



HOUSE OF REPRESENTATIVES

H. No. 9055

BY REPRESENTATIVES ZUBIRI, JAVIER, ANDAYA, SUANSING (E.), ZAMORA (M.C.), BOLILIA,
PADUANO, VELASCO, NAVA, UNICO, MELLANA, SY-ALVARADO AND NIETO, PER COMMITTEE
REPORT NO. 1213

AN ACT

CONVERTING THE DON CARLOS POLYTECHNIC COLLEGE INTO A STATE COLLEGE TO BE KNOWN AS THE DON CARLOS POLYTECHNIC STATE COLLEGE, AND APPROPRIATING FUNDS THEREFOR

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

1 **SECTION 1. Conversion.**— The Don Carlos Polytechnic State College in the
2 Municipality of Don Carlos, Province of Bukidnon, is hereby converted into a polytechnic
3 state college to be known as the Don Carlos Polytechnic State College, hereinafter referred to
4 as the College.
5

6 **SEC. 2. General Mandate.** — The College shall serve as the center for development of
7 the agricultural industry and shall provide technological, professional, and occupational
8 training on the utilization and development of appropriate technologies. It shall also
9 undertake research and extension services, and provide the necessary instructional and
10 research leadership in agricultural, environmental and technological development in the
11 Province of Bukidnon and in Region X.
12

13 **SEC. 3. Curricular Offerings.**— The College shall offer undergraduate and graduate
14 courses in the fields of agriculture, agricultural entrepreneurship, fishery education, marine
15 transportation, tourism, trade and arts. It shall also offer vocational and technology courses in
16 welding technology, vocational technology, fishery technology, hotel and restaurant services,
17 hotel and household services, baking technology, electronic services and repair, and other
18 degree courses within its areas of competency and specialization, as the Board of Trustees
19 may deem necessary to carry out its objectives, and to meet the human resource development
20 needs of the Province of Bukidnon and in Region X.
21

22 The College shall continue to offer the Junior High School and Senior High School
23 Program under the technical-vocational curriculum of the K to 12 program of the Department
24 of Education.
25

1 The existing and any other future technical-vocational courses or programs under the
2 supervision of the Technical Education and Skills Development Authority (TESDA) shall
3 remain and continue to be offered by the College.
4

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

10 **SEC. 5. The Governing Board.**— The governing board of the College shall be the
11 Board of Trustees, hereinafter referred to as the Board, which shall be chaired and co-chaired
12 by the Chairperson of the Commission on Higher Education (CHED) and the President of the
13 College, respectively, with the following as members:
14

- 15 a. Chairperson of the Committee on Education, Arts and Culture of the Senate;
- 16 b. Chairperson of the Committee on Higher and Technical Education of the House of
17 Representatives;
- 18 c. Regional Director of the National Economic and Development Authority
19 (NEDA);
- 20 d. Regional Director of the Department of Agriculture (DA);
- 21 e. Regional Director of the TESDA;
- 22 f. Regional Director of the Department of Science and Technology (DOST);
- 23 g. President of the federation of faculty associations of the College;
- 24 h. President of the federation of student councils of the College;
- 25 i. President of the federation of alumni associations of the College; and
- 26 j. Two (2) prominent citizens from the private sector who have distinguished
27 themselves in their professions or fields of specialization.
28

29 The Board shall appoint the two (2) prominent citizens from a list of at least five (5)
30 qualified persons in the Province of Bukidnon, as recommended by the search committee to
31 be constituted by the College President, the Chairperson of the CHED, and other members of
32 the Board, based on the normal standards and qualifications for the position.
33

34 The two (2) prominent citizens shall serve for a term of two (2) years from the date of
35 appointment.
36

37 Membership in the governing board of the President of the federation of faculty
38 associations, President of the federation of student councils, President of the federation of
39 alumni associations shall be coterminous with their terms of office as provided under their
40 respective constitutions and bylaws.
41

42 **SEC. 6. Promulgation and Implementation of Policies.**— The Board shall promulgate
43 and implement policies in accordance with the declared State policies on education, other
44 pertinent provisions of the Constitution on education, agriculture, science and technology,
45 and policies, standards and thrusts of the CHED under Republic Act No. 7722, otherwise
46 known as the “Higher Education Act of 1994”.
47

48 **SEC. 7. Powers and Duties of the Board of Trustees.**— The Board shall have the
49 following specific powers and duties, in addition to its general powers of administration and

