

Republic of the Philippines
Congress of the Philippines

Metro Manila

Twelfth Congress

Third Regular Session



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

[REPUBLIC ACT NO. **9289**]

AN ACT CONVERTING THE MARIKINA INSTITUTE OF SCIENCE AND TECHNOLOGY (MIST) INTO THE MARIKINA POLYTECHNIC COLLEGE (MPC), DEFINING ITS POWERS, FUNCTIONS, AND DUTIES, 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. *Conversion.* – The present Marikina Institute of Science and Technology (MIST) in Marikina City, Metro Manila is hereby converted into the Marikina Polytechnic College (MPC), hereinafter referred to as the Polytechnic College.

SEC. 2. *Purpose.* – The Polytechnic College shall primarily offer higher professional and technical instructions and training to prospective teachers and instructors in technical education and skills development (TESD) institutions. The Polytechnic College

will be equivalent to other teacher education institutions (TEIs) in the country with the aim of producing a cadre of professional teachers and instructors qualified to teach in the nationwide network of public and private technical schools and training centers.

It shall serve as the center for development on shoe and leathercraft industry and shall provide technological, professional and occupational training on the utilization and development of appropriate technologies on community-based enterprises.

It shall also undertake research and extension services and provide progressive leadership in its areas of specialization.

SEC. 3. *Powers of the Polytechnic College.* – The Polytechnic College will have the structure and powers of a higher education institution, specifically that of a teacher education institution, geared towards the development of technical education and skills development goals of the country, particularly in supplying the technical schools and training centers with professional, competent teachers and instructors.

The Polytechnic 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 Polytechnic College and the exercise of its corporate powers shall be vested exclusively in the Board of Trustees. The Board shall promulgate and implement policies in accordance with the policies, standards and thrusts of the Technical Education and Skills Development Authority (TESDA), the designated government authority in technical education and skills development.

SEC. 4. *The Governing Body.* – The governing body of the Polytechnic College shall be the Board of Trustees, hereinafter referred to as the Board, composed of the following:

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

(b) The Director-General of the Technical Education and Skills Development Authority (TESDA), co-chairperson;

(c) The President of the Polytechnic College, vice-chairperson;

(d) The Chairperson of the Committee on Education, Arts and Culture of the Senate or his/her representative, member;

(e) The Chairperson of the Committee on Higher and Technical Education of the House of Representatives or his/her representative, member;

(f) The Director-General of the National Economic and Development Authority (NEDA) or his/her representative, member;

(g) The Regional Director of the Department of Science and Technology (DOST) or his/her representative, member;

(h) The President of the faculty association of the Polytechnic College, member;

(i) The President of the student council of the Polytechnic College, member;

(j) The President of the alumni association of the Polytechnic College, member;

(k) Two (2) prominent citizens representing the industry; and

(l) A prominent citizen representing the association of private post-secondary technical schools.

The two (2) industry representatives shall be chosen from a list of five (5) qualified persons, as recommended by the search

committee constituted by the Board. The five (5) qualified persons shall be selected from three (3) names submitted each by the Federation of Philippine Industries, Employers Confederation of the Philippines and the City Government of Marikina.

The prominent citizen representing the private post-secondary technical schools shall be chosen from a list of three (3) qualified persons, as recommended by the search committee constituted by the Board. The three (3) names shall be selected from names submitted by the Philippine Association of Private Technical Schools and other related organizations.

The term of office of the president of the faculty association, student council, and alumni association shall be co-terminus with their term of office. The three (3) prominent citizens shall serve for a term of two (2) years.

The Chairperson shall supervise degree programs while the Co-Chair shall supervise non-degree programs. The Chairperson shall be the presiding officer of the Board of Trustees. However, in the absence of the Chairperson, or upon the request and permission of the Chairperson, the Co-Chairperson shall serve as the presiding officer. Further, the Co-Chairperson shall provide inputs on matters pertaining to technical-vocational programs. If and when the Chairperson and Co-Chairperson are not available, the Vice-Chairperson shall serve as the presiding officer.

SEC. 5. Powers and Duties of the Board. – The Board shall have the following specific powers and duties, in addition to its general powers of administration and the exercise of all powers granted to the Board of Directors of a corporation under existing laws:

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

(b) To receive and appropriate all sums as may be provided for the support of the Polytechnic 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, to administer and dispose of the same when necessary for the benefit of the Polytechnic College, subject to limitations, directions and instructions of the donor.

