

REPUBLIC OF THE PHILIPPINES }  
CONGRESS OF THE PHILIPPINES }  
*Third Regular Session*

H. No. 12901

REPUBLIC ACT NO. 9142

AN ACT CONVERTING THE ZAMBOANGA CITY  
POLYTECHNIC COLLEGE INTO A STATE COLLEGE TO  
BE KNOWN AS THE ZAMBOANGA CITY STATE  
POLYTECHNIC COLLEGE AND FOR OTHER PURPOSES

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

SECTION 1. The Zamboanga City Polytechnic College in the City of Zamboanga is hereby converted into a State college to be known as the Zamboanga City State Polytechnic College, hereinafter referred to as the College.

SEC. 2. The College shall primarily provide advanced instruction and professional training in science and technology, and other related fields, undertake research and extension services, and provide progressive leadership in these areas.

SEC. 3. The College shall offer undergraduate, graduate and short-term technical courses within its areas of specialization and according to its capabilities, as the Board of Trustees may deem necessary to carry out its objectives, particularly in order to meet the needs of the province and the region.

SEC. 4. The College shall have the general powers of a corporation 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.

SEC. 5. The governing body of the State 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 Higher and Technical Education of the House of Representatives, member;

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

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

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

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

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

(j) 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) qualified persons in the City of Zamboanga or the Province of Zamboanga del Sur; 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 term of office of the president of the faculty association, the president of the student council and the president of the alumni association shall be coterminous with their respective terms of office.

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

SEC. 6. The Board shall promulgate and implement policies in accordance with the declared State policies on education and other pertinent provisions of the Constitution on education, agriculture, science and technology, 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 granted to the board of directors of a corporation under existing law:

(a) To enact rules and regulations not contrary to law as may be necessary to carry out the purpose 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 determine, in its discretion, to carry out the powers and functions of the 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 College, and subject to the limitations, directions and instructions of the donor, if any. Such donations shall be exempt from the donor's tax, and the same shall be considered as allowable deductions from the gross income in the computation of the income tax of the donor in accordance with the provisions of the National Internal Revenue Code, as amended: *Provided*, That such donation shall not be disposed, transferred or sold;

(d) To fix the 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, after due consultations with the involved sectors;

Such fees and charges, including government subsidies and other income generated by the 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 College.

Any provision of existing laws, rules and regulations to the contrary notwithstanding, any income generated by the College from tuition fees and other charges, as well as from the operation of auxiliary services and land grants, shall be retained by the College, and may be disbursed by the Board for instruction, research, extension, or other programs/projects of the 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 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 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 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, machinery, equipment and other facilities and the purchase and acquisition of real and personal properties, including necessary supplies and materials and equipment. Purchases and other transactions entered into by the College through the Board Trustees shall be exempt from all taxes and duties;

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

(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 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 education, science and technology or any field of specialization within the academic competence of the College and to authorize the award certificate of completion of non-degree and non-traditional courses;

(l) To establish, within the City of Zamboanga, 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, within the City of Zamboanga, research and extension centers of the College where such will promote the development of the latter;

(n) To establish chairs in the 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 College as it may deem appropriate, so as to expedite the administration of the affairs of the 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 College, the proceeds from which shall be used for the development and strengthening of the same;

(r) 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 purpose and objectives of the College;

(s) 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, researchers, as the case may be;

(t) 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;

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

(v) To privatize, where most advantageous to the College, management and non-academic services such as health, food, building, grounds or property maintenance and similar other activities; and

(w) To extend the term of the president of the 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 for the president of the College.

SEC. 8. The Board of Trustees 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 wherever necessary.

A quorum of the Board shall consist of 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 College is among those present in the meeting.

In absence of the chairman of the CHED, a commissioner of the CHED, duly designated by him, shall represent him in the meeting with all rights and responsibilities of a regular member: *Provided, however,* That in the said meeting, the president of the College as vice chairman shall be the presiding officer: *Provided, further,* That the preceding *proviso* notwithstanding, the chairman of the CHED is hereby authorized to designate a CHED commissioner as the regular chair of the Board, in which case said commissioner shall act as the presiding officer.

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

SEC. 9. The College shall be headed by a president who shall render full-time service. He shall be appointed by the Board upon the 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.

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 of the College pending the appointment of a new president.

In case of vacancy in the office of the president, his successor shall hold office for the unexpired term: *Provided,* That if such unexpired term is 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 College, in addition to those specifically provided in this Act, shall be those usually pertaining to the office of the president of similar universities, and those delegated by the Board.

The salary of the president of the State College shall be in accordance with the Revised Compensation and Position Classification System and shall be comparable to 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 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 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 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 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 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 College and shall keep all records and proceedings of the Board. He shall communicate to each members of the Board notice of meetings.

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

SEC. 14. No religious opinion or affiliation shall be a 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. All assets, fixed and movable, personnel and records of the Zamboanga City State Polytechnic College, as well as liabilities or obligations, are hereby transmitted to the College: *Provided, however,* That the positions, rights and security of tenure of personnel therein employed under existing laws prior to its conversion into a 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. All parcels of land belonging to the government, occupied by the Zamboanga City State Polytechnic College, are hereby declared to be the property of the College and shall be titled under its name: *Provided, furthermore,* That should the College cease to exist or be abolished or such parcels of land aforementioned be no longer needed by the College, the same shall revert to the City of Zamboanga.

SEC. 16. 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 judgement 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. 17. The College shall provide a scholarship program and other affirmative action programs to assist poor but deserving students to qualify for admission to the College.

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

SEC. 18. The College shall enjoy academic freedom.

SEC. 19. On or before the fifteenth (15th) day of the second month after the opening of regular classes each year, the Board shall file with both Houses of Congress a detailed report on the progress, condition and needs of the College.

SEC. 20. Within the period of one hundred twenty (120) days, after the approval of this Act, the 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 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. 21. The provisions of Republic Act No. 8293, otherwise known as the "Higher Education Modernization Act of 1997," shall form as an integral part of this Act and together shall serve as the governing charter of the College.

SEC. 22. All other powers, functions and privileges, responsibilities and limitations to state universities and/or their officials under existing laws shall be deemed granted to or imposed upon the College and/or its officials whenever appropriate.

SEC. 23. The Board of Trustees of the State College shall immediately prepare its programs to operationalize the Zamboanga City State Polytechnic College, the initial funding of which shall be taken from the current year's appropriations of the Zamboanga City Polytechnic College, except the sums 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 Zamboanga City State Polytechnic College shall be included in the annual General Appropriations Act.

SEC. 24. 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. 25. This Act shall take effect upon its approval.

Approved, July 20, 2001.