

23 MAY 15 P 4 :28

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

RECEIVED BY: _____



SENATE
S.B. No. 2196

Introduced by **SENATOR IMEE R. MARCOS**

AN ACT
CONVERTING THE TAWI-TAWI REGIONAL AGRICULTURAL COLLEGE IN THE
MUNICIPALITY OF BONGAO, PROVINCE OF TAWI-TAWI INTO A STATE
COLLEGE TO BE KNOWN AS THE TAWI-TAWI STATE COLLEGE OF
AGRICULTURE AND APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

Article XIV, Section 1 of the 1987 Constitution mandates that, "*the State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all.*"

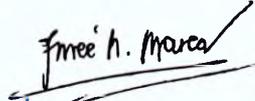
In 1957, Sulu National Regional Agricultural School (SNRAS) was established as an extension of Lapak Agricultural School in Siasi, Province of Sulu and was recognized as a distinct entity in 1961. When Tawi-Tawi was constituted as a separate province from Sulu, the SNRAS was renamed as Tawi-Tawi National Regional Agricultural School (TNRAS) in 1982 through Batas Pambansa Blg. 199. In 1983, the school was converted into a college and was renamed as the Tawi-Tawi Regional Agricultural College (TRAC) by virtue of Batas Pambansa Blg. 384.

The TRAC aims to become the center of excellence for agriculture and related fields in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM). TRAC offered collegiate and graduate programs in the fields of agriculture, agricultural and teacher education, and home technology. In 1994, through Republic Act No. 7722 otherwise known as the Higher Education Act of 1994, TRAC offered more programs as approved by its Board of Trustees. Subsequently, in 1997, RA 8292 or the Higher Education Modernization Act of 1997 was enacted. However, despite these developments in the realm of higher education, the TRAC's Charter remains unchanged.

TRAC has consistently provided educational opportunities to students within the province of Tawi- Tawi. However, there is a need to revise the 40-year old Charter of the TRAC to adapt to the future and prepare its students towards achieving higher excellence and equal opportunities and accessibility to quality higher education.

Hence, this bill seeks to convert Tawi-Tawi Regional Agricultural College in the Municipality of Bongao, Province of Tawi-Tawi into a State College to be known as the Tawi-Tawi State College of Agriculture. This will provide the youth in the province of Tawi- Tawi and the BARMM, greater access and opportunities to programs, which aim to contribute to the social and economic development of the region.

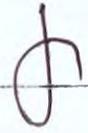
Thus, the immediate passage of this bill is earnestly sought.


IMEE R. MARCOS

23 MAY 15 P4:28

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

RECEIVED BY: _____



SENATE

S.B. No. 2196

Introduced by **SENATOR IMEE R. MARCOS**

AN ACT
CONVERTING THE TAWI-TAWI REGIONAL AGRICULTURAL COLLEGE IN THE
MUNICIPALITY OF BONGAO, PROVINCE OF TAWI-TAWI INTO A STATE
COLLEGE TO BE KNOWN AS THE TAWI-TAWI STATE COLLEGE OF
AGRICULTURE AND APPROPRIATING FUNDS THEREFOR

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

1 **SECTION 1.** Conversion. – The Tawi-Tawi Regional Agricultural College in the
2 municipality of Bongao, Province of Tawi-Tawi, Bangsamoro Autonomous Region in
3 Muslim Mindanao, is hereby converted into a state college to be known as the Tawi-
4 Tawi State College of Agriculture, and hereinafter referred to as the College.

5
6 **SEC. 2.** *General Mandate.* – The Tawi-Tawi State College of Agriculture shall
7 primarily provide quality but affordable advanced instruction and technical training in
8 agriculture, education, technology, business, arts and sciences, and other relevant fields
9 of study. It shall undertake research and extension services and provide progressive
10 leadership in its areas of specialization.

11
12 **SEC. 3.** *Curricular Offerings.* – The College shall offer undergraduate and
13 graduate studies in the fields of agriculture, education, criminal justice, information and
14 communications technology, social sciences, business management, science and
15 mathematics, allied health, engineering and technology, nontraditional programs and
16 other degrees within its areas of specialization and according to its capabilities, as the
17 Board of Trustees may deem necessary to carry out its objectives, particularly to meet
18 the needs of the province of Tawi-Tawi and the Bangsamoro Autonomous Region in
19 Muslim Mindanao.