Such donations shall be exempt from the donor's tax and the same shall be considered as allowable deductions from the gross income in the computation of the income tax of the donor, in accordance with the provisions of the National Internal Revenue Code (NIRC), as amended: *Provided*, That such donations shall not be disposed, transferred or sold;

(d) To coordinate with CHED, TESDA and other governing boards of educational institutions in the country in the restructuring of the Polytechnic College to become more efficient, relevant, productive and competitive in producing professionals, technologists and technicians;

(e) To approve the curricula, institutional programs and rules of discipline drawn by the administrative and academic councils as herein provided; and to establish applied research and extension programs that will further support the goals and objectives of the Polytechnic College;

(f) To develop and implement a system of equivalency (E) and credit transfer (CT) within the Polytechnic College to encourage students to enroll in the Marikina Polytechnic College; that includes the recognition of prior learning (RPL) in the E&CT program to encourage competent people working in the industry to share their knowledge by becoming qualified to teach in the Polytechnic College and other educational institutions;

(g) To set-up the adoption of modern and innovative modes of delivering training such as the use of information technology, the dual system, open learning, community laboratory, competency-based training, etc., for the promotion of greater access to professional and technological education and skills development;

(h) To set policies on admission, graduation and certification of students;

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

Such fees and charges, including government subsidies and other incomes generated by the Polytechnic 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 fund for the use of the Polytechnic College.

Any provision of existing laws, rules and regulations to the contrary notwithstanding, any income generated by the Polytechnic College from tuition fees and other charges, as well as from the operation of auxiliary services and land grants, shall be retained by the Polytechnic College, and may be disbursed by the Board for instruction, research, extension, or other programs/projects of the Polytechnic 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 Polytechnic 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 Polytechnic College;

(j) To provide scholarship, subsidy, or a socialized scheme of tuition and school fees to poor but deserving students who could not afford the fees and charges set by the school;

(k) To fix and adjust the 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 regulations as it may promulgate, any provision of existing law to the contrary notwithstanding; and to remove them for cause in accordance with requirements of due process of law;

(l) To provide local and international fellowships to qualified faculty members provided that they have provided at least three (3) years of service to the Polytechnic College;

(m) To develop training arrangements for institutional capability-building with appropriate institutions and agencies, public and private, local and foreign;

(n) To authorize the construction or repair of the buildings, 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 Polytechnic College through the Board shall be exempted from all taxes and duties; and to import duty-free essential commodities and materials for advanced technological programs, provided such commodities or materials are not locally available;

(o) To enter into joint ventures with business and industry for the profitable development and management of the assets of the Polytechnic College, the proceeds of which will be used for its development and strengthening;

(p) 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 Polytechnic College; and

(q) To privatize, where most advantageous to the institution, management of non-academic services such as health, food, building/grounds/ property management and similar activities.

SEC. 6. *Meetings of the Board.* – The Board of Trustees shall regularly convene at least once every quarter. The Chair of the Board of Trustees may call a special meeting whenever necessary provided that members are notified in writing at least five (5) days prior to the said meeting.

A majority of all members holding office shall consist a quorum for board meetings: *Provided*, That either the Chairperson, Co-Chairperson, or the Vice-Chairperson is among those present in the meeting.

The members of the Board shall not receive any salary but shall be reimbursed for necessary expenses incurred in their attendance of meeting or in connection with their official business authorized by resolution of the Board, subject to existing laws and regulations.

SEC. 7. *Administration.* – The administration of the Polytechnic College shall be vested in a President who shall render full-time service. He/She shall be appointed by the Board upon the recommendation of the Chairperson of CHED and the Director-General of TESDA, in consultation with the duly constituted search committee. He/She shall have a term of four (4) years and shall be eligible for reappointment for another term. In order to effect a smooth transition to a Polytechnic College, the current head of the MIST shall become the officer-in-charge until such time the President is appointed.

In case of vacancy in the office of the President, his/her successor shall be elected by the Board of Trustees and hold office for the remaining term. If the successor shall serve for a period of more than two (2) years, then it will be considered as one full term for the successor.

The powers and duties of the President of the Polytechnic College in addition to those specifically provided in this Act, shall be those usually pertaining to the office of the president of other educational institutions.

The salary of the President of the Polytechnic College shall be in accordance with the Revised Compensation and Position Classification System and shall be comparable to that being received by similar education institutions.

SEC. 8. *Administrative Council.* – There shall be an administrative council consisting of the President of the Polytechnic College as Chairperson, vice-president/s, deans, directors and other officials of equal rank as members whose duty is to review and recommend to the Board, policies governing the administration, management and development planning of the institution.

