

REPUBLIC ACT NO. 8448

AN ACT SEPARATING THE ILOILO STATE COLLEGE OF FISHERIES IN SAGAY, NEGROS OCCIDENTAL, FROM ILOILO STATE COLLEGE OF FISHERIES AND CONVERTING IT INTO AN INDEPENDENT STATE COLLEGE OF SCIENCE AND TECHNOLOGY TO BE KNOWN AS THE NORTHERN NEGROS STATE COLLEGE OF SCIENCE AND TECHNOLOGY, AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. The Iloilo State College of Fisheries, hereinafter referred to as the College, in Sagay, Negros Occidental, which is an extension of the Iloilo State College of Fisheries, is hereby separated from the Iloilo State College of Fisheries and converted into an independent State college of science and technology to be known as the Northern Negros State College of Science and Technology.

SEC. 2. The State College shall primarily provide higher technological, professional and vocational instruction and training in science, fishery, forestry, agriculture, engineering and industrial fields, as well as short-term technical or vocational courses. It shall also promote research, advanced studies, extension work and progressive leadership in its areas of specialization.

The existing high school shall be transferred to the jurisdiction and supervision of the Department of Education, Culture and Sports: *Provided*, That this high school shall be allowed to remain and operate within the campus of the College until it shall have been transferred to another location, or until its students shall have been accommodated in other public or private high schools: *Provided, further*, That the College may

operate a reasonably-sized laboratory school if it has a college of education.

SEC. 3. In addition to its present curricular offerings, the State College shall offer undergraduate courses in the fields of science, fishery, agriculture, education, forestry, marine biology, engineering and other courses and fields of specialization as the Board of Trustees may deem necessary. It shall likewise offer short-term technical or vocational courses, provide nonformal education and undertake vigorous extension and research programs in food production, nutrition, health and sports development.

SEC. 4. The College shall have the general powers of a corporation as set forth in the corporation law. The administration of the College and the exercise of its corporate powers shall be vested exclusively in the Board of Trustees and the president of the College insofar as authorized by the Board.

SEC. 5. The governing body of the College shall be the Board of Trustees, hereinafter referred to as the Board, which shall be composed of the following:

(a) The chairman of the Commission on Higher Education (CHED), chairman;

(b) The president of the College, vice chairman;

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

(d) The chairman of the Committee on Education and Culture of the House of Representatives, member;

(e) The Director-General of the National Economic and Development Authority (NEDA), member;

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

(g) The president of the supreme student council of the College, member;

(h) The president of the alumni association of the College, member; and

(i) At least two (2) prominent citizens who have distinguished themselves in their professions or fields of specialization of the College chosen from among a list of at least five (5) persons qualified in the Province of Negros Occidental, as recommended by the search committee constituted by the College president in consultation with the chairman of the CHED based on the normal standards and qualifications for the position, members.

The chairman of the Commission on Higher Education, the president of the College, the education committee chairmen of the Senate and the House, and the Director-General of the National Economic and Development Authority shall have an *ex officio* term of office.

The term of office of the president of the faculty association, the federation of student councils and, when deemed necessary, the president of the alumni association, shall be coterminous with their term/terms of office.

The two (2) prominent citizens shall serve for a term of four (4) years and two (2) years, respectively.

In case of vacancy in the office of the president, the officer-in-charge of the College designated by the Board shall serve for the unexpired term only.

The president of the State College, whose term may be terminated according to this Act, shall be entitled to full retirement benefits under existing laws.

SEC. 6. The Board shall promulgate and implement policies in accordance with the declared policies on education and other pertinent provisions of the Philippine Constitution on education,

science and technology, arts, culture and sports (as well as the policies, standards and thrusts of the CHED under Republic Act No. 7722).

