

REPUBLIC ACT No. 8655

AN ACT CONVERTING THE SAMAR NATIONAL AGRICULTURAL SCHOOL IN THE MUNICIPALITY OF SAN JORGE, PROVINCE OF SAMAR, INTO A STATE COLLEGE TO BE KNOWN AS THE SAMAR STATE COLLEGE OF AGRICULTURE AND FORESTRY, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. The Samar National Agricultural School in the Municipality of San Jorge, Province of Samar, is hereby converted into a state college to be known as the Samar State College of Agriculture and Forestry, herein referred to in this Act as the State College.

SEC. 2. The State College shall primarily provide higher professional, technical and vocational instruction and training in the agricultural and forestry fields. It shall promote research, advanced studies and progressive leadership in the fields of agriculture and forestry and other areas of its 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 State 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.

SEC. 3. The State College shall primarily offer higher professional and technical instructions and training in agriculture, forestry and related sciences. Likewise, it shall promote research,

extension and production services, advanced studies and specialized training in the field of education, as may be deemed relevant.

The State College shall offer undergraduate, graduate and short-term technical courses within its areas of specialization, as the Board of Trustees may deem necessary, to carry out its objectives, particularly, in order to meet the needs of the province.

SEC. 4. *The Governing Boards; Manner of Appointment.* –

(a) *Composition* - The governing body is hereby vested in the Board of Trustees which shall be composed of the following:

- (i) Chairman of the Commission on Higher Education (CHED), chairman;
  - (ii) President of the State College, vice chairman;
  - (iii) Chairmen of the Congressional Committees on Education and Culture;
  - (iv) Regional director of the National Economic and Development Authority (NEDA) where the main campus of the State College is located;
  - (v) Regional director of the Department of Science and Technology (DOST);
  - (vi) President of the faculty association;
  - (vii) President of the supreme student council or the student representative elected by the student council: *Provided*, That in the absence of a student council president or student representative elected by the student council, the State College shall schedule one (1) week for the campaign and election of a student representative;
  - (viii) President of the alumni association of the State College;
- and

- (ix) Two (2) prominent citizens who have distinguished themselves in their professions or fields of specialization chosen from among a list of at least five (5) persons qualified in the city or the province where the school is located, as recommended by the search committee constituted by the president in consultation with the chairman of the CHED based on the normal standards and qualifications for the position,

The private sector representatives shall be appointed by the Board of Trustees upon recommendation of a duly constituted search committee.

(b) *Term of Office* - The presidents of the faculty and alumni associations and the student regents or trustees shall sit in the Board until the expiration of their term of office in such capacities.

The prominent citizens shall serve for a term of two (2) years.

(c) *Meetings; Quorum* - The Board of Trustees shall regularly convene at least once every quarter. The chairman of the Board of Trustees may call a special meeting whenever necessary: *Provided*, That members are notified in writing at least three (3) days prior to said meeting.

A majority of all members holding office shall constitute a quorum for board meetings: *Provided*, 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: *Provided, however*, That in the said meeting, the president of the State College as vice chairman shall be the presiding officer: *Provided, further*, That this *proviso* notwithstanding, the chairman of the CHED is hereby authorized to designate a CHED commissioner the regular chair to the Board of the State College, in which case said CHED commissioner shall act as the presiding officer.

The members shall serve without compensation, but they shall be reimbursed for necessary expenses incurred in their attendance of meetings of the Board or in connection with their official business authorized by resolution of the Board.

SEC. 5. *Powers and Duties of Governing Boards.* – The governing 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 Section 36 of Batas Pambansa Blg. 68, otherwise known as the Corporation Code of the Philippines.

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

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

(c) 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 State College, subject to 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; and

(d) To fix tuition fees and other necessary school charges, such as but not limited to matriculation fees, graduation fees and laboratory fees, as their respective boards may deem proper to impose after due consultations with the involved sectors.

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

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

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

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

(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. Purchases and other transactions entered into by the State College through the Board of Trustees shall be exempt from all taxes and duties;

(g) To appoint, upon the recommendation of the president of the State College, vice presidents, deans, directors, heads of departments, faculty members and other officials and employees;

(h) To fix and adjust salaries of faculty members and administrative officials and employees subject to the provisions of the revised compensation and 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 provisions of existing law to the contrary notwithstanding; and to remove them for cause in accordance with the requirements of due process of law;

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

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

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

(l) To absorb non-chartered tertiary institutions within their respective provinces in coordination with the CHED and in consultation with the Department of Budget and Management, and to offer therein needed programs or courses, to promote and carry out equal access to educational opportunities mandated by the Constitution;

(m) To establish research and extension centers of the State College where such will promote the development of the latter;

(n) To establish chairs in the State College and to provide fellowships for qualified faculty members and scholarships to deserving students.