1 the exercise of all the powers granted to the board of directors of a corporation under existing
2 laws:

- 3 a. Promulgate rules and regulations as may be necessary to carry out the purposes
4 and functions of the College;
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- 6 b. Approve the curricula, instructional programs, and rules of discipline drawn by
7 the Administrative and the Academic Councils herein provided;
8
- 9 c. Appoint, upon the recommendation of the President of the College, the vice
10 presidents, deans, directors, heads of the campuses, faculty members, and other
11 officials and employees of the College;
12
- 13 d. Fix and adjust the salaries of faculty members and administrative officials and
14 employees, subject to the provisions of the Revised Compensation and Position
15 Classification System and other pertinent budget and compensation laws
16 governing hours of service and such other duties and conditions as it may deem
17 proper; grant them, at its discretion, leaves of absence under such regulations as it
18 may promulgate, any provision of existing law to the contrary notwithstanding;
19 and remove them for cause in accordance with the requirements of due process of
20 law;
21
- 22 e. Fix the tuition fees and other necessary school charges, such as matriculation fees,
23 graduation fees, and laboratory fees, as the Board may deem proper to impose,
24 after due consultation with the involved sectors. The fees and charges, including
25 government subsidies and other income generated by the College, shall constitute
26 its special trust funds, and shall be deposited in any authorized government
27 depository bank, and all interests that shall accrue therefrom, shall form part of the
28 same funds for the use of the College. Any provision of existing laws, rules or
29 regulations to the contrary notwithstanding, any income generated by the College
30 from tuition fees and other charges, as well as from the operation of auxiliary
31 services and land grants, shall be retained by the College, and may be disbursed
32 by the Board for instruction, research, extension services or other programs and
33 projects of the College: *Provided*, That all fiduciary fees shall be disbursed for the
34 specific purposes for which these are collected; *Provided, however*, That if, for
35 reasons beyond its control, the College shall not be able to pursue any project for
36 which the funds have been appropriated and allocated under its approved program
37 of expenditures, the Board may authorize the use of said funds for any reasonable
38 purpose which, in its discretion, may be necessary and urgent for the attainment of
39 the objectives and goals of the College;
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- 41 f. Adopt and implement a socialized scheme of tuition and other school fees for
42 greater access of poor but deserving students in accordance with RA No. 10931 or
43 the "Universal Access to Quality Tertiary Education Act";
44
- 45 g. Establish professorial chairs in the College and provide fellowships for qualified
46 faculty members, and scholarships to deserving students;
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- 48 h. Receive and appropriate all sums as may be provided for the support of the
49 College in the manner it may determine, in its discretion, in order to carry out the
50 purposes and functions of the College;

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- i. Set the policies on admission and graduation of students;
- j. Award honorary degrees upon persons in recognition of their outstanding contribution in the fields of education, public service, arts, science and technology, agriculture or any field of specialization within the academic competence of the College, and authorize the awarding of certificates of completion of nondegree and nontraditional courses;
- k. Establish research and extension centers to promote the development of the College;
- l. Develop academic arrangements for institutional capability building with appropriate institutions and agencies, whether public, private, local or foreign, and appoint experts/specialists as consultants, part-time, visiting/exchange professors, scholars or researchers, as the case may be;
- m. Adopt modern and innovative modes of transmitting knowledge for the promotion of greater access to education such as the use of information technology, dual training system, open distance learning, and community laboratory;
- n. Collaborate with the governing boards of the state universities and colleges (SUCs) within the Province of Bukidnon and Region X, under the supervision of the CHED and in consultation with the Department of Budget and Management (DBM), in restructuring the College to make it more efficient, relevant, productive and competitive;
- o. Absorb non-chartered tertiary institutions within the Province of Bukidnon and Region X, as branches and extension/external centers, in coordination with the CHED, and in consultation with the DBM, and offer therein programs or courses to promote and carry out equal access to educational opportunities, as mandated by the Constitution;
- p. Authorize an external management audit of the College, to be financed by the CHED, subject to the rules and regulations of the Commission on Audit (COA), and institute reforms, including academic and structural changes, on the basis of the audit results and recommendations;
- q. Develop consortia and other economic forms of linkages with local government units (LGUs), as well as public, private, local and foreign institutions and agencies, in the furtherance of the purposes and objectives of the College;
- r. Import economic, technical and cultural books and publications;
- s. Enter into joint ventures with business and industry for the profitable development and management of the economic assets of the College, the proceeds from which shall be used for the development and strengthening of the College;
- t. Receive, in trust, legacies, gifts and donations of real and personal properties of all kinds and administer and dispose of the same, when necessary, for the benefit of