SEC. 7. The Board shall have the following specific powers and duties in addition to its general powers of administration and the exercise of all the powers granted to the board of directors of a corporation under existing laws:

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

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

(c) To import duty-free, subject to existing laws, essential commodities, materials and equipment for educational or technological programs: *Provided*, That such commodities, materials, and equipment are not available locally at a comparable price;

(d) To receive in trust legacies, gifts and donations of real and personal properties of all kinds and to administer and dispose the same when necessary for the benefit of the College and subject to the limitations, directions and instructions of the donor, if any. Such donations shall be exempt from all taxes and shall be considered as deductible items from the income tax of the donor;

(e) To fix tuition fees and other necessary school charges such as, but not limited to, matriculation fees, graduation fees, and laboratory fees, as the Board may deem proper to impose;

(f) To authorize the construction or repair of its buildings, machineries, equipment, and other facilities and the purchase and acquisition of real and personal properties, including necessary supplies, materials and equipment;

(g) To confirm designations of vice presidents, deans, directors, heads of departments, and the appointments of faculty members and other officials and employees of the State College made by the president of the College;

(h) To fix and adjust the salaries of faculty members and administrative officials and employees in accordance with the revised compensation and position classification system;

(i) To approve the curricula, institutional programs and rules of discipline drawn by the administrative and academic councils as herein provided;

(j) To confer degrees upon successful candidates for graduation, to award honorary degrees upon persons in recognition of their outstanding contributions in the fields of education, public service, arts, science and technology, or in any field of specialization; and to authorize the award of certificates for completion of non-degree and non-traditional courses;

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

(l) To establish branches in the Province of Negros Occidental, if and when it becomes essential and necessary, where there is no existing school offering similar programs or courses, to promote and carry out equal access to educational opportunities as mandated by the Constitution.

SEC. 8. The Board of Trustees shall convene regularly at least once every two (2) months. However, the chairman of the Board of Trustees may, upon three (3) days prior written notice, call a special meeting whenever necessary.

A quorum of the Board shall consist of a majority of all members holding office at the time of the meeting: *Provided, however,* That the chairman of the CHED, who is the chairman of the Board or the president of the State College is among those present in the meeting.

In the absence of the chairman of the CHED, a commissioner of the CHED, duly designated by him, shall represent him in the meeting with all the rights and responsibilities of a regular member and of a presiding officer.

A senator, preferably coming from the region or province where the school is located, shall automatically represent the chairman of the Senate Committee on Education, Arts and Culture, when he is unable to attend, with all the rights, privileges and responsibilities of a regular member.

The representative of the House coming from the district where the school is located, shall automatically represent the chairman of the House Committee on Education and Culture, when he is unable to attend, with all the rights, privileges and responsibilities of a regular member: *Provided*, That in the case of a multi-campus school located in a multi-district province, any of the representatives where the campus is located may represent the chairman.

In the absence of the Director-General of the NEDA, the regional director where the school is located, shall represent him.

The members of the Board shall not receive any salary but shall be entitled to *honoraria* and reimbursements for actual and necessary expenses incurred either in their attendance to meetings of the Board or for other official business as authorized by resolution of the Board, subject to existing laws on *honoraria* and allowances.

SEC. 9. The State College shall be headed by a president to be appointed by the Board upon the recommendation of a duly constituted search committee, and shall hold office for a term of three (3) years extendible only for another three (3) years unless he reaches the age of retirement or earlier removed for cause or becomes incapacitated to discharge the duties of the office.

In case of vacancy in the office of the president by reason of death, resignation, incapacity of the president to perform the functions of his office, or removal for cause, the Board shall have

the authority to designate an officer-in-charge of the College pending the appointment of a successor.

The powers and duties of the president of the State College in addition to those specifically provided in this Act, shall be those usually pertaining to the office of the president of similar colleges.

The salary of the president of the State College shall be subject to the revised compensation and position classification system and shall be comparable to that being received by the presidents of similar educational institutions of like enrollment and standing.

SEC. 10. There shall be an administrative council consisting of the president of the College as chairman, the vice president(s), deans, directors and other officials of equal rank whose duty is to implement the policies governing the administration, management and development planning of the College, as approved by the Board.

