



HOUSE OF REPRESENTATIVES

H. No. 4930

BY REPRESENTATIVES ACOSTA, VILLAR, ABAYON, ANDAYA, LAPUS AND
SUSANO, PER COMMITTEE REPORT NO. 1213

AN ACT ESTABLISHING A STATE COLLEGE IN THE MUNICIPALITY
OF MANOLO FORTICH, PROVINCE OF BUKIDNON TO BE
KNOWN AS THE NORTHERN BUKIDNON 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. *Establishment.* – There is hereby established a state college
2 in the Municipality of Manolo Fortich, Province of Bukidnon to be known as
3 the Northern Bukidnon State College, hereinafter referred to as the College.

4 SEC. 2. *General Mandate.* – The College shall primarily provide
5 higher professional and technical instructions and training in science and
6 technology and other related fields. It shall also undertake research and
7 extension services, and provide progressive leadership in its areas of
8 specialization.

1 SEC. 3. *Curricular Offerings.* – The College shall offer undergraduate,
2 graduate and short-term technical courses within its areas of specialization and
3 according to its capabilities as the Board of Trustees may deem necessary to
4 carry out its objectives, particularly to meet the needs of the Province of
5 Bukidnon and Region X.

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

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

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

16 (a) The chairperson of the Commission on Higher Education (CHED),
17 chairperson;

18 (b) The president of the College, vice chairperson;

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

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

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

5 (f) The regional director of the Department of Science and Technology
6 (DOST), member;

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

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

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

10 and

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

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

19 The term of office of the president of the faculty association, the
20 president of the student council and the president of the alumni association

1 shall be coterminous with their respective terms of office, as set forth in their
2 respective constitutions and bylaws.

3 The two prominent citizens shall serve for a term of two years from the
4 date of appointment.

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

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

15 (a) To promulgate rules and regulations as may be necessary to carry
16 out the purposes and functions of the College;

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

20 (c) To import duty-free economic, technical and cultural books and/or
21 publications, upon certification by the CHED that such imported books and/or

1 publications are for economic, technical, vocational, scientific, philosophical,
2 historical or cultural purposes, in accordance with the provisions of the Tariff
3 and Customs Code, as amended;

4 (d) To receive in trust legacies, gifts and donations of real and personal
5 properties of all kinds and to administer and dispose of the same when
6 necessary for the benefit of the College, and subject to the limitations,
7 directions and instructions of the donor, if any.

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

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

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

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

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

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

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

18 (h) To appoint upon recommendation of the president of the College,
19 vice presidents, deans, directors, heads of campuses, faculty members and
20 other officials and employees of the College;

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

9 (j) To approve the curricula, instructional programs and rules of
10 discipline drawn by the administrative and academic councils herein provided;

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

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

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

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

3 (o) To establish chairs in the College and to provide fellowships for
4 qualified faculty members and scholarships to deserving students;

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

8 (q) To authorize an external management audit of the College, to be
9 financed by the CHED, and to institute reforms, including academic and
10 structural changes, on the basis of the audit results and recommendations;

11 (r) To collaborate with other governing boards of the state colleges and
12 universities within the Province of Bukidnon or Region X, under the
13 supervision of the CHED and in consultation with the DBM, and work towards
14 the restructuring of the College to become more efficient, relevant, productive
15 and competitive;

16 (s) To enter into joint ventures with business and industry for the
17 profitable development and management of the economic assets of the College,
18 the proceeds from which shall be used for the development and strengthening
19 of the College;

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

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

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

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, the
16 management of nonacademic services such as health, food, building or grounds
17 or property 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 governing board as outstanding based on the

1 guidelines, qualifications and/or standards set by the Board, after unanimous
2 recommendation by the search committee.

3 SEC. 8. *Meetings of the Board.* – The Board shall regularly convene at
4 least once every quarter. However, the chairperson of the Board may, upon
5 three days' prior written notice, call a maximum of two special meetings
6 whenever necessary.

7 A quorum of the Board shall consist of majority of all its members
8 holding office at the time of the meeting: *Provided*, That the chairperson of the
9 Board or the president of the College is among those present in the meeting.

10 In the absence of the chairperson of the CHED, a commissioner of the
11 CHED, duly designated by him/her, shall represent him/her in the meeting with
12 all the rights and responsibilities of a regular member: *Provided, however*,
13 That during this meeting, the president of the College as vice chairperson shall
14 be the presiding officer: *Provided, further*, That this *proviso* notwithstanding,
15 the chairperson of the CHED is hereby authorized to designate a CHED
16 commissioner as the regular chair of the Board, in which case said CHED
17 commissioner shall act as the presiding officer.

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

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

6 SEC. 9. *The College President.* – The College shall be headed by a
7 president who shall render full time service. He/she shall be appointed by the
8 Board, subject to the guidelines, qualifications and/or standards set by the
9 Board, upon recommendation of a duly constituted search committee. He/she
10 shall have a term of four years and shall be eligible for reappointment for
11 another term.

12 Pending the appointment of the first president of the College, the
13 chairperson of the CHED shall appoint an officer-in-charge of the College.

