

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

H. No. 9886
S. No. 2072

REPUBLIC ACT NO. 9146

AN ACT CONVERTING THE TANGUB AGRO-INDUSTRIAL SCHOOL IN THE CITY OF TANGUB, PROVINCE OF MISAMIS OCCIDENTAL INTO A STATE COLLEGE TO BE KNOWN AS THE NORTHWESTERN MINDANAO STATE COLLEGE OF SCIENCE AND TECHNOLOGY, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 4878, AND FOR OTHER PURPOSES

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

SECTION 1. The Tangub Agro-Industrial School in the City of Tangub, Province of Misamis Occidental is hereby converted into a State College to be known as the Northwestern Mindanao State College of Science and Technology.

SEC. 2. The State College shall primarily offer higher professional, technical instructions for special purposes and promote research and extension services, advanced studies and progressive leadership in education, agriculture, fishery, engineering, arts and sciences, short-term vocational-technical and other continuing courses as may be relevant. It shall also provide primary consideration to the integration of researches/studies for the development of the Province of Misamis Occidental.

The existing high school shall be transferred to the jurisdiction and supervision of the Department of Education, Culture and Sports (DECS): *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 their students shall have been accommodated in other public or private high schools: *Provided, further*, That the State College may operate a reasonably-sized laboratory school, if it has a college of education.

SEC. 3. The State College shall offer undergraduate, graduate and short-term courses within its area 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 State College shall have the general powers of a corporation set forth in the corporation law. The administration of the State College and the exercise of its corporate powers shall be vested exclusively in the Board of Trustees and the president of the State College insofar as authorized by the Board.

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

(b) President of the State College, vice chairman;

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

(d) Chairman of the Committee on Higher and Technical Education of the House of Representatives, member;

(e) Regional Director of the National Economic and Development Authority, member;

(f) Regional Director of the Department of Science and Technology (DOST), member;

(g) President of the faculty associations of the State College, member;

(h) President of the student councils or the student representative elected by the student councils of the State College, member;

(i) President of the alumni association of the State College, member; and

(j) Two (2) prominent citizens who have distinguished themselves in their professions or field of specialization, chosen from among a list of five (5) persons qualified in the Province of Misamis Occidental as recommended by the search committee constituted by the school 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 presidents of the faculty associations, the student councils and the alumni association shall be coterminous with their 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 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 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 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 of the donor in accordance with the provisions of the National Internal Revenue Code, as amended; 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 the Board may deem proper to impose after due consultation 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 interest 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 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 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 tuition scheme 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, materials and equipment.

(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 the hours of service and such other duties and conditions as it may deem proper, to grant them, at its discretion, leaves of absences under existing law 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 contributions in the fields of education, public service, arts, science and technology, or in any fields of specialization within the academic competence of the State College; and to authorize the awarding of certificates for completion of non-degree and nontraditional courses;

(l) To absorb non-chartered tertiary institutions within the Province of Misamis Occidental in coordination with the CHED and in consultation with the Department of Budget and Management (DBM), 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 where such will promote the development of the State College;

(n) To establish chairs in the State College and to provide fellowship 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 collaborate with other governing boards of state colleges and universities 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 the State College to become more efficient, relevant, productive and competitive;

(r) To enter into joint venture with business and industry for profitable development and management of the economic assets of the State College, 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 and private, local and foreign, and to appoint experts/specialists as consultants or visiting or exchange professors, scholars, 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 institution, management and non-academic services such as health, food, building or grounds or property maintenance and such other similar 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 for the president of the institution concerned.

SEC. 8. 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 the chairman of the Board, or the president of the State College are 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: *Provided, however*, That during this meetings, 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 as regular chair to the Board of Trustees, in which case said commissioner shall act as the presiding officer.

The members of the Board shall not receive compensation but shall be reimbursed for necessary expenses incurred in their attendance of meeting or in connection with their official business authorized by resolution of the Board.

SEC. 9. The administration of the State College shall be vested in the president of the 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, however,* That this *proviso* notwithstanding, in order to effect a smooth transition to a State College, the incumbent administrator of the Tangub Agro-Industrial School, if qualified, shall serve as the first president of the State College. The remaining term of the incumbent administrator of the school shall be counted as his first term as the State College 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.

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 colleges. If the successor shall serve for a period of more than two (2) years, then such shall be considered as one full term for the successor.

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 enrollment and 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 implement the 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 offering subject to the approval of the Board. It shall fix the requirements for the admission to the State College, as well as for approval by the Board through the president of the

State College. It shall also have disciplinary powers over the students through the president within the limits prescribed in the rules of discipline, as approved by the Board.

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

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

SEC. 14. No student shall be denied admission to the State College by reason of sex, nationality, religion or political affiliation.

SEC. 15. The appointment of the officer-in-charge of the State College pending the appointment of the president by the Board upon its composition shall be made by the CHED.

SEC. 16. 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 State College.

SEC. 17. All assets, fixed and movable, personnel and records of the Tangub Agro-Industrial School, as well as liabilities or obligations, are hereby transferred to the State College: *Provided*, 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 Tangub Agro-Industrial School are hereby declared the property of the Northwestern Mindanao State College of Science and Technology 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 City of Tangub.

SEC. 18. All accounts and expenses of the State College shall be audited by the Commission on Audit or its duly authorized representative.

SEC. 19. 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 by them by the president of the State College, and the time so employed shall be counted as part of their regular services.

SEC. 20. The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the Tangub Agro-Industrial School except the sum needed to continue the operations of the existing high school. Thereafter, such amount as may be necessary for the continued operations and maintenance of the Northwestern Mindanao State College of Science and Technology shall be included in the annual General Appropriations Act.

SEC. 21. All laws, presidential decrees, executive orders, rules and issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 22. If for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions thereof shall not be affected thereby.

SEC. 23. This Act shall take effect fifteen (15) days following its publication in at least two newspapers of general circulation.

Approved, July 30, 2001.