20
21 The College shall likewise offer ladderized programs and vertically aligned
22 graduate programs.

1
2 **SEC. 4. *The Governing Board.*** – The governing board of the College shall be
3 the Board of Trustees, hereinafter referred to as the Board, which shall be composed
4 of the following:

- 5
6 (a) The Chairperson of the Commission on Higher Education (CHED), as
7 Chairperson;
8 (b) The President of the College, as Vice-Chairperson;
9 (c) The Chairperson of the Senate Committee on Education, Arts and Culture,
10 as member;
11 (d) The Chairperson of the House of Representatives Committee on Higher
12 and Technical Education, as member;
13 (e) The Chairperson of the Bangsamoro Parliament Committee on Basic,
14 Higher and Technical Education, as member;
15 (f) The Regional Director of the National Economic and Development
16 Authority (NEDA), as member;
17 (g) The Director General of the Bangsamoro Planning and Development
18 Authority, as member;
19 (h) The Regional Director of the Department of Agriculture, as member;
20 (i) The Director General for Agricultural Services of Bangsamoro
21 Government's Ministry of Agriculture, Fisheries and Agrarian Reform, as
22 member;
23 (j) The President of the faculty association of the College, as member;
24 (k) The President of the Student Council of the College, as member;
25 (l) The President of the alumni association of the College, as member;
26 (m) Two (2) prominent citizens from the private sector who have distinguished
27 themselves in their profession or fields of specialization of the College, as
28 members.

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

34
35 The term of office of the President of the faculty association, the President of
36 the student council, and the President of the alumni association shall be co-terminous
37 with their respective terms of office, as set forth in their respective constitution and
38 bylaws.

39 The two prominent citizens shall serve for a term of two years from the date of
40 appointment and may be reappointed for another term of two years.

41
42 **SEC. 5. *Powers and Duties of the Board of Trustees.*** – The Board shall have the
43 following specific powers and duties, in addition to its general powers of administration

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

- 3
- 4 (a) To promulgate and implement policies in accordance with the declared state
5 policies on education and pertinent provisions of the Philippine Constitution on
6 education, agriculture, science and technology, as well as the policies,
7 standards, and thrusts of the CHED under Republic Act No. 7722, otherwise
8 known as the Higher Education Act of 1994;
- 9 (b) To promulgate rules and regulations not contrary to law as may be necessary to
10 carry out the purposes and functions of the College;
- 11 (c) To receive and appropriate all sums as may be provided for the support of the
12 College in the manner it may determine in its discretion, in order to carry out
13 the purposes and functions of the College;
- 14 (d) To import economic, technical and cultural books and/or publications;
- 15 (e) To receive in trust legacies, gifts, and donations of real and personal properties
16 of all kinds and to administer and dispose of the same when necessary for the
17 benefit of the College, and subject to the limitations, directions and instructions
18 of the donor, if any;
- 19 (f) To fix the tuition fees and other necessary charges such as, but not limited to,
20 matriculation fees, as the Board may deem proper to impose, after due
21 consultations with the involved sectors.

22

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

28

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

36

37 If for reason beyond its control, the College shall not be able to pursue any
38 project for which funds have been appropriated and allocated under its approved
39 program of expenditures, the Board may authorize the use of said funds for any
40 reasonable purpose which, in its discretion, may be necessary and urgent for
41 the attainment of the objectives and goals of the College;

- 42
- 43 (g) To adopt and implement a socialized scheme of tuition and other school fees for
44 greater access to poor but deserving students;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

