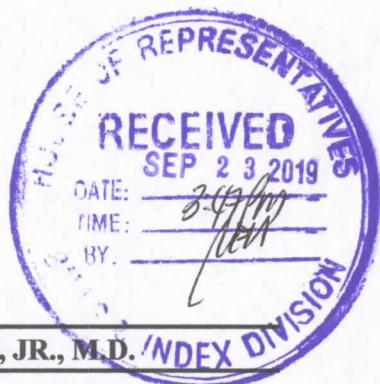


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 4783



Introduced by: REPRESENTATIVE CIRIACO B. GATO, JR., M.D. /INDEX DIVISION

EXPLANATORY NOTE

This bill seeks to convert the Batanes State College (BSC) into a State University to be known as the "Batanes State University".

The Batanes State College (BSC), the only state higher education institution in the northernmost part of the Philippine Archipelago traces her roots from two learning institutions created by specific laws of the Republic of the Philippines. Like old Ivatan houses, the Batanes State College has withstood the tests of scorching heat of the sun and the extreme whips of gales and typhoons over the years. It has also been a beacon of hope to both young and old who wish to savor the gift of quality tertiary education.

The **Batanes School of Arts and Trades** was established in 1967 by virtue of R.A. No. 4009. It was opened on August 7, 1967 with an initial appropriation of PhP. 250,000.00. In 1969 – 1971, the school was accredited to offer post-secondary trade technical courses. Graduates of such courses were confirmed with the title of Associate in Industrial Technology. Ten years later, Vocational School Principal Escalona opened the BSAT Uyugan Annex with only seven teachers. It was noted to have become a promising National Trade School serving six municipalities of the Province of Batanes.

On March 1, 1995, President Fidel V. Ramos signed R. A. No. 7927, which converted the school into Batanes Polytechnic College through the sponsorship of Congressman Enrique C. Lizardo. Under the administration of Mr. Pedro Bunagan, the head administrator of the college, the academe opened its four-year degree courses, namely: Bachelor of Science in Industrial Education, Bachelor of Science in Industrial Technology, Bachelor of Science in Hotel and Restaurant Management and Bachelor of Science in Agricultural Technology. On June 11, 2001, a two-year Computer Programming was offered after TESDA's approval for the technical course.

By virtue of **R. A. No. 9314**, sponsored by Congressman Florencio "Butch" B. Abad, Batanes Polytechnic College was again converted to Batanes State College on August 7, 2004.

Fifteen (15) years thereafter and considering the unique geographic location of the island Province, we believe it is high time to establish the first University in the Province of Batanes. By converting the Batanes State College into a State University, we will be providing our fellow Ivatans an advance education, higher technological, professional instruction and training in different fields. They will no longer go to Cagayan State University (CSU) in Tuguegarao City or in any other Universities which is very expensive.

In view of the foregoing, immediate approval of this Bill is strongly sought.

CIRIACO B. GATO, JR., M.D.

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Introduced by: REPRESENTATIVE CIRIACO B. GATO, JR., M.D.

AN ACT

CONVERTING THE BATANES STATE COLLEGE IN THE PROVINCE OF BATANES, INTO A STATE UNIVERSITY, TO BE KNOWN AS THE BATANES STATE UNIVERSITY, AND APPROPRIATING FUNDS THEREFOR

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

1 **SECTION 1. Conversion.** - The Batanes State College in the Municipality of Basco,
2 Province of Batanes, is hereby converted into a state university to be known as the Batanes
3 State University, and hereinafter referred to as the University. The main campus of the
4 University shall be in the Municipality of Basco.
5

6 **SEC. 2. General Mandate.** - The University shall primarily provide advance
7 education, higher technological, professional instruction and training in the fields of
8 education, technology, agriculture, fisheries, engineering, arts and sciences, forestry, business
9 administration, hotel and restaurant management, tourism, health sciences, computer
10 technology, criminology, maritime and aviation education, and other related fields of study. It
11 shall also undertake research and extension services, as well as production activities, in
12 support of the socio-economic development of the Province of Batanes and Region II, and
13 provide progressive leadership in its areas of specialization.
14

15 **SEC. 3. Curricular Offerings.** - The University shall offer undergraduate, graduate
16 and short-term courses within its areas of competence and specialization, and as the Board of
17 Regents may deem necessary to carry out its objectives, and meet the human resource
18 development needs of the Province of Batanes and Region II.
19

20 **SEC. 4. Administration.** - The University shall have the general powers of a
21 corporation set forth in Batas Pambansa Blg. 68, as amended, otherwise known as the
22 "Corporation Code of the Philippines". The administration of the University and the exercise
23 of its corporate powers shall be vested exclusively in the Board of Regents and the President
24 of the University.
25

