

Republic of the Philippines
Congress of the Philippines
Metro Manila
Seventeenth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-third day of July, two thousand eighteen.

[REPUBLIC ACT NO. 11150]

AN ACT ESTABLISHING THE SOUTH COTABATO STATE COLLEGE IN THE MUNICIPALITY OF SURALLAH, PROVINCE OF SOUTH COTABATO, INTEGRATING THEREWITH THE SURALLAH NATIONAL AGRICULTURAL SCHOOL LOCATED IN THE MUNICIPALITY OF SURALLAH, PROVINCE OF SOUTH COTABATO, AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. *Establishment.* — There is hereby established a state college in the Municipality of Surallah, Province of South Cotabato, to be known as the South Cotabato State College, hereinafter referred to as the College, and integrating therewith the Surallah National Agricultural School (SUNAS) located in the Municipality of Surallah, Province of South Cotabato. Its main campus shall be located in the same municipality.

SEC. 2. *General Mandate.* – The College shall primarily provide both advance instruction and research in agriculture, allied technological sciences, education, and arts and related sciences. It shall also undertake extension and development programs, and provide the necessary instructional and research leadership in agricultural, environmental and technological development in the Province of South Cotabato and in Region XII.

SEC. 3. *Curricular Offerings.* – The College shall offer undergraduate and graduate courses in the fields of agriculture, environmental management, engineering, education, arts and sciences, and other degree courses within its areas of specialization and according to its capabilities, as the Board of Trustees may deem necessary to carry out its objectives and in order to meet the needs of the Province of South Cotabato and in Region XII.

The existing and any other future technical-vocational courses or programs under the supervision of the Technical Education and Skills Development Authority (TESDA) shall remain and continue to be offered by the College.

SEC. 4. *Administration.* – The College shall have the general powers of a corporation set forth in Batas Pambansa Blg. 68, as amended, otherwise known as “The Corporation Code of the Philippines”. The administration of the College and the exercise of its corporate powers shall be vested exclusively on the Board of Trustees and the President of the College.

SEC. 5. *The Governing Board.* – The governing board of the College shall be the Board of Trustees, hereinafter referred to as the Board, which shall be chaired and co-chaired by the Chairperson of the Commission on Higher Education (CHED) and the President of the College, respectively, with the following as members:

- (a) Chairperson of the Committee on Education, Arts and Culture of the Senate;
- (b) Chairperson of the Committee on Higher and Technical Education of the House of Representatives;

(c) Regional Director of the National Economic and Development Authority (NEDA);

(d) Regional Director of the Department of Agriculture (DA);

(e) Regional Director of the TESDA;

(f) President of the federation of faculty associations of the College;

(g) President of the federation of student councils of the College;

(h) President of the federation of alumni associations of the College; and

(i) Two (2) prominent citizens from the private sector who have distinguished themselves in their profession or fields of specialization of the College.

The Board shall appoint the two (2) prominent citizens from among a list of at least five (5) qualified persons in the Province of South Cotabato, as recommended by the search committee to be constituted by the College President, in consultation with the Chairperson of the CHED and other members of the Board, based on the normal standards and qualifications for the position.

The two (2) prominent citizens shall serve for a term of two (2) years from the date of appointment.

SEC. 6. *Promulgation and Implementation of Policies.* – 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, otherwise known as the “Higher Education Act of 1994”.

