

AN ACT ESTABLISHING THE CENTRAL VISAYAS POLYTECHNIC COLLEGE, DEFINING ITS POWERS, FUNCTIONS AND DUTIES, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

BATAS PAMBANSA BLG. 401, June 10, 1983

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Be it enacted by the Batasang Pambansa in session assembled:

SECTION 1. Establishment.—There is hereby established in the Province of Negros Oriental, with a central site and administration office at Dumaguete City, a college which shall be known as the Central Visayas Polytechnic College, hereinafter referred to in this Act as College.

SEC. 2. Conversion.—The East Visayan School of Arts and Trades in Dumaguete City, the Guihulñgan Vocational High School in Guihulñgan, and the Bais School of Fisheries at Okiot, Bais City, all national schools, are hereby merged into one college to be known as the Central Visayas Polytechnic College. The Board of Trustees of the College is hereby authorized to effect its organization.

SEC. 3. Purpose.—The College shall primarily give professional and technical training in science and technology, and shall provide advanced and specialized instruction in literature, philosophy, arts and sciences, besides providing for the promotion of scientific and technological researches.

SEC. 4. Powers of the College.—The following are the powers of the College:

(a) It shall have the general powers as set forth in Section Thirty-six of Batas Pambansa Blg. 68. The exercise of its corporate powers is hereby vested exclusively in the Board of Trustees and in the President of the College insofar as authorized by the Board;

(b) It shall have the power to acquire public lands for its expansion and/or beneficial use; and to purchase equipment, laboratory and library facilities which are required to carry out its educational objectives. It shall offer undergraduate courses in liberal arts, engineering, fisheries, agriculture, and short-term vocational courses for development of middle level skills within the first five years from the approval of this Act; and may, at the discretion of the Board, offer graduate courses thereafter;

(c) It shall be authorized to undertake the construction of its buildings and other permanent improvements from such sums as may be necessary for the purpose, and included in the annual General Appropriations Act in the name of the East Visayan School of Arts and Trades, the Guihulñgan Vocational High School, and the Bais School of Fisheries: Provided, That the construction of its buildings and other permanent improvements, as authorized in the Public Works Act of the Government, shall be undertaken by the College as herein provided, any provision of existing laws to the contrary notwithstanding.

SEC. 5. The Governing Board; Manner of Appointment.—(a) Composition—The governing body of the College is

vested in a Board of Trustees which shall be composed of nine members, five of whom are regular members and four are ex officio members. The regular members must be Filipino citizens and residents of the Philippines, two of whom shall be well known educators in the Region, two shall be successful businessmen or professionals of the Region who have shown and are showing interest in the cause of education in the Region, and one shall be a successful alumnus of any of the schools to be incorporated with and integrated into the College, upon recommendation of its alumni association, and who will be replaced in due time, when available, by a successful alumnus of the College and upon recommendation of its alumni association when this shall have been organized. The four ex officio members shall be the Minister of Education, Culture and Sports who shall be the ex officio Chairman of the Board, the Regional Director of the Ministry of Education, Culture and Sports, Region VII, the Director, Bureau of Higher Education, Ministry of Education, Culture and Sports, and the President of the College.

The regular members of the Board of Trustees, who shall serve a term of four years, shall be appointed by the President of the Philippines. Of the five regular members of the Board to be first appointed as above provided, the President of the Philippines shall designate two to serve for two years, two to serve for three years, and one to serve for four years.

In the absence or inability of the Minister of Education, Culture and Sports the other Members of the Board shall elect from among themselves a temporary chairman who shall act as Chairman. In case of a vacancy in the regular membership of the Board, the President of the Philippines shall appoint a new member to serve for the unexpired term only.

No person in the employ of the College or any other educational institution in the Region, except the President of the College shall be eligible for membership in the Board.