- (h) To authorize the construction or repair of its buildings, machinery, equipment and other facilities and the purchase and acquisition of real and personal properties, including necessary supplies, materials and equipment;
- (i) To appoint, upon recommendation of the President of the College, Vice President/s, deans, directors, heads of departments, faculty members and other officials and employees of the College;
- (j) To fix and adjust salaries of faculty members and administrative officials and employees, subject to the provisions of the Revised Compensation and Position Classification System and other pertinent budget and compensation laws governing hours of service and such other duties and conditions as it may deem proper; to grant them, at its discretion, leaves of absence under such regulations as it may promulgate, any provision of existing laws to the contrary notwithstanding; and to remove them for cause in accordance with the requirements of due process of law;
- (k) To approve the curricula, instructional programs and rules of discipline drawn by the Administrative and Academic Councils as herein provided;
- (l) To set policies on admission and graduation of students;
- (m) To award honorary degrees upon persons in recognition of their outstanding contribution in the fields of agriculture, public service, arts, science and technology, education or in any field of specialization within the academic competence of the College; and to authorize the awarding of certificates of completion of nondegree and nontraditional courses;
- (n) To establish and absorb nonchartered tertiary institutions within the province of Tawi-Tawi as branches and centers, in coordination with the CHED and in consultation with the Department of Budget and Management (DBM), and to offer therein programs or courses to promote and carry out equal and greater access to educational opportunities as mandated by the Constitution;
- (o) To establish research and extension centers of the College where such will promote the development of the latter;
- (p) To establish professional chairs in the College and to provide fellowships for qualified faculty members and scholarships to deserving students;
- (q) To delegate any of its powers and duties provided for hereinabove to the to the President or Officer-in-Charge and/or other officials of the College as it may

1 deem appropriate, so as to expedite the administration of the affairs of the
2 College;

3
4 (r) To authorize an external management audit of the College, to be financed by
5 the CHED and the Bangsamoro Ministry of Basic, Higher and Technical
6 Education, subject to the rules and regulations of the Commission on Audit
7 (COA); and to institute reforms, including academic and structural changes, on
8 the basis of audit results and recommendations;

9
10 (s) To collaborate with other governing boards of state universities and colleges
11 within the province of Tawi-Tawi or the BARMM, under the supervision of the
12 CHED and in consultation with the DBM, and work towards the restructuring of
13 the College to become more efficient, relevant, productive and competitive;

14
15 (t) To enter into joint ventures with business and industry for the profitable
16 development and management of economic assets of the College, the proceeds
17 from which shall be used for the development and strengthening of the same;

18
19 (u) To develop consortia and other forms of linkages with local government units,
20 institutions and agencies; both public and private, local and foreign, in
21 furtherance of the purposes and objectives of the College;

22
23 (v) To develop academic requirements for institutional capability building with
24 appropriate institutions and agencies, public and private, local and foreign, and
25 to appoint experts/specialists as consultants, part-time or visiting or exchange
26 professors, scholars or researchers, as the case may be;

27
28 (w) To set up the adoption of modern and innovative modes of transmitting
29 knowledge such as the use of information technology, the dual learning system,
30 open learning or distance education and community laboratory for the promotion
31 of greater access to education;

32
33 (x) To establish policy guidelines and procedures for participative decision making
34 and transparency within the College;

35
36 (y) To privatize, where most advantageous to the College, the management of
37 nonacademic services such as health, food, building, grounds or property
38 maintenance and such other similar activities;

39
40 (z) To extend the term of the President of the College beyond the age of retirement,
41 but not beyond the age of seventy (70) based on the guidelines, qualifications
42 and standards set by the Board: Provided, That the President's performance has

1 been rated by the Board as outstanding, and after unanimous recommendation
2 by the search committee.

3
4 **SEC. 6. Meetings of the Board.** –The Board shall regularly convene once every
5 three (3) months. Whenever necessary, the Chairperson of the Board may, upon three
6 (3) days prior written notice, call a maximum of two (2) special meetings within the
7 same period.

8
9 A quorum of the Board shall consist of the majority of all its members holding
10 office at the same time of the meeting: Provided, however. That the Chairperson of the
11 CHED or the President of the College is among those present in the meeting.

12
13 In one’s absence the Chairperson of the CHED shall designate a Commissioner
14 of the CHED as representative in the meeting with all the rights and responsibilities of
15 a regular member: Provided, however. That during this meeting, the President of the
16 College as Vice Chairperson shall be the Presiding Officer: Provided, further. That this
17 proviso notwithstanding, the Chairperson of the CHED is hereby authorized to designate
18 a CHED Commissioner as the regular Chair of the Board, in which case said CHED
19 Commissioner shall act as the Presiding Officer.

20
21 In case the Chairpersons of the Congressional Committees and the Bangsamoro
22 Parliament Committee on Education shall not be able to attend the Board meeting, they
23 may duly designate their respective representatives to attend said meeting, who shall
24 have the same rights and responsibilities as a regular member of the Board.

