

REPUBLIC OF THE PHILIPPINES }
CONGRESS OF THE PHILIPPINES }
Sixth Special Session

H. No. 9873
S. No. 2263

REPUBLIC ACT NO. 9141

AN ACT CONVERTING THE NEGROS OCCIDENTAL AGRICULTURAL COLLEGE (NOAC) IN THE CITY OF KABANKALAN, PROVINCE OF NEGROS OCCIDENTAL INTO A STATE COLLEGE, TO BE KNOWN AS THE NEGROS STATE COLLEGE OF AGRICULTURE (NSCA), AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. The Negros Occidental Agricultural College in the City of Kabankalan, Province of Negros Occidental, is hereby converted into a State college to be known as the "Negros State College of Agriculture," hereinafter referred to as the "State College."

SEC. 2. The Negros State College of Agriculture (NSCA) shall maintain and strengthen or expand the original limited expertise of the Negros Occidental Agricultural College (NOAC) and include as its branches or extension campuses the five (5) new extension colleges, two (2) of which were already opened in Barangay Gil Montilla in the Municipality of Sipalay and in the Municipality of Cauayan and the other three (3) to be opened in Barangay Bocana in Ilog, Barangay Gatuslao in Candoni, and Barangay Pu-ok, Hinoba-an all in the Province of Negros Occidental, respectively.

The Negros State College of Agriculture shall have the existing Negros Occidental Agricultural College in the City of Kabankalan, Negros Occidental, as its main campus.

The NOAC-Sipalay Campus shall expand its programs to trade technical courses and mining science, metallurgy, and other programs that may prove relevant to the locality.

The NOAC-Candoni Campus shall offer technical agriculture, forestry, cooperatives and compact farming systems. The NOAC-Cauayan Campus in the Municipality of Cauayan shall specialize in agro-fishery and marine studies and other programs responsive to the needs of the community and its service areas.

The NOAC-Ilog Campus at Barangay Bocana shall offer fisheries and marine sciences/aquaculture. The Main Campus which is the Negros State College of Agriculture shall continue its present educational programs including graduate courses.

SEC. 3. The State College shall offer undergraduate and graduate degree programs, short-term technical or diploma courses, technological vocational instructions and training in agricultural sciences, and other related and relevant fields to meet the needs of the province and the region.

SEC. 4. In addition to its present curricular offerings, the State College shall provide advanced instruction and professional training in agriculture, science and technology, education and other relevant fields as the Board of Trustees may deem necessary, within its area of specialization.

It shall promote research, advanced studies, extension and progressive leadership in each area of specialization: *Provided*, That the State College shall retain its original mandate as primarily an agricultural institution: *Provided, further*, That in the case of graduate courses, the State College shall strengthen its masteral and doctorate degree programs in agricultural courses.

The existing high school shall be transferred to the jurisdiction and supervision of the Department of Education, Culture and Sports (DECS): *Provided*, That the high school shall be allowed to remain and operate within the campus of the State College until the students have completed their high school education: *Provided, further*, That the State College may operate a reasonably-sized laboratory school, if it has a Department of Education.

SEC. 5. The administration of the Negros State College of Agriculture (NSCA) shall be vested exclusively in the Board of Trustees as its governing body, hereinafter referred to as the Board, which shall be composed of the following: Chairman of the Commission on Higher Education (CHED) as Board Chairman, President of the State College as vice chairman, the Chairpersons of the Senate Committee on Education, Arts and Culture and the House of Representatives Committee on Higher and Technical Education, Regional Director of National Economic and Development Authority (NEDA), Regional Director of the Department of Science and Technology (DOST), the presidents of the faculty, students and alumni associations, and two (2) prominent citizens of the province as members.

The two (2) prominent citizens in the Board shall come from those who have distinguished themselves in their professions or fields of specialization of the State 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 Board. They shall serve for a term of two (2) years.

As a multi-campus State College, the faculty, students, and alumni shall be represented by the presidents of their federations. Their terms of office in the Board shall be coterminous with their respective terms in the federations.

SEC. 6. The Board shall promulgate and implement policies in accordance with the declared State policies on education, the Constitution, Republic Act Nos. 7722 and 8292 and such other laws or promulgations on tertiary education.

SEC. 7. In addition to its general powers of administration and corporate powers set forth in the Corporation Law, the Board shall have the following specific powers and duties:

(a) To enact rules and regulations as may be necessary to carry out the purpose and functions of the State College;

(b) To receive and appropriate all sums as may be provided to carry out the powers and functions of the State College;

(c) To receive in trust legacies, gifts and donations, real and personal properties and to administer and dispose the same for the benefit of the College. Such donations shall be exempt from all taxes and shall be considered as deductible item from the income tax of the donor;

(d) To fix the tuition fees and other necessary school charges, as the Board may deem proper to impose, after due consultations with 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 funds 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 for instruction, research, extension, or other programs/projects of the State College: *Provided*, That all fiduciary fees shall be disbursed for the specific purpose for which they are collected.