SEC. 11. There shall be an academic council with the president of the College as chairman, and all members of the instructional staff with the rank of not lower than assistant professor, as members. The academic council shall have the power to prescribe curricular offerings subject to the approval of the Board. It shall fix the requirements for the admission to the College, as well as for graduation and the conferring of degrees, subject to review and/or approval by the Board through the president of the College. It shall also have disciplinary powers over the students through the president within the limits prescribed by the rules of discipline, as approved by the Board.

SEC. 12. There shall be a secretary of the College who shall be appointed by the Board upon recommendation of the president of the College. He shall also be the secretary of the Board and shall keep such records of the College as may be determined by the Board.

SEC. 13. The Treasurer of the Republic of the Philippines shall be the *ex officio* treasurer of the College.

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

SEC. 15. No student shall be denied admission to the College by reason of sex, nationality, religion, or political affiliation.

SEC. 16. No member of the faculty of the College shall attempt directly or indirectly, under penalty of dismissal by the Board of Trustees, to influence students or any person in the College towards any ideology, political or otherwise, which agitates the overthrow of the duly constituted government.

SEC. 17. The appointment of the officer-in-charge of the College pending the appointment of the president by the Board upon its composition shall be made by the CHED.

SEC. 18. On or before the fifteenth (15th) day of the second month after the opening of the regular classes each year, the Board shall file with the Office of the President of the Philippines, through the chairperson of the CHED and to both Houses of Congress, a detailed report on the progress, conditions and needs of the College.

SEC. 19. All the assets, fixed and movable, personnel, records and facilities of the Iloilo State College of Fisheries in Sagay, Negros Occidental, as well as liabilities or obligations, are hereby transferred to the Northern Negros State College of Science and Technology: *Provided, however,* That the positions, rights and security of tenure of personnel therein employed under existing laws prior to absorption by the State College are not impaired: *Provided, further,* That the incumbents of the positions shall remain in the same status until otherwise provided for by the Board. All parcels of land belonging to the government occupied by the Iloilo State College of Fisheries in the said extension campus are hereby declared the property of the Northern Negros State College of Science and Technology and shall be titled under the name: *Provided, furthermore,* That should the State College cease to exist or be abolished or such parcels of land aforementioned

be no longer needed by the State College, the same shall revert back to the Province of Negros Occidental.

SEC. 20. All accounts and expenses of the College shall be audited by the Commission on Audit or its duly authorized representative.

SEC. 21. The heads of bureaus and offices of the national government are hereby authorized to loan or transfer, upon request of the president of the College, such apparatus, equipment or supplies as may be needed by the College and to detail employees for duty therein when, in the judgment of the bureau or office, such apparatus, equipment, supplies or services of such employees can be spared without serious detriment to the public service. Employees so detailed shall perform such duties as required of them by the president of the College and the time so employed shall be counted as part of their regular services.

SEC. 22. It shall be the continuing policy of the State College to accept the affiliation and/or integration within its operation of any existing national school whose programs can contribute largely and effectively to the attainment of its objectives.

SEC. 23. The CHED shall extend institutional development assistance to the State College specifically in the areas of faculty and facility development.

SEC. 24. The Sagay Marine Reserve covering the islands of Molocaboc, Diutay, Matabas, and Suyac, as well as their surrounding reefs and the reefs of Carbin and Maca, situated in the City of Sagay, Province of Negros Occidental, declared as marine protected area by virtue of Proclamation No. 592, may be utilized by the College for their research, experimental and laboratory purposes.

SEC. 25. The amount necessary for the implementation of this Act shall be charged against the current year's appropriations of the Iloilo State College of Fisheries, except the sum needed to continue the operations of the existing high school. Thereafter,

such sums as may be necessary for the continued operation and maintenance of the Northern Negros State College of Science and Technology shall be included in the annual General Appropriations Act.

SEC. 26. All laws, presidential decrees, executive orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 27. This Act shall take effect upon its approval.

Lapsed into law on January 9, 1998 without the President's signature, pursuant to Sec. 27(1), Article VI of the Constitution.