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

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

(q) To collaborate with other governing boards of state universities and colleges within the province or region, under the supervision of the Commission on Higher Education and in

consultation with the Department of Budget and Management, the restructuring of said colleges and universities to become more efficient, relevant, productive and competitive;

(r) To enter into joint ventures with business and industry for the profitable development and management of the economic assets of the college or institution, the proceeds from which to be used for the development and strengthening of the State College;

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

(t) To develop academic arrangements for institution capability building with appropriate institutions and agencies, public or private, local or foreign, and to appoint experts/specialists as consultants, or visiting or exchange professors, scholars, and researchers, as the case may be;

(u) To set up the adoption of modern and innovative modes of transmitting knowledge such as the use of information technology, the dual system, open learning, community laboratory, etc., for the promotion of greater access to higher education;

(v) To establish policy guidelines and procedures for participative decision-making and transparency within the State College;

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

(x) To extend the term of the president of the State College beyond the age of retirement but not later than the age of seventy (70), whose performance has been unanimously rated as outstanding and upon unanimous recommendation by the search committee.

SEC. 6. *Promulgation and Implementation of Policies.* – The governing board shall promulgate and implement policies in accordance with the declared state 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 Administration.* – The administration of the State College shall be vested in the president of State College who shall render full-time service. He shall be appointed by the Board of Trustees, upon the recommendation of a duly constituted search committee. He shall have a term of four (4) years and shall be eligible for reappointment for another term: *Provided*, That this provision shall not adversely affect the term of the incumbent.

The president shall be assisted by a vice president for academic affairs who shall be appointed by the Board upon the former's recommendation without prejudice to the appointment of more than one (1) vice president when so warranted.

In case of vacancy by reason of death, resignation, removal for cause or incapacity of the president to perform the functions of his office, the Board shall have the authority to designate an officer-in-charge pending the appointment of a new president.

In case of vacancy in the office of the president as mentioned in the immediately preceding paragraph, his successor shall hold office for the unexpired term.

SEC. 8. *The Secretary of the State College.* – The Board shall appoint a secretary who shall serve as such for both the Board and the State College and shall keep all records and proceedings of the Board. He shall communicate to each member of the Board notice of meetings.

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

SEC. 10. *Administrative Council.* – There shall be an administrative council consisting of the president of the State College as chairman, the vice president(s), deans, directors and other officials of equal rank as members, and whose duty is to review and recommend to the board of trustees policies governing the administration, management, and development planning of the State College for appropriate action.

SEC. 11. *Academic Council.* – There shall be an academic council with the president of the State 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 review and recommend the curricular offerings and rules of discipline of the State College subject to appropriate action of the Board of Trustees. It shall fix the requirements for the admission of students, as well as for graduation and the conferment of degrees, subject to review and/or approval by the Board of Trustees through the president of the State College.

SEC. 12. *Academic Freedom.* – Pursuant to Paragraph 2, Section 5 of Article XIV of the Constitution of the Republic of the Philippines, all institutions of higher learning, public or private, shall enjoy academic freedom and institutional autonomy.

SEC. 13. *Admission.* – No student shall be denied admission to the State College by reason of sex, nationality, religion, political affiliation or physical disability.

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

SEC. 15. No member of the faculty of the State College shall attempt directly or indirectly, under penalty of dismissal by the Board of Trustees or influence students or any person in the State College towards any ideology, political or otherwise, which agitates the throw of the duly constituted government.

SEC. 16. The appointment of the office-in-charge of the State College pending the appointment of the president by the Board upon its composition, shall be made by the Commission on Higher Education (CHED).

SEC. 17. On or before the fifteenth (15th) day of June of each year, the Board shall file with the President of the Philippines, a detailed report, setting forth the programs, conditions and needs of the State College.

SEC. 18. All the assets, fixed and movable, personnel, records and facilities of the Samar National Agricultural School as well as their liabilities or obligations, are hereby transferred to the Samar State College of Agriculture and Forestry: *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 Samar National Agricultural School are hereby declared the property of the Samar State College of Agriculture and Forestry and shall be titled under that 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 to the Province of Samar.

SEC. 19. All accounts and expenses of the State College shall be audited by the Commission on Audit or its authorized representative.

SEC. 20. The provisions of Republic Act No. 8293, otherwise known as the "Higher Education Modernization Act of 1997," shall form an integral part of this Act and together shall serve as the governing charter of the State College.

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 State College, such apparatus, equipment or supplies as may be needed by the State 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 State College, and the time so employed shall be counted as part of their regular service.

SEC. 22. If, for any reason, any part or provision of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force or effect.

SEC. 23. The amount needed to carry out the provisions of this Act shall be charged against the current year's appropriations of the Samar National Agricultural School, except the sum needed to continue the operations of the existing high schools. Thereafter, such amount as may be necessary for the continued operation and maintenance of the Samar State College of Agriculture and Forestry shall be included in the annual General Appropriations Act.

SEC. 24. The Commission on Higher Education is hereby directed to take such steps as are necessary for the immediate implementation of this Act.

SEC. 25. All laws, presidential decrees, executive orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SEC. 26. This Act shall take effect upon its approval.

Lapsed into law on June 14, 1998 without the President's signature, pursuant to Sec. 27(1), Article VI of the Constitution.