If, for reason beyond its control, the State College shall not be able to pursue any of the projects for which funds have been appropriated and allocated under its approved program of expenditures, the Board 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 shall be exempt from all taxes and duties;

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

(h) 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 provisions of existing laws 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 field of agriculture or any field of specialization within the academic competence of the State College and to authorize the award of certificate of completion of non-degree and non-traditional courses;

(l) To establish and absorb tertiary institutions within the Province of Negros Occidental as branches, centers, stations, etc., 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 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 audit results and recommendations;

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

(r) 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; and

(s) 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. 8. The Board shall regularly convene at least once every quarter. However, the Chairman of the Board of Trustees may, upon three (3) days prior written notice, call a special meeting whenever necessary: *Provided, however,* That the Chairman of the CHED or the College President is among those present.

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.

SEC. 9. The Negros State College of Agriculture shall be headed by a president who shall render full-time service. He shall be appointed by the Board of Trustees pursuant to Republic Act No. 8292, upon recommendation of a duly constituted Search Committee. He shall hold office for a term of four (4) years, extendible only for another four (4) years by the Board, upon unanimous recommendation by the Search Committee: *Provided*, That he shall not be over seventy (70) years old to qualify for reappointment or term extension.

In case of vacancy in the office of the president by reason of death, compulsory retirement, 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 who shall serve for the unexpired term only, pending the appointment of a new State College president. If the successor shall serve for more than two (2) years, then such shall be considered as one full term for the successor.

The powers and duties of the president of the State College, in addition to those specifically provided in this Act, shall be those pertaining to the office of the president of similar state colleges. His salary shall be comparable with that being received by the presidents of similar educational institutions of like standing.

SEC. 10. 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 whose duty is to review and recommend policies governing the administration, management and development planning of the State College, as approved by the Board.

SEC. 11. There shall be an academic council with the president of the State College as chairman and all the 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 admission to the State

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 State College. It shall have disciplinary power over the students and shall formulate academic policies and rules and regulations on discipline. Such policies, rules and regulations shall be approved by the Board.

SEC. 12. 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. 13. The Treasurer of the Philippines shall be the *ex officio* treasurer of the State College.

SEC. 14. No religious opinion or affiliation shall be a 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. In order to ensure the smooth transition to a State College, the incumbent superintendent of the Negros Occidental Agricultural College, if qualified, shall serve as the first president of Negros State College of Agriculture subject to the provision of Section 9 on the College president. The remaining term of the incumbent superintendent of the Negros Occidental Agricultural College shall be counted as his first term as State College president.

SEC. 16. All assets, fixed and movable, personnel and records of the Negros Occidental Agricultural College, as well as liabilities or obligations, are hereby transmitted to the State College: *Provided, however,* That the positions, rights and security of tenure of personnel therein employed under existing laws prior to its conversion to a state college are not impaired: *Provided, further,* That the incumbents of the positions shall remain under the same status until otherwise provided for by the Board.

SEC. 17. 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 services.

SEC. 18. The State College shall provide a scholarship program and other affirmative action programs to assist poor but deserving students to qualify for admission to the State College. No student shall be denied admission to the State College by reason of sex, religion, cultural or community affiliation or ethnic origin.

SEC. 19. The State College shall enjoy academic freedom.

SEC. 20. On or before the fifteenth day of the second month after the opening of the regular classes each year, the Board shall file with both Houses of Congress a detailed report on the progress, condition and needs of the State College.

SEC. 21. The State College may accept the affiliation and/or integration within its operation of any existing national school with the province whose programs can contribute largely and effectively to the attainment of its objectives, in coordination with the Commission on Higher Education (CHED) and in consultation with the DBM: *Provided*, That funds, properties and other assets, as well as obligations of the integrated school shall be transferred to the State College.

SEC. 22. The amount necessary to carry out the provisions of this Act shall be added to the current year's appropriations of the Negros Occidental Agricultural College, 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 Negros State College of Agriculture shall be included in the annual General Appropriations Act.

SEC. 23. Within the period of one hundred twenty (120) days, after the approval of this Act, the State College shall accomplish the following:

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

(2) Undergo a management audit in cooperation with the CHED;

(3) Accordingly set up its organizational, administrative as well as academic structure, including the appointment/designation of state college key officials; and

(4) Set in motion the establishment of at least four (4) separate degree-granting units, one of which is in the arts and sciences and another, at the graduate level.

SEC. 24. Members of the faculty of the State College at the tertiary level shall be exempt from any civil service examination as a requisite for appointment, without prejudice to the right of the Board to impose other professional examination requirements intended to maintain high academic standards.

SEC. 25. The provisions of Republic Act No. 8292, 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. 26. All other powers, functions and privileges, responsibilities and limitations to state colleges and/or its officials under existing laws shall be deemed granted to or imposed upon the State College and/or its officials whenever appropriate.

SEC. 27. All laws, presidential decrees, executive orders, rules and regulations contrary or inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 28. This Act shall take effect upon its approval.

Approved, July 3, 2001.