



HOUSE OF REPRESENTATIVES

H. No. 7120

BY REPRESENTATIVES CODILLA, VILLAR, CUA (J.), JAVIER, REMULLA AND
NOEL, PER COMMITTEE REPORT NO. 2584

AN ACT SEPARATING THE EASTERN VISAYAS STATE UNIVERSITY – ORMOC CITY SCHOOL OF ARTS AND TRADE IN BARANGAY DON FELIPE LARRAZABAL, ORMOC CITY FROM THE EASTERN VISAYAS STATE UNIVERSITY IN TACLOBAN CITY, BOTH LOCATED IN THE PROVINCE OF LEYTE, CONVERTING IT INTO A STATE COLLEGE TO BE KNOWN AS THE ORMOC CITY STATE COLLEGE AND APPROPRIATING FUNDS THEREFOR

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

- 1 SECTION 1. *Separation/Conversion.* – The Eastern Visayas State
2 University – Ormoc City School of Arts and Trade (EVSU-OCSAT) in
3 Barangay Don Felipe Larrazabal, Ormoc City is hereby separated from the
4 Eastern Visayas State University (EVSU) in Tacloban City, both located in the
5 Province of Leyte, and converted into a state college to be known as the Ormoc
6 City State College, hereinafter referred to as the College.

1 SEC. 2. *General Mandate.* -- The College shall primarily provide
2 advanced instruction and professional training in the fields of science and
3 technology, liberal arts, education, commerce, engineering and other relevant
4 fields of study. It shall also undertake research and extension services, and
5 provide progressive leadership in its areas of specialization.

6 SEC. 3. *Curricular Offerings.* -- The College shall offer undergraduate
7 and graduate studies in the fields of science and technology, liberal arts,
8 education, commerce, engineering and other degrees/courses within its areas of
9 specialization and according to its capabilities as the Board of Trustees may
10 deem necessary to carry out its objectives, particularly to meet the needs of the
11 Province of Leyte and Region VIII.

12 The existing high school shall be transferred to the jurisdiction and
13 supervision of the Department of Education (DepED): *Provided*, That the
14 high school shall be allowed to remain and operate within the campus of the
15 College until its students, who are currently enrolled, shall have completed
16 their high school education: *Provided, further*, That the College may operate a
17 reasonably-sized laboratory school, if it has a College of Education.

18 SEC. 4. *Administration.* -- The College shall have the general powers
19 of a corporation set forth in Batas Pambansa Blg. 68, as amended, otherwise
20 known as "The Corporation Code of the Philippines". The administration of
21 the College and the exercise of its corporate powers shall be vested exclusively
22 in the Board of Trustees and the President of the College.

23 SEC. 5. *The Governing Board.* -- The governing board of the College
24 shall be the Board of Trustees, hereinafter referred to as the Board, which shall
25 be composed of the following:

26 (a) The Chairperson of the Commission on Higher Education (CHED),
27 Chairperson;

- 1 (b) The President of the College, Vice Chairperson;
2 (c) The Chairperson of the Committee on Education, Arts and Culture
3 of the Senate, member;
4 (d) The Chairperson of the Committee on Higher and Technical
5 Education of the House of Representatives, member;
6 (e) The Regional Director of the National Economic and Development
7 Authority (NEDA), member;
8 (f) The Regional Director of the Department of Science and
9 Technology (DOST), member;
10 (g) The President of the faculty association of the College, member;
11 (h) The President of the student council of the College, member;
12 (i) The President of the alumni association of the College, member;
13 and
14 (j) Two (2) prominent citizens from the private sector who have
15 distinguished themselves in their profession or fields of specialization of the
16 College, members.

17 The Board shall appoint the two (2) prominent citizens from among a
18 list of at least five (5) qualified persons in the City of Ormoc, as recommended
19 by the search committee constituted by the College President, in consultation
20 with the Chairperson of the CHED and the other members of the Board, based
21 on the normal standards and qualifications for the position set by the Board.

22 The term of office of the President of the faculty association, the
23 President of the student council, and the President of the alumni association
24 shall be coterminous with their respective terms of office, as set forth in their
25 respective constitutions and bylaws.