1 the College, and subject to the limitations, directions and instructions of the donor,
2 if any;

- 3
4 v. Extend the term of the President of the College beyond the age of retirement, but
5 not beyond the age of seventy (70), based on the guidelines, qualifications and
6 standards set by the Board: *Provided*, That the President's performance has been
7 rated by the Board as outstanding and a unanimous recommendation has been
8 decided by the search committee;
- 9
10 w. Delegate any of its powers and duties provided to the President and other officials
11 of the College, as it may deem appropriate, so as to expedite the administration of
12 the affairs of the College;
- 13
14 x. Establish policy guidelines and procedures for participative decision-making and
15 transparency within the College;
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17 y. Authorize the construction or repair of its buildings, machinery, equipment and
18 other facilities, and the purchase and acquisition of real property, including the
19 necessary supplies, materials and equipment;
- 20
21 y. Where most advantageous to the College, privatize the management of non-
22 academic services such as health, food, building or grounds or property
23 maintenance, and such other similar activities; and
- 24
25 z. Promulgate rules and regulations, as may be necessary, to carry out the purposes
26 and functions of the College.

27
28 **SEC. 8. Meetings of the Board.**— The Chairperson of the Board may call a special
29 meeting whenever necessary: *Provided*, That members are notified in writing at least three
30 (3) days' prior to the conduct of said meeting.

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32 A quorum of the Board shall consist of a majority of all its members holding office at
33 the time of the meeting: *Provided, however*, That either the Chairperson of the Board or the
34 President of the College must be present in the meeting.

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36 In the absence of the CHED Chairperson, a Commissioner of the CHED duly
37 designated by the CHED Chairperson as representative in the meeting, shall have all the
38 rights and responsibilities of a regular member: *Provided*, That during the meeting, the
39 President of the College, as Vice Chairperson, shall be the Presiding Officer: *Provided,*
40 *further*, That this *proviso* notwithstanding, the Chairperson of the CHED is hereby authorized
41 to designate a CHED Commissioner as the regular Chairperson of the Board, in which case
42 said CHED Commissioner shall act as the Presiding Officer.

43
44 In case the Chairpersons of the House and Senate Committees on Education shall not
45 be able to attend the Board meeting, they may designate their respective representatives to
46 attend the meeting, who shall have the same rights and responsibilities as a regular members
47 of the Board.

48
49 The members of the Board shall not receive any salary, but shall be entitled to
50 reimbursements for actual and necessary expenses incurred in attending the meetings of the

1 Board or in connection with other official business authorized by resolution, of the Board,
2 subject to existing laws and regulations.

3
4 **SEC. 9. *The College President.***— The President shall serve for a term of four (4) years
5 and shall be eligible for reappointment for another term: *Provided*, That in order to effect a
6 smooth transition to a state college, the incumbent Don Carlos Polytechnic College shall act
7 as the Officer-in-Charge (OIC) pending the appointment of the first President of the College.
8 Within six (6) months from the date of approval of this Act, the Board shall constitute the
9 Search Committee for the Presidency.

10
11 In case of vacancy in the Office of the President by reason of death, compulsory
12 retirement, resignation, removal for cause or incapacity of the President to perform the
13 functions of the office, the Board shall have the authority to designate an OIC of the College
14 pending the appointment of a new President.

15
16 In case of vacancy in the Office of the President as mentioned in the immediately
17 preceding paragraph, the successor or the OIC shall serve only during the unexpired portion
18 of the term.

19
20 The powers and duties of the President of the College, in addition to those specifically
21 provided in this Act, shall be those usually pertaining to the Office of the President of similar
22 colleges, and those delegated by the Board.

23
24 The salary of the President of the College shall be in accordance with the Revised
25 Compensation and Position Classification System as modified by Joint Resolution No. 4
26 dated June 17, 2009 and other pertinent budget and compensation laws, and shall be
27 comparable to that being received by the Presidents of similar educational institutions.

28
29 The President of the College shall be assisted by a Vice President for Academic
30 Affairs and a Vice President for Administration, who shall be appointed by the Board upon
31 the recommendation of the President.

32
33 **SEC. 10. *The Administrative Council.***— There shall be an Administrative Council
34 consisting of the President of the College, as Chairperson, and the vice presidents, deans,
35 directors and other officials of equal rank, as members, whose duty is to review and
36 recommend to the Board the policies governing the administration, management, and
37 development plan of the College.