SEC. 9. *Academic Council.* – There shall be an academic council consisting of the President of the Polytechnic College as Chairperson, vice-president/s, 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 the curricular offerings and rules of discipline of the Polytechnic College, for the approval of the Board. It shall fix the requirements for admission to the Polytechnic College, as well as for graduation and the conferring of certificates and diplomas, subject to review and approval by the Board through the President of the Polytechnic College.

SEC. 10. *Secretary.* – The Board shall appoint a Secretary, who shall serve as such for both the Polytechnic College and the Board, and shall keep all records of the Board.

SEC. 11. *Treasurer.* – The Treasurer of the Philippines shall be the *ex officio* Treasurer of the College.

SEC. 12. *Admission and Scholarships.* – No student shall be denied admission to the Polytechnic College by reason of gender, nationality, religion, cultural or community affiliation or ethnic origin, or political affiliation.

The Polytechnic College shall provide a scholarship program and other subsidies to assist the poor but deserving students who qualify for admission to the Polytechnic College.

SEC. 13. *Religion.* – No religious opinion or affiliation, political beliefs, gender preference, cultural or community affiliation or ethnic origin, shall be a matter of inquiry in the appointment of faculty members of the Polytechnic College: *Provided,* That no member of the faculty shall teach for or against any particular church or religious sect.

SEC. 14. *Development Plan, Management Audit, Organizational/ Administrative/Academic Structure.* – Within the period of one hundred twenty (120) days after the approval of this Act, the Polytechnic College shall accomplish the following:

(a) Submit a five (5) year development plan, including program budget to CHED and TESDA, for corresponding recommendation to the Department of Budget and Management;

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

(c) Accordingly set up its organizational, administrative as well as academic structure, including the appointment of key Polytechnic College officials; and

(d) Set in motion the establishment of higher and advanced programs on technological education.

Sec. 15. *Transfer of Assets.* – All assets, real and personal, personnel and records of the MIST based in the City of Marikina, as well as liabilities or obligations, are hereby transferred to the Polytechnic College. The positions, rights and security of tenure of personnel therein employed under the existing laws shall be respected

All parcels of land belonging to the government and occupied by the MIST are hereby declared to be the property of the Polytechnic College and shall be titled under that name.

SEC. 16. *Loan of Equipment.* – The heads of bureaus and offices of the national government are hereby authorized to loan or transfer upon request of the President of the Polytechnic College such apparatus, equipment or supplies as may be needed by the Polytechnic 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. Employees so detailed shall perform such duties as required of them by the President of the Polytechnic College and the time so employed shall be counted as part of their regular services.

SEC. 17. *Auditing.* – All accounts and expenses of the College shall be audited by the Commission on Audit or its duly recognized representative.

SEC. 18. *Filing of 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 CHED and TESDA, and to both Houses of Congress, a detailed report on the progress, conditions and needs of the Polytechnic College.

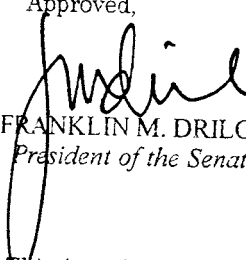
SEC. 19. *Appropriations.* – The amount necessary for the implementation of this Act shall be charged against the current appropriations of the MIST. Thereafter, such sums as may be necessary for the continued operation and maintenance of the Polytechnic College shall be included in the annual General Appropriations Act.

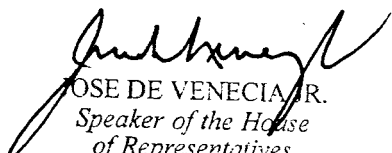
SEC. 20. *Repealing Clause.* – Special Provision No. 8 appearing on page 882 of Republic Act No. 8760 is hereby repealed. All other laws, presidential decrees, executive orders, memoranda, rules and regulations contrary or inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SEC. 21. *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. 22. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

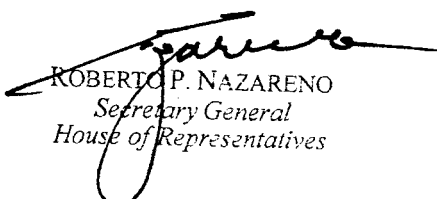
Approved,


FRANKLIN M. DRILON
President of the Senate



JOSE DE VENECIA JR.
*Speaker of the House
of Representatives*

This Act which is a consolidation of House Bill No. 6390 and Senate Bill No. 2744 was finally passed by the House of Representatives and the Senate on February 7, 2004 and February 6, 2004, respectively.


OSCAR G. YABES
Secretary of the Senate


ROBERTO P. NAZARENO
*Secretary General
House of Representatives*

Approved: APR 14 2004


GLORIA MACAPAGAL-ARROYO
President of the Philippines

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