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

1 SEC. 6. *Promulgation and Implementation of Policies.* – The Board
2 shall promulgate and implement policies in accordance with the declared State
3 policies on education and other pertinent provisions of the Philippine
4 Constitution on education, agriculture, science and technology, as well as the
5 policies, standards and thrusts of the CHED under Republic Act No. 7722,
6 otherwise known as the “Higher Education Act of 1994”.

7 SEC. 7. *Powers and Duties of the Board of Trustees.* – The Board
8 shall have the following specific powers and duties, in addition to its general
9 powers of administration and the exercise of all the powers granted to the
10 board of directors of a corporation under existing laws:

11 (a) To promulgate rules and regulations not contrary to law as may be
12 necessary to carry out the purposes and functions of the College;

13 (b) To receive and appropriate all sums as may be provided for the
14 support of the College in the manner it may determine in its discretion, in
15 order to carry out the purposes and functions of the College;

16 (c) To import duty-free economic, technical and cultural books and/or
17 publications, upon certification by the CHED that such imported books and/or
18 publications are for economic, technical, vocational, scientific, philosophical,
19 historical or cultural purposes, in accordance with the provisions of the Tariff
20 and Customs Code of the Philippines, as amended;

21 (d) To receive in trust legacies, gifts and donations of real properties of
22 all kinds and to administer and dispose of the same when necessary for the
23 benefit of the College, and subject to the limitations, directions and instructions
24 of the donor, if any.

25 Such donations shall be exempt from the donor’s tax and the same shall
26 be considered as allowable deductions from the gross income in the
27 computation of the income tax of the donor, in accordance with the provisions

1 of the National Internal Revenue Code (NIRC) of 1997, as amended:

2 *Provided*, That such donations shall not be disposed of, transferred or sold;

3 (e) To fix the tuition fees and other necessary school charges such as,
4 but not limited to, matriculation fees, graduation fees and laboratory fees, as
5 the Board may deem proper to impose, after due consultations with the
6 involved sectors.

7 Such fees and charges, including government subsidies and other
8 income generated by the College, shall constitute special trust funds and shall
9 be deposited in any authorized government depository bank, and all interests
10 that shall accrue therefrom shall form part of the same funds for the use of the
11 College.

12 Any provision of existing laws, rules and regulations to the contrary
13 notwithstanding, any income generated by the College from tuition fees and
14 other charges, as well as from the operation of auxiliary services and land
15 grants, shall be retained by the College, and may be disbursed by the Board for
16 instruction, research, extension or other programs/projects of the College:
17 *Provided*, That all fiduciary fees shall be disbursed for the specific purposes
18 for which these are collected.

19 If, for reasons beyond its control, the College shall not be able to pursue
20 any project for which the funds have been appropriated and allocated under its
21 approved program of expenditures, the Board may authorize the use of said
22 funds for any reasonable purpose which, in its discretion, may be necessary
23 and urgent for the attainment of the objectives and goals of the College;

24 (f) To adopt and implement a socialized scheme of tuition and school
25 fees for greater access to poor but deserving students;

26 (g) To authorize the construction or repair of its buildings, machinery,
27 equipment and other facilities, and the purchase and acquisition of real
28 property, including necessary supplies, materials and equipment;

1 (h) To appoint upon recommendation of the President of the College,
2 Vice Presidents, deans, directors, heads of campuses, faculty members, and
3 other officials and employees of the College;

4 (i) To fix and adjust salaries of faculty members and administrative
5 officials and employees, subject to the provisions of the Revised Compensation
6 and Position Classification System and other pertinent budget and
7 compensation laws governing hours of service and such other duties and
8 conditions as it may deem proper; to grant them, at its discretion, leaves of
9 absence under such regulations as it may promulgate, any provision of existing
10 law to the contrary notwithstanding; and to remove them for cause in
11 accordance with the requirements of due process of law;

12 (j) To approve the curricula, instructional programs and rules of
13 discipline drawn by the Administrative and Academic Councils herein
14 provided;

15 (k) To set policies on admission and graduation of students;