25
26 The members of the Board shall not receive any salary but shall be entitled to
27 reimbursements for actual and necessary expenses incurred, either in their attendance
28 to meetings of the Board or in connection with other official business authorized by
29 resolution of the Board, subject to existing laws and regulations.

30
31 **SEC. 7. The College President.** – The College shall be headed by a President,
32 who shall render full-time service and who shall be appointed by the Board, subject to
33 the guidelines, qualifications and/or standards set by the Board, upon recommendation
34 of a duly constituted search committee, Provided, That this proviso notwithstanding,
35 and in order to effect a smooth transition to a state college, the incumbent President
36 of the Tawi-Tawi Regional Agricultural College, if qualified, shall serve as the first
37 President of the College.

38
39 The College President shall have a term of four (4) years and shall be eligible
40 for reappointment for another term.

41
42 Within six (6) months before the expiration of the term of office of the incumbent
43 President of the College, the Board shall constitute the Search Committee for the
44 Presidency (SCP).

1
2 In case of vacancy in the Office of the President by reason of death, compulsory
3 retirement, resignation, removal for cause or incapacity of the President to perform the
4 functions of his/her office, the Board shall designate an Officer-in-Charge of the College
5 within thirty (30) days from the date of vacancy, pending the appointment of a new
6 President. The successor or the Officer-in- Charge of the College shall serve only the
7 unexpired portion of the term.

8
9 The powers and duties of the President of the College, in addition to those
10 specifically provided in this Act, shall be those usually pertaining to the Office of the
11 President of similar colleges and those delegated by the Board.

12
13 The salary of the President of the College shall be in accordance with the Revised
14 Compensation and Position Classification System and shall be comparable to that being
15 received by the Presidents of similar educational institutions.

16
17 The President of the College shall be assisted by a Vice President for Academic
18 Affairs and Vice President for Administration who shall be appointed by the Board upon
19 the recommendation of the President of the College.

20
21 **SEC. 8. *The Secretary of the College.*** – The Board shall appoint a secretary,
22 who shall serve as such for both the Board and the College and shall keep all records
23 and proceedings of the Board. The secretary shall serve upon each member of the
24 Board the appropriate notice of the Board meetings.

25
26 **SEC. 9. *The Treasurer of the College.*** – The Treasurer of the Philippines shall
27 be the ex officio treasurer of the College.

28
29 **SEC. 10. *The Administrative Council.*** – There shall be an Administrative Council
30 consisting of the President of the College as Chairperson, Vice President/s, deans,
31 directors and other officials of equal rank as members, whose duty is to review and
32 recommend to the Board policies governing the administration, management and
33 development planning of the College.

34
35 **SEC. 11. *The Academic Council.*** – There shall be an Academic Council to be
36 composed of the President of the College, who shall act as Chairperson, and all the
37 academic staff with the rank of at least an assistant professor, as members.

38
39 The Academic Council shall have the power to review and recommend the
40 curricular offerings and rules of the discipline of the College, subject to the approval of
41 the Board. It shall fix the requirements for the admission of students, as well as for
42 their graduation and conferment of degrees, subject to review and/or approval by the
43 Board through the President of the College. It shall have the disciplinary power over

1 students of the College and shall formulate academic policies and rules and regulations
2 on discipline, subject to the approval of the Board.

3
4 **SEC. 12. *The Faculty.*** – No political beliefs, gender preference, cultural or
5 community affiliation or ethnic origin, and religious opinion or affiliation shall be a
6 matter of inquiry in the appointment of faculty members of the College: Provided, That
7 said appointment shall be subject to the guidelines, qualifications and/or standards set
8 by the Board. Provided, further. That no member of the faculty shall teach for or against
9 any particular church or religious sect.

10
11 **SEC. 13. *Academic Freedom and Institutional Autonomy.*** – The College shall
12 enjoy academic freedom and institutional autonomy, pursuant to paragraph 2, Section
13 5 of Article XIV of the Constitution of the Republic of the Philippines.

14
15 **SEC. 14. *Scholarship Program/Admission.*** – The College shall provide a
16 scholarship program and other affirmative action programs to assist poor but deserving
17 students who qualify for admission to the College.

