



**ORDINANCE NO. 14011-2021**

**AN ORDINANCE AUTHORIZING THE INCORPORATION OF THE CAGAYAN DE ORO CITY TECHNICAL VOCATIONAL INSTITUTE ("CDOC-TVI"), AMENDING FOR THE PURPOSE ORDINANCE NO. 13473-2018**

*Whereas*, Section 9 of Article II of the 1987 Philippine Constitution provides that, "the State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all";

*Whereas*, Section 16 of the "Local Government Code of 1991, among others, mandates local government units ("LGUs") to "exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare;"

*Whereas*, Education is considered as a "great equalizer", and is an effective and powerful tool in breaking the cycle of poverty;

*Whereas*, the City Government is committed in promoting Education in the LGU, which also includes technical vocational and skills training;

*Whereas*, the City Government has been consistently recognized as among the outstanding LGUs in the field of Education, being a multiple-time awardee of the "Seal of Good Education Governance (SGEG) of *Synergia*, a coalition of individuals and organizations collaborating closely with LGUs due to the implementation of various innovation programs which promote transparency, accountability and excellence in Education;

*Whereas*, the City Council of Cagayan de Oro enacted Ordinance No. 13473-2018 dated 30<sup>th</sup> day of July 2018, entitled "An Ordinance Creating and Establishing the Cagayan de Oro Technical Vocational Institute ("CDO-TVI"), and for Other Purposes," to address the need of providing technical vocational skills training to its constituents and those from the neighboring areas to meet employment market demands here and abroad, as well as create opportunities for entrepreneurship and source of livelihood to its successful trainees;

*Whereas*, even in its infancy stage, CDO-TVI has been making great strides in attaining its purpose of providing relevant technical education and vocational and skill trainings to the residents of the City and its neighboring areas due to the strong collaboration by and among the City Government, the Technical Education and Skills Development Authority ("TESDA") and other stakeholders;

*Whereas*, there is a need to authorize the incorporation of the CDO-TVI, as non-stock non-profit corporate entity, wholly-owned by the City Government of Cagayan de Oro, to enable it to acquire a separate juridical personality under the corporate name of "Cagayan de Oro City Technical Vocational Institute ("CDOC-TVI"), Incorporated," and enjoy high level of autonomy for its effective operation;

*Whereas*, the City Government will be duly represented in CDOC-TVI, Inc., through the membership of its officials in the Board of Trustees and such other officials as may be appointed;

*Whereas*, in order guarantee its viability and sustainability, CDOC-TVI will receive regular funding from the City Government, and whenever the need arises it may temporarily assign its employees and other personnel to any of its training centers to augment and enhance its human resource;



~~Whereas~~, the incorporation of CDO-TVI will not in any manner divest the City Government of its ownership and operational supervision over the training school centers;

**NOW, THEREFORE:**

**BE IT ORDAINED** by the 19<sup>th</sup> City Council (*Sanggunian Panlungsod*) in session assembled that;

**SECTION 1. Short Title.** This Ordinance shall be known as "**AN ORDINANCE AUTHORIZING THE INCORPORATION OF THE CAGAYAN DE ORO CITY TECHNICAL VOCATIONAL INSTITUTE (CDOC-TVI, INC.)**".

**SECTION 2. Declaration of Policy.** It shall be the policy of the City Government of Cagayan de Oro to promote Education, which empowers the marginalized sector, by providing them among others, free technical and vocational trainings at the City Government-owned CDOC-TVI Training Centers.

**SECTION 3. Purpose and Objectives.** This Ordinance is enacted for the following objectives, to wit:

- a. To provide autonomy in the operations of all CDOC-TVI Training Centers, through its incorporation, for a more effective implementation of relevant accredited programs intended to produce quality trainee-graduates capable of competing in the labor market here and abroad, as well as sufficiently equipped with technical knowhow useful in pursuing entrepreneurial and other livelihood activities;
- b. To enable CDOC-TVI to enter into agreements and collaborations with the national government agencies and offices, and other stakeholders, for needed assistance to promote technical and vocational skills training and competency in all of its training facilities; and
- c. To enable CDOC-TVI to facilitate and undertake the appropriate innovations needed to make its operations more viable and sustainable.