SEC. 7. *Powers and Duties of the Board of Trustees.* – 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) Approve the curricula, instructional programs, and rules of discipline drawn by the Administrative and the Academic Councils herein provided;

(b) Appoint, upon the recommendation of the President of the College, the vice presidents, deans, directors, heads of the campuses, faculty members, and other officials and employees of the College;

(c) Fix and adjust the salaries of faculty members, 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 provision of existing law to the contrary notwithstanding; and to remove them for cause in accordance with the requirements of due process of law;

(d) Fix the tuition fees and other necessary school charges, such as matriculation fees, graduation fees, and laboratory fees, as the Board may deem proper to impose, after due consultation with the involved sectors. The 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 law, rules or 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 these are collected: *Provided*, *however*, That if, for reasons beyond its control, the College shall not be able to pursue any project for which the 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) Adopt and implement a socialized scheme of tuition and other school fees for greater access of poor but deserving students in accordance with Republic Act No. 10931, or "The Universal Access to Quality Tertiary Education Act";

(f) Establish professorial chairs in the College and to provide fellowships for qualified faculty members, and scholarships to deserving students;

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

(h) Set the policies on admission and graduation of students;

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

(j) Establish research and extension centers to promote the development of the College;

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

(l) Adopt modern and innovative modes of transmitting knowledge for the promotion of greater access to education such as the use of information technology, the dual training system, open distance learning, and community laboratory;

(m) Collaborate with the governing boards of the state universities and colleges (SUCs) within the Province of South Cotabato, under the supervision of the CHED and in consultation with the Department of Budget and Management (DBM), in restructuring the College to make it more efficient, relevant, productive and competitive;

(n) Absorb non-chartered tertiary institutions within the Province of South Cotabato as branches and centers, in coordination with the CHED, and in consultation with the DBM, and to offer therein programs or courses to promote and carry out equal access to educational opportunities, as mandated by the Constitution;

(o) Authorize an external management audit of the College, to be financed by the CHED, subject to the rules and regulations of the Commission on Audit (COA); and to institute reforms, including academic and structural changes, on the basis of the audit results and recommendations;

(p) Develop consortia and other economic forms of linkages with local government units (LGUs), institutions and agencies, both public and private and local and foreign, in the furtherance of the purpose and objectives of the College;

(q) Import economic, technical and cultural books and publications;

(r) 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 College;

(s) Receive in trust legacies, gifts and donations of real and personal properties of all kinds and to administer and dispose of the same, when necessary, for the benefit of the College, and subject to the limitations, directions and instructions of the donor, if any;

(t) Authorize the construction or repair of its buildings, machinery, equipment and other facilities, and the purchase and

acquisition of real property, including necessary supplies, materials and equipment;

(u) Extend the term of the President of the College beyond the age of retirement, but not beyond the age of seventy (70) based on the guidelines, qualifications and standards set by the Board: *Provided*, That the President's performance has been rated by the Board as outstanding, and after unanimous recommendation by the search committee;

(v) Delegate any of its powers and duties provided to the President and other officials of the College, as it may deem appropriate, so as to expedite the administration of the affairs of the College;

(w) Establish policy guidelines and procedures for participative decision-making and transparency within the College;

(x) Where most advantageous to the College, privatize the management of nonacademic services such as health, food, building or grounds or property maintenance, and such other similar activities; and

(y) Promulgate rules and regulations as may be necessary to carry out the purposes and functions of the College.

SEC. 8. *Meetings of the Board.* – The Board shall regularly convene at least once every quarter. However, the Chairperson of the Board may, upon three (3) days' prior written notice, call a maximum of two (2) special meetings whenever necessary.

A quorum of the Board shall consist of a majority of all its members holding office at the time of the meeting: *Provided, however*, That either the Chairperson of the Board or the President of the College must be present in the meeting.

In the absence of the CHED Chairperson, a Commissioner of the CHED duly designated by the CHED Chairperson as representative in the meeting, shall have all the rights and responsibilities of a regular member: *Provided, however*, That

during the meeting, the President of the College, as Vice Chairperson, shall be the Presiding Officer: *Provided, further,* That this provision notwithstanding, the Chairperson of the CHED is hereby authorized to designate a CHED Commissioner as the regular Chairperson of the Board, in which case said CHED Commissioner shall act as the Presiding Officer.

In case the Chairpersons of the House and Senate Committees on Education shall not be able to attend the Board meeting, they may designate their respective representatives to attend the said meeting, who shall have the same rights and responsibilities as a regular member of the Board.

