for
28 qualified faculty members, and scholarships to deserving students;

- 1 (o) To delegate any member of the Board to exercise any of its powers
2 and duties provided for hereinabove as it may deem appropriate so as to
3 expedite the administration of the affairs of the College;
- 4 (p) To authorize an external management audit of the College, to be
5 financed by the CHED, and to institute reforms, including academic and
6 structural changes, on the basis of the audit results and recommendations;
- 7 (q) To collaborate with other governing boards of state universities and
8 colleges within the region, under the supervision of the CHED and in
9 consultation with the DBM, for the restructuring of said college to become
10 more efficient, relevant, productive, and competitive;
- 11 (r) To enter into joint ventures with business and industry for the
12 profitable development and management of the economic assets of the College,
13 the proceeds from which shall be used for the development and strengthening
14 of the same;
- 15 (s) To develop consortia and other forms of linkages with local
16 government units, institutions and agencies, both public and private, local and
17 foreign, in furtherance of the purposes and objectives of the College;
- 18 (t) To develop academic arrangements for institutional capability
19 building with appropriate institutions and agencies, public or private, local or
20 foreign, and to appoint experts/specialists as consultants, part-time or visiting
21 or exchange professors, scholars, or researchers, as the case may be, subject to
22 existing laws;
- 23 (u) To set up the adoption of modern and innovative modes of
24 transmitting knowledge, such as the use of information technology, the dual
25 training system, open distance learning, and community laboratory, for the
26 promotion of greater access to higher education;
- 27 (v) To establish policy guidelines and procedures for participative
28 decision-making and transparency within the College;

1 (w) To privatize, where it is most advantageous to the College, the
2 management of nonacademic services such as health, food, building or grounds
3 or property maintenance and such other similar activities; and

4 (x) To extend the term of the President of the College beyond the age
5 of retirement, but not beyond the age of seventy (70), whose performance has
6 been unanimously rated as outstanding and upon recommendation by the
7 search committee.

8 SEC. 8. *Tax Exemption.* – All grants, bequests, endowments,
9 donations and contributions made to the College to be used actually, directly
10 and exclusively by the College shall be exempt from donor's tax and the same
11 shall be considered as allowable deduction from the gross income of the donor
12 for purposes of computing the taxable income of the donor, in accordance with
13 the provisions of the National Internal Revenue Code of 1997, as amended.

14 SEC. 9. *Promulgation and Implementation of Policies.* – The Board
15 shall promulgate and implement policies in accordance with the declared State
16 policies on education and other pertinent provisions of the Philippine
17 Constitution on education, science and technology, arts, culture and sports, as
18 well as the policies, standards and thrusts of the CHED under Republic Act
19 No. 7722.

20 SEC. 10. *The Administration.* – The administration of the College
21 shall be vested in the President of the College who shall render full-time
22 service. The President shall be appointed by the Board, upon the
23 recommendation of the duly constituted search committee and shall serve for a
24 term of four (4) years, to be eligible for reappointment for another term:
25 *Provided,* That this provision shall not adversely affect the terms of the
26 incumbent.

27 The President shall be assisted by a Vice President for Academic
28 Affairs, who shall be appointed by the Board upon the former's

1 recommendation without prejudice to the appointment of more than one (1)
2 vice president when so warranted.

3 In case of vacancy by reason of death, resignation, removal for cause or
4 incapacity of the President to perform the functions of the office, the Board
5 shall have the authority to designate an Officer-in-Charge pending the
6 appointment of a new President.

7 In case of vacancy in the Office of the President as mentioned in the
8 immediately preceding paragraph, the successor shall hold office only for the
9 unexpired term.

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

13 The salary of the President of the College shall be in accordance with
14 the existing Revised Compensation and Position Classification System and
15 shall be comparable to that being received by other presidents of similar
16 educational institutions.

17 SEC. 11. *The Secretary of the College.* -- The Board shall appoint a
18 Secretary who shall serve as such for both the Board and the College and shall
19 keep all records and proceedings of the Board. The Secretary shall
20 communicate to each member of the Board the notice of meetings.