**SECTION 4. Definition of Terms.** The following terms are defined as follows:

- (a) **CAGAYAN DE ORO CITY TECHNICAL VOCATIONAL INSTITUTE, INCORPORATED (CDO-TVI, INC.)** – refers to the incorporated entity under the City Government of Cagayan de Oro providing technical education and vocational training to trainees from the local government unit and the neighboring areas.
- (b) **CORPORATION** – refers to an artificial being created by operation of law, having the right of succession and the powers, attributes, and properties expressly authorized by law or incident to its existence;
- (c) **INCORPORATION** – refers to the performance of conditions, acts, deeds and writings by the incorporators, and the official acts, certifications or records, which give the corporation its existence;
- (d) **NON-STOCK NON-PROFIT EDUCATIONAL INSTITUTION** – refers to a corporation registered with the Securities and Exchange Commission (SEC) as a non-stock corporation;
- (e) **CORPORATORS** – refers to those who compose a corporation, as members;
- (f) **INCORPORATORS** – refers to those mentioned in the Articles of Incorporation as originally forming and composing a corporation and who are signatories thereof;



- (g) **BOARD OF TRUSTEES** – refers to the governing body in a non-stock corporation;
- (h) **CORPORATE OFFICERS** – refers to the officers who are identified as such in the Corporation Code, the Articles of Incorporation, or the Bylaws of the Corporation;
- (i) **MEMBERS** – refers to the incorporators of a corporation which has no capital stock and their membership depends on the terms provided in the Articles of Incorporation or Bylaws;
- (j) **ARTICLES OF INCORPORATION** – refers to one that defines the charter of the corporation and the contractual relationships between the State and the corporation, the members and the State, and between the corporation and its members;
- (k) **BYLAWS** – refers to the rules and regulations or private laws enacted by the corporation to regulate, govern and control its own actions, affairs and concerns and of its members and trustees and officers in relation thereto and among themselves and in relation to it;
- (l) **QUORUM** – refers to majority of the members;
- (m) **PROXY** – refers to a written authorization, empowering another person (proxy) to represent a member and/or to vote in the member's stead.

**SECTION 5. Authority to Incorporate the CDOC-TVI, Inc.** - The incorporation of CDOC-TVI, Inc., is hereby authorized as a non-stock, non-profit Corporation and shall be wholly-owned by the City Government of Cagayan de Oro. The Articles of Incorporation and Bylaws shall be in accordance with the herein attached draft of the Articles of Incorporation and Bylaws in the form submitted to the City Council, and which are made integral part hereof.

**SECTION 6. Board of Trustees Of CDOC-TVI.** - The respective Heads of the following offices shall sit in the Board of Trustees of CDOC-TVI:

- a) Chairperson - City Mayor
- b) Vice Chairperson - City Vice Mayor
- c) Members of the Board of Trustees:
  - (i) Chairperson, City Council Committee on Education
  - (ii) Chairperson, City Council Committee on Sports and Youth Development
  - (iii) Chairperson, City Council Committee on Trade and Commerce
  - (iv) Chairperson, City Technical Education Skills Development and Employment Committee
  - (v) President, CDOC-TVI, Inc.
  - (vi) President, CDOC-TVI Alumni Association
  - (vii) President, CDOC-TVI Faculty Association
  - (viii) President, CDOC-TVI Student Body Organization
  - (ix) Regional Director, National Economic Development Authority (NEDA) X
  - (x) Regional Director, Mindanao Cluster II, Department of Information and Communications Technology X
  - (xi) Regional Director, Department of Science and Technology X
  - (xii) Representative from Business/Commercial/ Financial Organization Distinguished Themselves in the Fields of Specialization in Technical Vocational Skills Training
  - (xiii) Representative from a City-accredited Civil Society Organization

**SECTION 7. Funding.** The City Government shall provide in its Annual Budget the funding support necessary for the effective operations of all the CDOC-TVI Training Centers.

