

REPUBLIC ACT NO. 8563

AN ACT CONVERTING THE APAYAO INSTITUTE OF SCIENCE AND TECHNOLOGY (AIST), AND ITS CONNER EXTENSION HIGH SCHOOL IN THE MUNICIPALITY OF CONNER, PROVINCE OF APAYAO, INTO A CHARTERED STATE COLLEGE TO BE KNOWN AS THE APAYAO STATE COLLEGE, AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. The Apayao Institute of Science and Technology (AIST) in the Municipality of Conner, Province of Apayao, is hereby converted into a chartered State college to be known as the Apayao State College, hereinafter referred to as the State College.

SEC. 2. The State College shall primarily provide higher professional and technical programs, promote research and extension services, advanced studies and progressive leadership in agriculture, industry, environment, forestry, industrial technologies, education, arts and sciences and other fields as may be relevant.

The existing annex high schools in Luna, Calanasan, Sta. Marcela, Kabugao and Pudtol shall be transferred to the jurisdiction and supervision of the Department of Education, Culture and Sports: *Provided*, 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 technical 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 as 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) The Chairman of the Commission on Higher Education (CHED), chairman;

(b) The president of the State College, vice chairman;

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

(d) The Chairman of the Committee on Education and Culture of the House of Representatives, member;

(e) The Director-General of the National Economic and Development Authority (NEDA), member;

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

(g) The president of the supreme student council of the State College, member;

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

(i) At least two (2) prominent citizens who have distinguished themselves in their professions, chosen from among a list of at least five (5) persons qualified in the Province of Apayao

as recommended by the search committee constituted by the State 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 presidents of the faculty association, the alumni association and the supreme student council shall be coterminous with their term of office. The two (2) prominent citizens shall serve for a term of four (4) and two (2) years, respectively.

In case of vacancy in the office of the president, the officer-in-charge of the State College designated by the Board shall serve for the unexpired term only.

The president of the State College, whose term may be terminated according to this Act, shall be entitled to full retirement benefits under existing laws.

SEC. 6. The Board shall promulgate and implement policies in accordance with the 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 law:

(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 allocate all sums as may be provided for the support of the State College in the manner it may, in its discretion, determine to carry out the purposes and functions of the State College;

(c) To import duty-free, subject to existing laws, essential commodities, materials and equipment for educational or technological programs, provided such commodities, materials and equipment are not available locally at a comparable price;

(d) 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 all taxes and shall be considered as deductible items from the income tax of the donor;

(e) To fix tuition fees and other necessary school charges as such, but not limited to, matriculation fees, graduation fees and laboratory fees, as the Board may deem proper to impose.

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 funds 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 auxilliary services and land grants, shall be retained by the State College and may be disbursed by the Board of Trustees for the instruction, research, extension or other programs/projects of the State College: *Provided*, That all function 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 project for which funds have been appropriated and allocated under its approved programs of expenditures, the Board of Trustees may authorize the use of the 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.

(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 recommendation of the president of the State College, vice presidents, deans, directors and heads of departments, and the appointments of faculty members and other officials and employees of the State College;

(h) To fix and adjust salaries of faculty members and administrative officials and employees in accordance with the Revised Compensation and Position Classification System;

(i) To approve the curricula, institutional programs and rules of discipline drawn by the administrative and academic councils as herein provided;

(j) To confer degrees upon successful candidates for graduation; 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; and to authorize the award of certificates for completion of nondegree and nontraditional courses;

(k) To establish branches in the Province of Apayao, if and when it becomes essential and necessary, where there is no existing school offering similar programs or courses, to promote and carry out equal access in educational opportunities as mandated by the Constitution;

(l) To establish chairs in the State College and to provide fellowships for qualified faculty members and scholarships to deserving students;

(m) 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 State College;

(n) 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 the audit results and recommendations;

(o) To collaborate with other governing boards of state universities and colleges within the province or the region, under the supervision of the CHED and in consultation with the Department of Budget and Management, the restructuring of said colleges and universities to become more efficient, relevant, productive and competitive;

(p) 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 to be used for the development and strengthening of the College;

(q) 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 institution;

(r) 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 and researchers, as the case may be;

(s) 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;

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

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

(v) 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 institution concerned.

SEC. 8. The Board of Trustees shall convene regularly at least once every two (2) months. However, the chairman of the Board of Trustees may, upon three (3) days prior written notice, call a special meeting whenever necessary.

A quorum of the Board shall consist of a 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 State 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 and of a presiding officer.

In the absence of the director-general of the NEDA, the regional director where the State College is located shall represent him.

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

SEC. 9. The State College shall be headed by a president to be appointed by the Board upon the recommendation of a duly constituted search committee, and shall hold office for a term of four (4) years, and shall be eligible for reappointment for another term only, unless he reaches the age of retirement or earlier removed for cause or becomes incapacitated to discharge the duties of the office.

In case of vacancy in the office of the president by reason of death, resignation, or incapacity of the president to perform the functions of this office or removal for cause, the Board shall designate an officer-in-charge of the State College pending the appointment of a successor.

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 only.

The powers and duties of the president of the State 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 designated by the Board.

The salary of the president of the College shall be subject to 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 for 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 professors as members.

The academic council shall have the power to prescribe the curricular offerings subject to the approval of the Board. It shall fix the requirements for the admission to the State College as well as for graduation and the conferring of degrees subject to review and/or approval of the Board through the president of the State College. It shall also have disciplinary power over the students within the limits prescribed by 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 also 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 religious opinion or affiliation shall be the matter of inquiry in the appointment of faculty members of the State College: *Provided, however,* That no member of the faculty shall teach for or against any particular church or religious sect.

SEC. 15. No student shall be denied admission to the State College by reason of sex, nationality, religion and political affiliation.

SEC. 16. The State College shall enjoy academic freedom.

SEC. 17. The Board shall, as it deems fit, appoint the incumbent head of Apayao Institute of Science and Technology, if qualified under the rules and regulations of the Commission on Higher Education, as officer-in-charge of the State College pending the appointment of a president.

SEC. 18. On or before the fifteenth 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 chairman of the Commission on Higher Education, and with both Houses of Congress, a detailed report, on the progress, conditions and needs of the State College.

SEC. 19. 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. 20. All the assets, fixed and movable, personnel records and facilities, as well as the liabilities or obligations of

the Apayao Institute of Science and Technology main and its extension high school in Conner, except that of the extension high schools in Luna, Calanasan, Sta. Marcela, Kabugao and Pudtol, are hereby transferred to the Apayao State College: *Provided, however,* 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 qualified 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 the Apayao Institute of Science and Technology main and its extension high school in Conner are hereby declared to be the property of the Apayao State College 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 Apayao State College, the same shall revert to the Province of Apayao.

SEC. 21. All accounts and expenses of the State College shall be audited by the Commission on Audit or its duly authorized representative.

SEC. 22. 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 head 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 State College, and the time so employed shall be counted as part of their regular service.

SEC. 23. It shall be the continuing policy of the State College to accept the affiliation and/or integration within its operation of any existing national school whose programs, teaching staff and facilities can contribute largely and effectively to the attainment of its objectives.

SEC. 24. The amount necessary for the implementation of this Act shall be charged against the current year's appropriations of the Apayao Institute of Science and Technology main and its Conner extension, except the sum needed to continue the operations of the other existing extension and annex high schools. Thereafter, such amount as may be necessary for the continued operation and maintenance of the Apayao State College shall be included in the annual General Appropriations Act.

SEC. 25. 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. 26. This Act shall take effect upon its approval.

Approved, February 26, 1998.