The regular members of the Board shall each receive, for every board meeting attended, a per diem of one hundred pesos: Provided, That in no case shall the total amount received by each exceed the sum of three hundred pesos for any one month. Besides the per diem, they and the ex officio members, shall be reimbursed for actual and necessary expenses incurred in attendance upon meetings of the Board or upon performing other official business authorized by resolution of the Board, subject to existing budget laws on honoraria and allowances.

(b) Quorum—A quorum of the Board shall consist of a majority of all the members holding office at the time the meeting of the Board is called. All processes against the Board of Trustees shall be served on the chairman or secretary thereof.

(c) Powers and Duties of the Board.—The Board of Trustees shall have the following powers and duties in addition to its general powers of administration and the exercise of the powers of the corporation:

(1) To determine and fix the dates and time of their regular meetings, as well as special meetings as the need for the same may arise: Provided, That such meetings shall not be more than three times in any one month, nor less than one time in any one quarter;

(2) To recommend to the President of the Philippines candidates for the Presidency of the College who shall serve for a term of six years and who may be reappointed for another term not exceeding six years;

(3) To fix the compensation of the President of the College;

(4) To receive and appropriate to the ends specified by law such sums as may be provided by law for the support of the College;

(5) To receive in trust legacies, gifts, and donations of real and personal property of all kinds and to administer the same for the benefit of the College or of a department thereof, or for aid to any student or students in accordance with the desire of the donor, and/or in default thereof, in such manner as the Board may in its discretion determine; all such donations shall be exempt from the income tax of the donors; to import duty-free commodities for educational purposes as an exception to existing laws;

(6) To appoint, upon the recommendation of the President of the College, vice presidents, directors, deans, secretary of the College, treasurer, professors, lecturers, instructors, registrar, department heads, division chiefs, and other employees of the College from among the qualified personnel of the merged schools at the time this Act is approved. Only when there are no qualified personnel shall the Board recruit from the outside to fill vacancies;

(7) To fix the compensation and term of service of all personnel and such other duties and conditions as it may deem proper, subject to Presidential Decree No. 985 and other pertinent budget and compensation laws, rules and regulations;

(8) To approve the courses of study and rules of discipline drawn up by the College and fix the required tuition fees, matriculation fees, fees for laboratory courses, diploma fees, and all special and other fees; and to utilize the income derived therefrom for the maintenance of the College, together with the annual appropriation provided for in Section seventeen hereof;

(9) To provide fellowships to qualified faculty members and scholarships to deserving students;

(10) To establish Chairs in the College and provide for the maintenance and endowment of such Chairs;

(11) To confer honorary degrees upon persons other than graduates of the College in recognition of learning, statesmanship or eminence in education, sciences, or arts: Provided, That such degrees shall not be conferred in consideration of the payment of money or other valuable consideration; and

(12) To submit an annual report to the Minister of Education, Culture and Sports within two weeks after the close of each school year, about the performance of the College in the school year just ended, its progress, needs and problems.

SEC. 6. The Administration.—The administration of the College shall be vested in the President of the College who shall render full time service.

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

the recommendation of the College President. His compensation shall be fixed by the Board.

SEC. 7. Powers of the President.—The powers and duties of the President, in addition to those which are usually exercised by college presidents which are not inconsistent with the provisions of this law, are the following:

(a) To recommend to the Board of Trustees for appointment, a vice president, deans, professors, instructors, lecturers, and other employees of the College;

(b) To promulgate for the government of the College such general ordinances and regulations, not contrary to law, as are consistent with the purposes of the College; and

(c) To suggest to the Chairman of the Board special meetings of the Board when the need arises.

SEC. 8. The Secretary of the College.—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. 9. The College Council Powers.—There shall be a College Council, under the chairmanship of the President of the College consisting of faculty members with the rank of dean, professor, associate professor, and assistant professor. Subject to existing laws and orders, the Council shall have the power to prescribe the courses of study and rules of discipline; fix the requirements for admission to the College; serve as advisory council to the President; and through a tribunal of not more than live members elected by the members, the Council, administers disciplinary measures among the student body and faculty of the College.