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

21 (m) To establish and absorb nonchartered tertiary institutions within the
22 Province of Leyte as branches and centers in coordination with the CHED, and
23 in consultation with the Department of Budget and Management (DBM), and
24 to offer therein programs or courses, to promote and carry out equal access to
25 educational opportunities as mandated by the Constitution;

26 (n) To establish research and extension centers of the College where
27 such will promote the development of the latter;

1 (o) To establish professorial chairs in the College and to provide
2 fellowships for qualified faculty members and scholarships to deserving
3 students;

4 (p) To delegate any of its powers and duties provided for hereinabove
5 to the President and/or other officials of the College as it may deem
6 appropriate, so as to expedite the administration of the affairs of the College;

7 (q) To authorize an external management audit of the College, to be
8 financed by the CHED, subject to the rules and regulations of the Commission
9 on Audit (COA); and to institute reforms, including academic and structural
10 changes, on the basis of the audit results and recommendations;

11 (r) To collaborate with other governing boards of the state colleges and
12 universities within the Province of Leyte or Region VIII, under the
13 supervision of the CHED and in consultation with the DBM, and work
14 towards the restructuring of the College to become more efficient, relevant,
15 productive and competitive;

16 (s) To enter into joint ventures with business and industry for the
17 profitable development and management of the economic assets of the College,
18 the proceeds from which shall be used for the development and strengthening
19 of the College;

20 (t) To develop consortia and other economic forms of linkages with
21 local government units (LGUs), institutions and agencies, both public and
22 private, local and foreign, in the furtherance of the purposes and objectives of
23 the College;

24 (u) To develop academic arrangements for institutional capability
25 building with appropriate institutions and agencies, public and private, local
26 and foreign, and to appoint experts/specialists as consultants, part-time or
27 visiting or exchange professors, scholars or researchers, as the case may be;

1 (v) To set up the adoption of modern and innovative modes of
2 transmitting knowledge such as the use of information technology, the dual
3 learning system, open learning or distance education and community
4 laboratory for the promotion of greater access to education and graduate
5 studies, as the case may be;

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

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

11 (y) To extend the term of the President of the College beyond the age
12 of retirement but not beyond the age of seventy (70), whose performance has
13 been unanimously rated by the Board as outstanding based on the guidelines,
14 qualifications and/or standards set by the Board, after unanimous
15 recommendation by the search committee.

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

20 A quorum of the Board shall consist of majority of all its members
21 holding office at the time of the meeting: *Provided, however,* That the
22 Chairperson of the Board or the President of the College is among those
23 present in the meeting.

24 In the absence of the Chairperson of the CHED, a Commissioner of the
25 CHED, duly designated by him/her, shall represent him/her in the meeting with
26 all the rights and responsibilities of a regular member: *Provided, however,*
27 That during this meeting, the President of the College as Vice Chairperson

1 shall be the Presiding Officer: *Provided, further,* That this *proviso*
2 notwithstanding, the Chairperson of the CHED is hereby authorized to
3 designate a CHED Commissioner as the regular Chair of the Board, in which
4 case said CHED Commissioner shall act as the Presiding Officer.

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

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

14 SEC. 9. *The College President.* – The College shall be headed by a
15 President, who shall render full-time service. He/She shall be appointed by the
16 Board, subject to the guidelines, qualifications and/or standards set by the
17 Board, upon recommendation of a duly constituted search committee. He/She
18 shall have a term of four (4) years and shall be eligible for reappointment for
19 another term: *Provided,* That in order to effect a smooth transition to a state
20 college, the Board shall immediately constitute the Search Committee for the
21 Presidency (SCP) and pending the appointment of a new President, the
22 incumbent head of the EVSU-OCSAT, if qualified, shall serve as the Officer-
23 in-Charge for six (6) months only.

24 Within six (6) months before the expiration of the term of office of the
25 incumbent President of the College, the Board shall constitute the SCP.

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

9 SEC. 12. *The Secretary of the College.* – The Board shall appoint a
10 secretary, who shall serve as such for both the Board and the College and shall
11 keep all records and proceedings of the Board. He/She shall serve upon each
12 member of the Board the appropriate notice of the Board meetings.