21 SEC. 12. *The Treasurer of the Philippines.* -- The Treasurer of the
22 Philippines shall be the *ex officio* Treasurer of the College. All accounts and
23 expenses of the College shall be audited by the Commission on Audit or its
24 duly authorized representative.

25 SEC. 13. *Administrative Council.* -- There shall be an Administrative
26 Council consisting of the President of the College as Chairperson, the vice
27 president(s), deans, directors and other officials of equal rank, as members,

1 whose duty is to review and recommend to the Board the policies governing
2 the administration, management and development planning of the College.

3 SEC. 14. *Academic Council.* – There shall be an Academic Council,
4 with the President of the College, as Chairperson, and all members of the
5 instructional staff with the rank not lower than assistant professor, as members.

6 The Academic Council shall have the power to review and recommend
7 the curricular offerings and rules of discipline of the College, subject for
8 appropriate action of the Board. It shall fix the requirements for admission as
9 well as for graduation and conferment of degrees, subject to review and/or
10 approval by the Board through the President of the College.

11 SEC. 15. *Admission.* – No student shall be denied admission to the
12 College by reasons of sex, nationality, religion, political affiliation, physical
13 disability, cultural or community affiliation or ethnic origin.

14 SEC. 16. *Annual Report.* – On or before the fifteenth (15th) day of the
15 second (2nd) month after the opening of the regular classes each year, the
16 President of the College shall file with the Office of the President of the
17 Philippines through the Chairperson of the CHED, and with the Senate and the
18 House of Representatives, a detailed report on the progress, conditions, and
19 needs of the College.

20 SEC. 17. *Campus Site.* – The College shall have an area of not less
21 than five (5) hectares for its academic and instructional programs, research,
22 and development activities and experimental and laboratory facilities.

23 The Board shall forthwith recommend a suitable site within the
24 Municipality of Kabayan, Province of Benguet for this purpose. The Office of
25 the President of the Philippines, through the CHED, shall effect the immediate
26 acquisition of the said area for use as campus site.

1 SEC. 18. *Development Plan.* – The Board, within six (6) months
2 following its creation, shall complete a seven (7)-year development plan for the
3 College which shall serve as the basis for its policy decisions.

4 SEC. 19. *Compliance with CHED Requirements.* – The provisions of
5 this Act notwithstanding, the establishment or conversion of the institution into
6 a state college shall become effective only upon the determination and
7 declaration by the CHED, based on the recommendation of a panel of experts,
8 that the institution has complied with the requirements for a college status. The
9 CHED, through its regional office, shall regularly provide technical assistance
10 to the institution and monitor compliance with the requirements of the
11 Commission.

12 The CHED shall designate a panel of experts who shall prepare a
13 recommendation to the Chairperson of the CHED, on whether the institution
14 has substantially complied with the requirements for the grant of college status.

15 The following operational requirements for a state college shall be
16 complied with:

17 (a) Equivalent or appropriate accreditation under the CHED policies
18 and guidelines for colleges;

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

21 (c) Adequate library and laboratories;

22 (d) Research and development output of practical and commercial
23 application to the community;

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

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

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

4 SEC. 20. *Appropriations.* – The amount necessary to carry out the
5 provisions of this Act shall be included in the annual General Appropriations
6 Act.

7 SEC. 21. *Implementing Rules and Regulations.* – The Board, in
8 consultation with the CHED, shall formulate the guidelines to fully implement
9 the provisions of this Act.

10 SEC. 22. *Separability Clause.* – If, for any reason, any part or
11 provision of this Act is declared invalid or unconstitutional, the remaining
12 parts or provisions not affected thereby shall remain in full force and effect.

13 SEC. 23. *Repealing Clause.* – All laws, presidential decrees, executive
14 orders, rules and regulations contrary to or inconsistent with the provisions of
15 this Act are hereby repealed or modified accordingly.

16 SEC. 24. *Effectivity.* – This Act shall take effect fifteen (15) days
17 following its publication in the *Official Gazette* or in a newspaper of general
18 circulation.

Approved,

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