SEC. 10. College Centers.—The President shall organize the following centers whose staff shall be selected among the members of existing faculty whose heads shall be known as Director of the Center:

(a) Research and Planning Center.—The Research and Planning Center is charged with the responsibility of coordinating all researches of the College and planning for its expansion and development in line with the philosophy of the College and the national goals of the Republic of the Philippines.

(b) Guidance and Counseling Center.—It shall be the duty of the Center to provide counseling and guidance programs for the faculty, student and employees of the College.

(c) Student Service Center.—It shall be the duty of the Center to look after the interest of the student body, provide them with facilities for development and organize them into social action groups to help in countryside development.

SEC. 11. The Officers of Administration.—The Officers of the Administration of the College are the President, the Vice President for Academic Affairs, the Deans of the different colleges, the Secretary of the College, Center Directors, and College Treasurer.

SEC. 12. The Faculty and Other Personnel of the College.—The body of professors and instructors of each college

shall constitute its faculty. They shall be appointed by the Board of Trustees upon the recommendation of the President of the College. In the recruitment of professors, instructors, and other personnel of the College, no religious tests shall be required nor shall their religious opinion or affiliation be made a matter of examination or inquiry: Provided, however, That no professor or instructor or any of its personnel shall inculcate sectarian tenets in any of their teachings.

SEC. 13. Civil Service Requirements.—Except the President and the Vice President for Academic Affairs, all employees of the College shall be subject to the rules at the civil service. Highly technical positions may be exempt from civil service eligibility upon approval of the Board as recommended by the President: Provided, however That all shall be entitled to the privileges and rights of security of tenure, promotion in positions and salaries for meritorious service, leaves and retirement benefits, as in the government service as now provided for by law.

SEC. 14. The Auditor of the College.—The Commissioner on Audit of the Philippines shall be ex officio auditor of the College and shall designate his representative who must hold regular office therein to be able to perform his duties efficiently and satisfactorily as a regular official thereof. The designated representative shall be at least a Certified Public Accountant with the rank of Chief of a Division in the Commission on Audit whose salary shall vary and benefits shall be paid by the College.

SEC. 15. Loans or Transfers of Apparatus or Supplies; Detail of Employees for Duty in the College.—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 or supplies as may be needed by the College and to detail employees for duty therein when, in the judgment of the Bureau or Office, such supplies or employees can be spared without serious detriment to the public service. Employees so detailed shall perform such duties as are required under such detail, and the time so employed shall count as part of their regular service.

SEC. 16. The Board of Visitors.—The President of the Philippines, the Members of the Cabinet, and the Speaker of the Batasang Pambansa or his designated representative shall constitute a Board of Visitors of the College, whose duty shall be to attend commencement exercises, to make visits at such other time as it may deem proper, to examine the property, course of study, discipline, the state of finances of the College, to inspect all books and accounts of the institution, and to make reports to the President of the Philippines upon the same, with such recommendations as it may favor.

SEC. 17. All existing appropriations for the East Visayan School of Arts and Trades in Dumaguete City, the Guihulnigan Vocational High School in Guihulnigan, and the Bais School of Fisheries at Okiot, Bais City, are hereby transferred to the Central Visayas Polytechnic College, to be disbursed in accordance with the provisions of this Act. The necessary sum for the operation and maintenance of the new college shall be provided for in subsequent General Appropriations Acts, until which time the operation of the institution as a college shall be deferred, provided that its new name shall take effect upon approval of this Act.

SEC. 18. Abolition and Transfer.—The East Visayan School of Arts and Trades, the Guihulnigan Vocational High School and the Bais School of Fisheries are hereby abolished and all their personnel, unexpended appropriations, and all their assets, fixed and movable, are transferred to the Central Visayas Polytechnic College.

SEC. 19. General Provisions.— (a) The Minister of Education, Culture and Sports is hereby directed to take such steps as are necessary for the immediate implementation of this Act. (b) All laws inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SEC. 20. Effectivity.—This Act shall take effect upon its approval.

Approved, June 10, 1983.

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