38
39 **SEC. 11. *The Academic Council.***— There shall be an Academic Council to be
40 composed of the President of the College, who shall act as Chairperson, and all the academic
41 staff with the rank of at least an assistant professor, as members.

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43 The Academic Council shall have the power to review and recommend the curricular
44 offerings and rules of discipline of the College, subject to the approval of the Board. It shall
45 fix the requirements for the admission of students, as well as for their graduation and the
46 conferment of degrees, subject to review and approval by the Board through the President of
47 the College. It shall have the disciplinary power over students of the College and shall
48 formulate academic policies and rules and regulations on discipline, subject to the approval of
49 the Board.

1 **SEC. 12. *The Secretary of the College.***— The Board shall appoint a Secretary who
2 shall serve as such for both the Board and the College, and shall keep all records and
3 proceedings of the Board in addition to other duties and responsibilities. The Secretary shall
4 serve upon each member of the Board the appropriate notice of Board meetings.
5

6 **SEC. 13. *The Treasurer of the College.***— The Treasurer of the Philippines shall be
7 the *ex officio* treasurer of the College.
8

9 **SEC. 14. *The Faculty.***— No political belief, gender preference, cultural or community
10 affiliation or ethnic origin, nor religious opinion or affiliation shall be a matter of inquiry in
11 the appointment of faculty members of the College: *Provided, however,* That said
12 appointment shall be subject to the guidelines, qualifications and standards set by the Board:
13 *Provided, further,* that no member of the faculty shall teach for or against any particular
14 church or religious sect.
15

16 **SEC. 15. *Scholarship Program/Admission.***— The College shall provide a scholarship
17 program and other affirmative action programs to assist poor but deserving students who
18 qualify for admission to the College. No student shall be denied admission to the College by
19 reason of sex, religion, cultural or community affiliation or ethnic origin.
20

21 **SEC. 16. *Academic Freedom and Institutional Autonomy.***— The College shall enjoy
22 academic freedom and institutional autonomy, pursuant to paragraph 2, Section 5 of Article
23 XIV of the Constitution.
24

25 **SEC. 17. *Authority to Loan or Transfer Apparatus/Equipment/Supplies and Detail***
26 ***of Personnel.***— The heads of the bureaus and offices of the national government are hereby
27 authorized to loan or transfer, upon the request of the President of the College, such
28 apparatus, equipment or supplies as may be needed by the College, and detail employees for
29 duty therein when, in the judgment of the head of bureau or office, such apparatus,
30 equipment, supplies or services of such employees can be spared without serious detriment to
31 public service. The employees so detailed shall perform such duties as required of them by
32 the President of the College and the time so employed shall be counted as part of their regular
33 service.
34

35 **SEC. 18. *Assets, Liabilities and Personnel.***— All assets, real and personal, personnel
36 and records of the Don Carlos Polytechnic College, as well as its liabilities or obligations, are
37 hereby transferred to the College. The positions, rights, and security of tenure of faculty
38 members and personnel therein employed therein under existing laws prior to the conversion
39 into the College shall be respected.

40 All parcels of land belonging to the government occupied by the Don Carlos
41 Polytechnic College are hereby declared to be the property of the College and shall be titled
42 under that name: *Provided,* That should the College cease to exist or be abolished or should
43 such aforementioned parcels of land be no longer needed by the College, the same shall
44 revert to the local government concerned.
45

46 **SEC. 19. *Tax Exemption.***— The importation of economic, technical and cultural
47 books or publications, which are for economic, technical, vocational, scientific,
48 philosophical, historical or cultural purposes made by the College upon certification by the

1 CHED shall be exempt from customs duties in accordance with the provisions of RA No.
2 10863, otherwise known as the "Customs Modernization and Tariff Act (CMTA)".

3
4 All grants, bequests, endowments, donations and contributions made to the College to
5 be used actually, directly and exclusively by it, shall be exempt from donor's tax and the
6 same shall be allowed as allowable deductions from the gross income of the donor in
7 accordance with the provisions of the National Internal Revenue Code of 1997, as amended.