The members of the Board shall not receive any salary, but shall be entitled to reimbursements for actual and necessary expenses incurred in attending the 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 President.* – The President shall serve for a term of four (4) years and shall be eligible for reappointment for another term: *Provided,* That in order to effect a smooth transition to a state college, the incumbent Vocational School Administrator of the Surallah National Agricultural School shall act as the Officer-in-Charge (OIC) pending the appointment of the first President of the College. Within six (6) months from the date of approval of this Act, the Board shall constitute the Search Committee for the Presidency.

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 the office, the Board shall have the authority to designate an OIC of the College pending the appointment of a new President.

In case of vacancy in the Office of the President as mentioned in the immediately preceding paragraph, the successor or the OIC shall serve only for the unexpired portion of the term.

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 colleges, 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 as modified by Joint Resolution No. 4 dated June 17, 2009 and other pertinent budget and compensation laws, and shall be comparable to that being received by the Presidents of similar educational institutions.

The President of the College shall be assisted by a Vice President for Academic Affairs and a Vice President for Administration, who shall be appointed by the Board upon recommendation of the President.

SEC. 10. *The Administrative Council.* – There shall be an Administrative Council consisting of the President of the College, as Chairperson, and the vice presidents, deans, directors and other officials of equal rank, as members, whose duty is to review and recommend to the Board the policies governing the administration, management and development plan of the College.

SEC. 11. *The Academic Council.* – There shall be an Academic Council to be composed of the President of the College, who shall act as Chairperson, and all the academic staff with the rank of at least an assistant professor, as members.

The Academic Council shall have the power to review and recommend the curricular offerings and rules of discipline of the College, subject to the approval of the Board. It shall fix the requirements for the admission of students, as well as for their graduation and the conferment of degrees, subject to review and approval by the Board through the President of the College. It shall have the disciplinary power over students of the College and shall formulate academic policies and rules and regulations on discipline, subject to the approval of the Board.

SEC. 12. *The Secretary of the College.* – The Board shall appoint a Secretary, who shall serve as such for both the Board and the College, and who shall keep all records and proceedings

of the Board in addition to other duties and responsibilities. The Secretary shall serve upon each member of the Board the appropriate notice of the Board meetings.

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

SEC. 14. *The Faculty.* – No political belief, gender preference, cultural or community affiliation or ethnic origin, and religious opinion or affiliation shall be a matter of inquiry in the appointment of faculty members of the College: *Provided, however,* That said appointment shall be subject to the guidelines, qualifications and standards set by the Board: *Provided, further,* That no member of the faculty shall teach for or against any particular church or religious sect.

SEC. 15. *Scholarship Program/Admission.* – The College shall provide a scholarship program and other affirmative action programs to assist poor but deserving students who 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. 16. *Academic Freedom and Institutional Autonomy.* – The College shall enjoy academic freedom and institutional autonomy, pursuant to paragraph 2, Section 5 of Article XIV of the Constitution.

SEC. 17. *Authority to Loan or Transfer Apparatus/Equipment/Supplies and Detail of Personnel.* – The heads of the bureaus and offices of the national government are hereby authorized to loan or transfer, upon the 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 bureau or office, such apparatus, equipment, supplies or services of such employees can be spared without serious detriment to the public service. The 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 service.

SEC. 18. *Assets, Liabilities and Personnel.* – All assets, real and personal, personnel and records of the SUNAS, as well as liabilities or obligations, are hereby transferred to the College. The positions, rights, and security of tenure of faculty members and personnel employed therein under existing laws prior to the integration into the College shall be respected.

All parcels of land belonging to the government occupied by the SUNAS are hereby declared to be the property of the 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 LGUs concerned.

SEC. 19. *Development Plan, Management Audit/Organizational/Administrative/Academic Structure.* – Within the 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 corresponding 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 of the College key officials.