**SECTION 8. Authority to Use the Funds Received and/or Earned by CDOC-TVI, Inc. from Other Sources** – To promote and ensure its autonomy, the CDOC-TVI, Inc. may receive funds from the government and the private sectors, and together with the income it may earn from its



operations, the Board of Trustees is hereby authorized to use the same to expand and further enhance the services the school provide to its clients.

**SECTION 9. Temporary Assignment of Regular Employees and Other Personnel of the City Government to CDOC-TVI.** Whenever deemed necessary, the City Government may temporarily assign its regular employees and other personnel to CDOC-TVI and its Training Centers to augment and enhance its administrative and operational capabilities, without loss of employment status under Civil Service Rules and Regulations.

**SECTION 10. Separability Clause** - If any part of this Ordinance shall be declared unconstitutional, such declaration shall not affect the validity of the remaining provisions.

**SECTION 11. Repealing Clause** – If any provision or part of Ordinance No. 13473-2018, entitled: *An ordinance creating and establishing the Cagayan de Oro Technical Vocational Institute (CDO-TVI), and for other purposes*, is found inconsistent, contrary to or in conflict with this Ordinance and the attached Articles of Incorporation and Bylaws, the same is hereby repealed, modified or amended accordingly.

**SECTION 12. Effectivity Clause.** - This Ordinance shall take effect upon its approval.

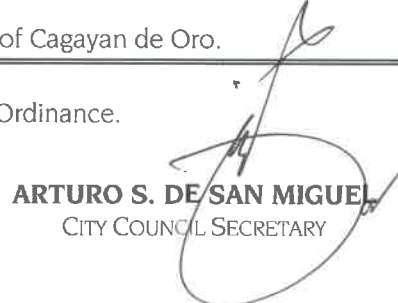
**UNANIMOUSLY APPROVED.**

- |                 |                           |   |                                    |
|-----------------|---------------------------|---|------------------------------------|
| <u>Present:</u> | 1 <sup>st</sup> District: | - Councilor Edna M. Dahino                      | - Councilor Roger G. Abaday        |
|                 |                           | - Councilor Jay R. Pascual                      | - Councilor Lordan G. Suan         |
|                 |                           | - Councilor Reuben R. Daba                      | - Councilor Romeo V. Calizo        |
|                 |                           | - Councilor George S. Goking                    |                                    |
|                 | 2 <sup>nd</sup> District: | - Councilor Joyleen Mercedes L. Balaba          | - Councilor Maria Lourdes S. Gaane |
|                 |                           | - Councilor Ian Mark O. Nacaya                  | - Councilor Teodulfo E. Lao, Jr.   |
|                 |                           | - Councilor Suzette G. Magtajas-Daba            | - Councilor Edgar S. Cabanlas      |
|                 |                           | - Councilor Enrico D. Salcedo                   | - Councilor Jocelyn B. Rodriguez   |
|                 | Ex-Officio:               | - Councilor Yan Lam S. Lim                      | - Councilor John Michael L. Seno   |
| <u>Absent:</u>  |                           | - Councilor Zaldy O. Ocon ( <i>Indisposed</i> ) |                                    |

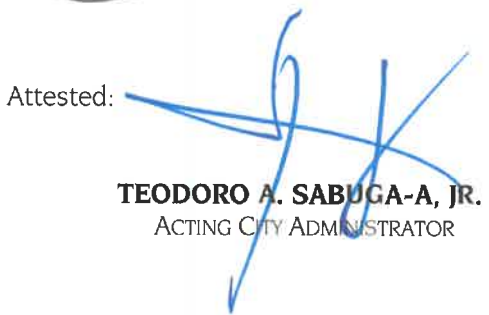
**ENACTED** this 18<sup>th</sup> day of January 2021 in the City of Cagayan de Oro.

I hereby certify to the correctness of the foregoing Ordinance.

Attested as duly enacted:  
  
**RAINEIR JOAQUIN V. UY**  
CITY VICE-MAYOR  
PRESIDING OFFICER

  
**ARTURO S. DE SAN MIGUEL**  
CITY COUNCIL SECRETARY

Approved:  
  
**OSCAR S. MORENO**  
CITY MAYOR

Attested:  
  
**TEODORO A. SABUGA-A, JR.**  
ACTING CITY ADMINISTRATOR