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

21
22 **SEC. 15. *Authority to Loan or Transfer Apparatus/Equipment/Supplies and***
23 ***Detail of Personnel.*** – The heads of the bureaus and offices of the national government
24 are hereby authorized to loan or transfer, upon the request of the President of the
25 College, such apparatus, equipment or supplies as maybe needed by the College, and
26 to detail employees for duty therein when, in the judgment of the head of bureau or
27 office, such apparatus, equipment, supplies or services of such employees can be
28 spared without serious detriment to public service. The employees so detailed shall
29 perform such duties as required of them by the President of the College, and the time
30 so employed shall be counted as part of their regular services.

31
32 **SEC. 16. *Assets, Liabilities and Personnel.*** – All assets, real and personal,
33 personnel and records of the College, as well as its liabilities or obligations, shall remain
34 under the name of the College. The positions, rights and security of tenure of faculty
35 members and personnel therein employed under existing laws prior to the conversion
36 into a state college shall be respected.

37
38 All parcels of land belonging to the government and occupied by the College are
39 hereby declared to be property of the College and shall be titled under its name:
40 *Provided,* That should the College cease to exist or be abolished or should such parcels
41 of land aforementioned be no longer needed by the College, the same shall revert to
42 the concerned local government unit or to the Republic of the Philippines, as the case
43 may be.

1 **SEC. 17. *Tax Exemption on Importation and Donations.*** – The importation of
2 economic, technical and cultural books and/or publications, which are for economic,
3 technical, vocational, scientific, philosophical, historical or cultural purposes made by
4 the College, upon certification by the CHED, shall be exempt from customs duties in
5 accordance with the provisions of Republic Act No. 10863, otherwise known as the
6 “Customs Modernization and Tariff Act (CMTA)”. All donations in any form to the College
7 shall be exempt from the donor’s tax and the same shall be considered as allowable
8 deduction from the gross income in the computation of the income tax of the donor, in
9 accordance with the provisions of the National Internal Revenue Code of 1997, as
10 amended.

11
12 **SEC. 18. *Filing of Report.*** – On or before the fifteenth (15th) day of the second
13 (2nd) month after the opening of the regular classes each year, the Board shall file with
14 the Office of the President of the Philippines, through the Chairperson of the CHED,
15 and with both Houses of Congress, a detailed report on the progress, conditions and
16 needs of the College.

17
18 **SEC. 19. *Suppletory Application.*** – The provisions of Republic Act No. 8292,
19 otherwise known as the “Higher Education Modernization Act of 1997”, shall form part
20 of this Act.

21
22 **SEC. 20. *Transitory Provision.*** – Upon the effectivity of this Act, all employees
23 of the College shall be retained in their present positions and no one shall be adversely
24 affected by the approval of the amendments to the original Charter.

25
26 The incumbent President of the College shall continue to hold office until the
27 expiration of one (1) term.

28
29 **SEC. 21. *Appropriations.*** – The amount necessary to carry out the provisions of
30 this Act shall be included in the General Appropriations Act.

31 However, for special programs of the College not covered in the General
32 Appropriations Act, it shall continue to be funded by the National Government, without
33 prejudice to the power of the Bangsamoro Government to provide for supplemental
34 funding for such programs and projects.

35
36 **SEC. 22. *Implementing Rules and Regulations.*** – Within sixty (60) days from
37 the approval of this Act, the Board shall, in consultation with the CHED and the
38 Bangsamoro Ministry of Basic, Higher and Technical Education, issue the rules and
39 regulation to frilly implement the provisions of this Act.

40
41 **SEC. 23. *Separability Clause.*** – If for any reason, any part or provision of this
42 Act is declared invalid or unconstitutional, the remaining parts or provisions not affected
43 thereby shall remain in full force and effect.

44

1 **SEC. 24. *Repealing Clause.*** – Batas Pambansa Big. 384, otherwise known as
2 the “Tawi-Tawi Regional Agricultural College Charter” and all laws, presidential decrees,
3 executive orders, rules and regulations contrary to or inconsistent with the provisions
4 of this Act are hereby amended, repealed or modified accordingly.

5

6 **SEC. 25. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
7 publication in the Official Gazette or in a newspaper of general circulation.

Approved,