SEC. 20. *Compliance with CHED Requirements.* – The provisions of this Act notwithstanding, the establishment of the institution into a state college shall become effective only upon the determination and declaration by the CHED, based on the recommendation of a panel of experts it shall constitute for the purpose, that the institution has complied with the requirements for a college status based on CHED Memorandum Order No. 46, Series of 2012 (Policy-Standard to Enhance Quality Assurance (QA) in Philippine Higher Education Through an Outcomes-Based and Typology-Based QA): *Provided*, That the panel may issue such a recommendation when the institution has substantially

complied with the requirements for the grant of status as a state college.

The following operational requirements for a state college, as established by the CHED, shall be complied with:

(a) Full-time permanent faculty members who have the relevant degrees as required by the CHED and experience in the subject areas they handle;

(b) Degree programs characterized by a core curriculum that holistically develops thinking, problem solving, decision-making, communication, technical, and social skills in line with the mission of the College;

(c) Learning resources and support structures that are appropriate for developing knowledge and skills in the specific natural science, social science, humanities, and professional disciplines offered by the College, including laboratories, books and journals, etc.;

(d) Links with the community that would ensure the development of relevant academic and extension programs as well as the application of their learning outcomes; and

(e) Outreach programs involving students in social-development oriented experiences that allow them to contextualize their knowledge within actual social and human experiences.

After five (5) years of operation, it shall be evaluated by the CHED to determine its compliance with the requirements for a College classification according to the horizontal typology of higher education institutions (HEIs).

Moreover, the College shall undergo the institutional sustainability assessment (ISA) process to ensure that an internal quality assurance (IQA) system has been established leading to sustainable offering of quality programs and services.

SEC. 21. *Annual Report.* – 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 with both Houses of Congress, a detailed report on the progress, condition and needs of the College.

SEC. 22. *Tax Exemption.* – The importation of economic, technical and cultural books or publications, which are for economic, technical, vocational, scientific, philosophical, historical or cultural purposes made by the College, upon certification by the CHED, shall be exempt from customs duties in accordance with the provisions of Republic Act No. 10863, otherwise known as the “Customs Modernization and Tariff Act (CMTA)”.

All grants, bequests, endowments, donations and contributions made to the College to be used actually, directly and exclusively by the College shall be exempt from donor’s tax and the same shall be allowed as allowable deductions from the gross income of the donor for purposes of computing the taxable income of the donor in accordance with the provisions of the National Internal Revenue Code of 1997, as amended.

SEC. 23. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act.

SEC. 24. *Suppletory Application.* – The provisions of Republic Act No. 8292, otherwise known as the “Higher Education Modernization Act of 1997”, shall be an integral part of this Act and shall serve as part of the Governing Charter of the College.

SEC. 25. *Parity Clause.* – All other powers, functions and privileges, responsibilities and limitations to state colleges and their officials under existing laws shall be deemed granted to or imposed upon the College and officials, whenever appropriate.

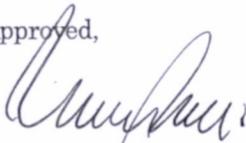
SEC. 26. *Implementing Rules and Regulations.* – The Board, in consultation with the CHED, shall formulate the guidelines to fully implement the provisions of this Act within sixty (60) days from its effectivity.

SEC. 27. *Separability Clause.* – 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 and effect.

SEC. 28. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 29. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,



VICENTE C. SOTTO III
President of the Senate



GLORIA MACAPAGAL-ARROYO
*Speaker of the House
of Representatives*

This Act which originated in the House of Representatives was passed by the House of Representatives and the Senate on August 29, 2018.



MYRA MARIE D. VILLARICA
Secretary of the Senate



DANTE ROBERTO P. MALING
*Acting Secretary General
House of Representatives*

Approved: **DEC 13 2018**



RODRIGO ROA DUTERTE
President of the Philippines

O

