

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

H. No. 1134
S. No. 2280

REPUBLIC ACT NO. 9159

AN ACT CONVERTING THE J. H. CERILLES POLYTECHNIC COLLEGE IN THE MUNICIPALITY OF SAN MIGUEL, PROVINCE OF ZAMBOANGA DEL SUR INTO A STATE COLLEGE TO BE KNOWN AS THE J. H. CERILLES STATE COLLEGE, 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 J. H. Cerilles Polytechnic College in the Municipality of San Miguel, Province of Zamboanga del Sur, is hereby converted into a State college to be known as the J. H. Cerilles State College, hereinafter referred to as the College.

SEC. 2. The College shall primarily provide higher professional, technical and special instructions for special purposes, promote research and extension services, advanced studies and progressive leadership, in agriculture, industry, arts and sciences and other fields as may be relevant.

SEC. 3. The College shall offer undergraduate and graduate courses in the fields of education, agriculture, fisheries, forestry, engineering, industrial technologies, arts and sciences, and other degree courses as the Board of Trustees may deem necessary to carry out its objectives. It shall also offer opportunities in short-term technical or vocational courses within its areas of specialization to meet the needs of the province and the region.

The existing high school shall be transferred to the jurisdiction and supervision of the Department of Education: *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 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 department of education.

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 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 Higher and Technical Education of the House of Representatives or any Member of the House of Representatives designated by the chairman of the said Committee, member;

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

(f) The regional director of the Department of Science and Technology, 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 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 of 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. In the event that the College shall have more than one campus, the faculty associations, alumni associations, and student councils shall form their respective federations which, in turn, shall elect their representatives to the Board.

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 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 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 purposes 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 he same when necessary for the benefit of the 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;

(d) To fix the tuition fees and other necessary school fees and charges, such as, but not limited to, matriculation fees, graduation fees and laboratory fees, as it may deem proper and reasonable 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 purposes for which they are collected.

If, for reasons 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, 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 College through the Board shall be exempt from all taxes and duties;

(g) To appoint, upon recommendation of the president of the College, vice presidents, deans, directors and heads of departments, 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 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 field of education, public service, arts, science and technology or in any field of specialization within the academic competence of the College; and to authorize the award of certificates of completion for non-degree and non-traditional courses;

(l) To establish and absorb non-chartered tertiary institutions within the Province of Zamboanga del Sur 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 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 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 universities and colleges within the Province of Zamboanga del Sur and the region, under the supervision of the CHED in consultation with the DBM, the restructuring of the College 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, the proceeds from which shall be used for the development and strengthening of the same;

(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 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, 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 College;

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

(x) 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 of the search committee for the president of the College.

SEC. 8. The Board shall regularly convene at least once every quarter. However, the chairman of the Board may, upon three (3) days prior written notice, call a special meeting whenever 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 or the president of the 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 the chairman of the CHED may authorize a CHED commissioner as the regular chair of the Board,

in which case said commissioner shall act as the presiding officer: *Provided, further,* That in the absence of the said authority, the president of the College, as the vice chairman, shall be 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 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 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. 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 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 a similar college and those delegated by the Board.

The salary of the president of the College shall be in accordance with the Revised Compensation and Position Classification System and shall be comparable to that being received by other 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 as members, and whose duty is to review and recommend to the Board policies governing the administration, management and development planning of the College.

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 review and recommend curricular offerings and fix the requirements for admission to the College, as well as for graduation and the conferment of degrees, subject to the approval of the Board. It shall also have disciplinary power over students and shall formulate academic policies and rules and regulations on discipline, subject to the approval of 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 member 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. In order to ensure the smooth transition to a State college, the incumbent head of the J. H. Cerilles Polytechnic College, if qualified, shall serve as the first president of the College, subject to the provision of Section 9 of this Act. The remaining term of the incumbent head of the J. H. Cerilles Polytechnic College shall be counted as his first term as College president.

SEC. 16. All assets, fixed and movable, personnel and records of the J. H. Cerilles Polytechnic College except those belonging to or to be used by the high school, as well as liabilities or obligations, are hereby transferred to the College: *Provided, however,* That the positions, rights and security of tenure of personnel employed therein under existing laws prior to its conversion into a State College are not impaired: *Provided, further,* That the incumbents of existing positions shall remain in the same status until otherwise provided by the Board.

All parcels of land belonging to the government and occupied by the J. H. Cerilles Polytechnic College are hereby declared to be the property of the J. H. Cerilles State College and shall be titled under its name: *Provided,* That should the College cease to exist or be abolished or should such parcels of land aforementioned be no longer needed by the College, the same shall revert to the Province of Zamboanga del Sur.

SEC. 17. 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 head of the bureau or office, such apparatus, equipment, supplies or services of such employees can be spared without 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 official service.

SEC. 18. On or before the fifteenth (15th) day of the second month after the opening of the regular classes each year, the president of the College shall file with both Houses of Congress a detailed report on the progress, condition and needs of the College.

SEC. 19. The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the J. H. Cerilles Polytechnic College. Thereafter, such sums as may be necessary for the continued operation and maintenance of the J. H. Cerilles State College shall be included in the annual General Appropriations Act.

SEC. 20. Within a period of one hundred twenty (120) days after the approval of this Act, the College shall accomplish the following:

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

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

(c) Accordingly set up its organizational, administrative as well as academic structure, including the appointment/designation of key college officials.

SEC. 21. 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 College.

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

SEC. 23. 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. 24. This Act shall take effect upon its approval.

Lapsed into law on August 11, 2001 without the President's signature, pursuant to Sec. 27(1), Article VI of the Constitution.