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9 **SEC. 20. Compliance with CHED Requirements.** - The provisions of this Act
10 notwithstanding, the establishment of the institution into a state college shall become
11 effective only upon the determination and declaration by the CHED based on the
12 recommendation of a panel of experts it shall constitute for the purpose, that the institution
13 has complied with the requirements for a college status based on CHED Memorandum Order
14 No. 46, series of 2012 (Policy-Standard to Enhance Quality Assurance in Philippine Higher
15 Education through an Outcomes-Based and Typology-Based Quality Assurance): *Provided,*
16 That the panel may issue such recommendation when the institution has substantially
17 complied with the requirements for the grant of status as a state college.

18
19 The following operational requirements for a state college, as established by the
20 CHED, shall be complied with. As such, the College shall:

- 21
22 a. Possess full-time permanent faculty members who have the relevant degrees as
23 required by the CHED and experience in the subject areas they handle;
- 24 b. Offer degree programs characterized by a core curriculum that holistically develops
25 thinking, problem solving, decision-making, communication, technical, and social
26 skills in line with the mission of the College;
- 27 c. Possess comprehensive learning resources and support structures that are appropriate
28 for developing knowledge and skills in the specific natural science, social science,
29 humanities, and professional disciplines offered by the College, including
30 laboratories, books and journals, etc.;
- 31 d. Maintain links with the community that would ensure the development of relevant
32 academic and extension programs as well as the application of their learning
33 outcomes; and
- 34 e. Conduct outreach programs involving students in social-development oriented
35 experiences that allow them to contextualize their knowledge within actual social and
36 human experiences.

37 After five (5) years of operation, the College shall be evaluated by CHED to
38 determine its compliance with the requirements for a College classification according to the
39 horizontal typology of higher education institutions (HEIs).

40 Moreover, the College shall undergo the institutional sustainability assessment (ISA)
41 process to ensure that an internal quality assurance (IQA) system has been established
42 leading to sustainable offering of quality programs and services.

43 It shall retain its status prior to the effectivity of this Act, until it is able to comply
44 with the requirements provided herein.

1 **SEC. 21. *Development Plan, Management Audit/Organizational/***
2 ***Administrative/Academic Structure.***— Within a period of one hundred twenty (120) days
3 after the approval of this Act, the College shall accomplish the following:
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- 5 a. Submit a five (5)-year development plan, including its program budget, to the
6 CHED, for corresponding recommendation to the DBM;
7 b. Set up its organizational, administrative, as well as academic structure, including
8 the appointment of key officials of the College; and
9 c. Undergo a management audit in cooperation with the CHED.

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12 **SEC. 22. *Annual Report.***— On or before the fifteenth (15th) day of the second month
13 after the opening of the regular classes each year, the Board shall file with the Office of the
14 President of the Philippines, through the Chairperson of the CHED, and with both Houses of
15 Congress, a detailed report on the progress, condition and needs of the College.
16

17 **SEC. 23. *Supplementary Application.***— The provisions of RA No. 8292, otherwise
18 known as the “Higher Education Modernization Act of 1997”, shall form as an integral part
19 of this Act and shall serve as part of the Governing Charter of the College.
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21 **SEC. 24. *Parity Clause.***— All other powers, functions and privileges, responsibilities
22 and limitations under existing laws shall be deemed granted to or imposed upon the College
23 and officials, whenever appropriate.
24

25 **SEC. 25. *Appropriations.***— The amount necessary to carry out the initial
26 implementation of this Act shall be charged against the current year’s funding of the Don
27 Carlos Polytechnic College provided by the Municipality of Don Carlos, Province of
28 Bukidnon. The Municipality shall continue to provide the same funding to the Don Carlos
29 Polytechnic College corresponding to the funding given before the same is converted into the
30 Don Carlos Polytechnic State College until such time that the full funding requirement of the
31 Don Carlos Polytechnic State College is included in the annual General Appropriations Act.
32

33 **SEC. 26. *Implementing Rules and Regulations.***— Within sixty (60) days after the
34 effectivity of this Act, the Board shall in consultation with the CHED, formulate the
35 guidelines to fully implement the provisions of this Act.
36

37 **SEC. 27. *Separability Clause.***— If, for any reason, any part or provision of this Act is
38 declared invalid or unconstitutional, the remaining parts or provisions not affected shall
39 remain in full force and effect.
40

41 **SEC. 28. *Repealing Clause.***— All laws, presidential decrees, executive orders, and
42 rules and regulations contrary to or inconsistent with the provisions of this Act are hereby
43 repealed or modified accordingly.
44

45 **SEC. 29. *Effectivity.***— This Act shall take effect fifteen (15) days after its publication
46 in the *Official Gazette* or in a newspaper of general circulation.
47

48 *Approved,*