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

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

22 SEC. 15. *Scholarship Program/Admission.* – The College shall provide
23 a scholarship program and other affirmative action programs to assist poor but
24 deserving students who qualify for admission to the College.

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

1 SEC. 16. *Academic Freedom and Institutional Autonomy.* – The
2 College shall enjoy academic freedom and institutional autonomy, pursuant to
3 paragraph 2, Section 5 of Article XIV of the Constitution of the Republic of
4 the Philippines.

5 SEC. 17. *Authority to Loan or Transfer Apparatus/Equipment/
6 Supplies and Detail of Personnel.* – The heads of the bureaus and offices of
7 the national government are hereby authorized to loan or transfer, upon the
8 request of the President of the College, such apparatus, equipment or supplies
9 as may be needed by the College, and to detail employees for duty therein
10 when, in the judgment of the head of bureau or office, such apparatus,
11 equipment, supplies or services of such employees can be spared without
12 serious detriment to the public service. The employees so detailed shall
13 perform such duties as required of them by the President of the College, and
14 the time so employed shall be counted as part of their regular services.

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

20 All parcels of land belonging to the government and occupied by the
21 EVSU-OCSAT are hereby declared to be property of the College and shall be
22 titled under that name, except the Don Felipe Larrazabal Campus owned by the
23 Ormoc City National High School before its conversion into Ormoc City
24 School of Arts and Trade (OCSAT), which campus shall revert to the Ormoc
25 City National High School: *Provided*, That the College may continue
26 occupancy in the campus of the former for a period of two (2) years only from

1 the time of approval of this Act: *Provided*, That should the College cease to
2 exist or be abolished or should such parcels of land aforementioned be no
3 longer needed by the College, the same shall revert to the LGUs concerned.

4 SEC. 19. *Appropriations.* – The amount necessary to carry out the
5 provisions of this Act shall be charged against the current year's appropriations
6 of the EVSU-OCSAT, except the sums needed to continue the operations of
7 the existing high school. Thereafter, such sums as may be necessary for the
8 continued operation and maintenance of the Ormoc City State College shall be
9 included in the annual General Appropriations Act.

10 SEC. 20. *Development Plan, Management Audit, Organizational/*
11 *Administrative/Academic Structure.* – Within the period of one hundred
12 twenty (120) days after the approval of this Act, the College shall accomplish
13 the following:

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

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

18 (c) Accordingly set up its organizational, administrative, as well as
19 academic structure, including the appointment of the key officials of the
20 College.

21 SEC. 21. *Filing of Report.* – On or before the fifteenth (15th) day of
22 the second (2nd) month after the opening of the regular classes each year, the
23 Board shall file with the Office of the President of the Philippines through the
24 Chairperson of the CHED, and with both Houses of Congress a detailed report
25 on the progress, conditions and needs of the College.

1 SEC. 22. *Supplementary Application.* – The provisions of Republic Act
2 No. 8292, otherwise known as the “Higher Education Modernization Act of
3 1997”, shall be an integral part of this Act and shall serve as part of the
4 Governing Charter of the College.

5 SEC. 23. *Parity Clause.* – All other powers, functions and privileges,
6 responsibilities and limitations to state colleges and/or their officials under
7 existing laws shall be deemed granted to or imposed upon the College and/or
8 its officials whenever appropriate.

9 SEC. 24. *Implementing Rules and Regulations.* – The Board, in
10 consultation with the CHED, shall formulate the guidelines to fully implement
11 the provisions of this Act.

12 SEC. 25. *Separability Clause.* – If, for any reason, any part or
13 provision of this Act is declared invalid or unconstitutional, the remaining
14 parts or provisions not affected thereby shall remain in full force and effect.

15 SEC. 26. *Repealing Clause.* – All laws, presidential decrees, executive
16 orders, rules and regulations contrary to or inconsistent with the provisions of
17 this Act are hereby repealed or modified accordingly.

18 SEC. 27. *Effectivity.* – This Act shall take effect fifteen (15) days after
19 its publication in two (2) newspapers of general circulation.

Approved,