14 Within six months before the expiration of the term of office of the
15 incumbent president of the Northern Bukidnon State College, the Board shall
16 constitute the Search Committee for the Presidency (SCP).

17 In case of vacancy in the office of the president by reason of death,
18 compulsory retirement, resignation, removal for cause or incapacity of the
19 president to perform the functions of his/her office, the Board shall designate
20 an officer-in-charge of the College within six months from the date of vacancy,
21 pending the appointment of a new president.

1 In case of vacancy in the office of the president as mentioned in the
2 immediately preceding paragraph, his/her successor or the officer-in-charge
3 shall hold office for the unexpired term only.

4 The powers and duties of the president of the College, in addition to
5 those specifically provided in this Act, shall be those usually pertaining to the
6 office of the president of similar colleges, and those delegated by the Board.

7 The salary of the president of the College shall be in accordance with
8 the Revised Compensation and Position Classification System and shall be
9 comparable to that being received by the presidents of similar educational
10 institutions.

11 The president shall be assisted by a vice president for academic affairs
12 who shall be appointed by the Board upon the recommendation of the
13 president.

14 SEC. 10. *The Administrative Council.* – There shall be an
15 administrative council consisting of the president of the College as
16 chairperson, vice presidents, deans, directors and other officials of equal rank
17 as members, whose duty is to review and recommend to the Board the policies
18 governing the administration, management and development planning of the
19 College.

1 SEC. 11. *The Academic Council.* – There shall be an academic council
2 with the president of the College as chairperson and all members of the
3 academic staff with the rank of not lower than assistant professor as members.

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

12 SEC. 12. *The Secretary of the College.* – The Board shall appoint a
13 secretary who shall serve as such for both the Board and the College and shall
14 keep all records and proceedings of the Board. He/she shall serve upon each
15 member of the Board the appropriate notice of the Board's meetings.

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

18 SEC. 14. *Faculty.* – No political beliefs, gender preference, cultural or
19 community affiliation or ethnic origin, religious opinion or affiliation shall be a
20 matter of inquiry in the appointment of faculty members of the College:
21 *Provided,* That said appointment shall be subject to the guidelines,

1 qualifications and/or standards set by the Board: *Provided, further,* That no
2 member of the faculty shall teach for or against any particular church or
3 religious sect.

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

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

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

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

1 required of them by the president of the College, and the time so employed
2 shall be counted as part of their regular services.

3 SEC. 18. *Campus Site/Assets.* – The College shall have an area of not
4 less than five hectares, of which at least three hectares are contiguous to the
5 main campus, for its exclusive use as campus site for its academic and
6 instructional programs, research and development activities and experimental
7 and laboratory facilities.

8 The Board shall forthwith recommend a suitable site within the
9 Municipality of Manolo Fortich for this purpose. The Office of the President
10 through the CHED shall effect the immediate acquisition of the said area for
11 use as campus site.

12 This parcel of land to be occupied by the Northern Bukidnon State
13 College is hereby declared to be property of the College and shall be titled
14 under that name: *Provided*, That should the College cease to exist or be
15 abolished or should said parcel of land aforementioned be no longer needed by
16 the College, the same shall revert to the local government unit concerned.

17 SEC. 19. *Appropriations.* – The amount necessary for the initial
18 implementation of this Act shall be included in the General Appropriations
19 Act. Thereafter, such sums as may be necessary for the continued operation
20 and maintenance of the Northern Bukidnon State College shall likewise be
21 included in the annual General Appropriations Act.

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

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

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

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

10 SEC. 21. *Filing of Report.* – On or before the fifteenth (15th) day of the
11 second month after the opening of the regular classes each year, the Board
12 shall file with the Office of the President of the Philippines through the
13 chairperson of the CHED, and with both Houses of Congress, a detailed report
14 on the progress, conditions and needs of the College.

15 SEC. 22. *Suppletory Application.* – The provisions of Republic Act No.
16 8292, otherwise known as the “Higher Education Modernization Act of 1997”,
17 shall be an integral part of this Act and shall serve as part of the governing
18 charter of the College.

19 SEC. 23. *Parity Clause.* – All other powers, functions and privileges,
20 responsibilities and limitations to state colleges and/or their officials under

1 existing laws shall be deemed granted to or imposed upon the College, and/or
2 its officials whenever appropriate.

3 SEC. 24. *Implementing Rules and Regulations.* – The CHED shall be
4 empowered to formulate the rules, regulations and guidelines to fully
5 implement the provisions of this Act.

6 SEC. 25. *Separability Clause.* – If, for any reason, any part or provision
7 of this Act is declared invalid or unconstitutional, the remaining parts or
8 provisions not affected shall remain in full force and effect.

9 SEC. 26. *Repealing Clause.* – All laws, presidential decrees, executive
10 orders, rules and regulations contrary to or inconsistent with the provisions of
11 this Act are hereby repealed or modified accordingly.

12 SEC. 27. *Effectivity.* – This Act shall take effect fifteen (15) days after
13 its publication in two newspapers of general circulation.

Approved,

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