26 **SEC. 5. The Governing Board.** - The governing board of the University shall be the
27 Board of Regents, hereinafter referred to as the Board, which shall be chaired and co-chaired
28 by the Chairperson of the Commission on Higher Education (CHED) and the President of the
29 University, respectively, with the following as members:
30

- 31 a. Chairperson of the Committee on Education, Arts and Culture of the Senate;
32 b. Chairperson of the Committee on Higher and Technical Education of the House of
33 Representatives;
34 c. Regional Director of the National Economic and Development Authority
35 (NEDA);

- d. Regional Director of the Department of Agriculture (DA);
- e. Regional Director of the Department of Science and Technology (DOST);
- f. President of the federation of faculty associations, of the University;
- g. President of the federation of student councils, of the University;
- h. President of the federation of alumni associations, of the University; and
- i. two (2) prominent citizens from the private sector who have distinguished themselves in their professions or fields of specialization.

The Board shall appoint the two (2) prominent citizens from a list of at least five (5) qualified persons in the Province of Batanes where the University is located, as recommended by the search committee to be constituted by the University President, in consultation with the CHED Chairperson and the other members of the Board, based on the standards and qualifications for the position set by the Board. They shall serve for a term of two (2) years from the date of appointment.

The term of office of the President of the federation of faculty associations, the President of the federation of alumni associations, and the President of the federation of student councils, as members of the Board, shall be co-terminous with their terms of office as set forth in their respective constitutions and bylaws.

SEC. 6. Powers and Duties of the Board. - In addition to its general powers of administration and the powers granted to the Board of Directors of a corporation under existing laws, the Board shall have the following specific powers and duties:

a. Promulgate and implement policies in accordance with the declared state policies and the provisions of the Philippine Constitution on education, agriculture, science and technology, as well as the policies, standards and thrusts of the CHED under Republic Act No. 7722, otherwise known as the "Higher Education Act of 1994";

b. Approve the curricula, instructional programs, and rules of discipline drawn by the Administrative and the Academic Councils herein provided;

c. Appoint, upon the recommendation of the President of the University, the vice presidents, deans, directors, heads of the campuses, faculty members and other officials and employees of the University;

d. 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, including those governing hours of service and such other duties and conditions as it may deem proper; grant them, at its discretion, leaves of absence under such regulations as it may promulgate, any provision of existing law to the contrary notwithstanding; and remove them for cause in accordance with the requirements of due process of law;

e. Fix the tuition fees and other necessary school charges, such as matriculation fees, graduation fees, and laboratory fees, as the Board may deem proper to impose, after due consultation with the concerned sectors. The fees and charges, including government subsidies and other income generated by the University, shall constitute its special trust funds, and shall be deposited in any authorized government depository bank: *Provided*, all interests that shall accrue therefrom shall form part of the same funds for the use of the University;

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

1 and projects of the University: *Provided*, That all fiduciary fees shall be disbursed for the
2 specific purposes for which these are collected; *Provided* however, That if, for reasons
3 beyond its control, the University shall not be able to pursue any project for which the funds
4 have been appropriated and allocated under its approved program of expenditures, the Board
5 may authorize the use of the funds for any reasonable purpose which, in its discretion, may be
6 necessary and urgent for the attainment of the objectives and goals of the University;

7
8 f. Adopt and implement a socialized scheme of tuition and other school fees for
9 greater access of poor but deserving students in accordance with RA No. 10931, or “
10 Universal Access to Quality Tertiary Education Act”;

11
12 g. Establish professorial chairs in the University and provide fellowships for
13 qualified faculty members, and scholarships to deserving students;

14
15 h. Receive and appropriate all sums as may be provided for the support of the
16 University in the manner it may determine, in its discretion, in order to carry out the purposes
17 and functions of the University;

18 i. Set the policies on admission and graduation of students;

19
20 j. Award honorary degrees upon persons in recognition of their outstanding
21 contribution in the fields of education, public service, arts, science and technology,
22 agriculture or any field of specialization within the academic competence of the University,
23 and authorize the awarding of certificates of completion of nondegree and nontraditional
24 courses;

25
26 k. Establish research and extension centers to promote the development of the
27 University;

28
29 l. Develop academic arrangements for institution capability building with
30 appropriate institutions and agencies, whether public, private, local or foreign, and appoint
31 experts/specialists as consultants, part-time visiting/exchange professors, scholars or
32 researchers, as the case may be;

33
34 m. Adopt modern and innovative modes of transmitting knowledge for the
35 promotion of greater access to education such as the use of information technology, the dual
36 training system, open distance learning, and community laboratory;

37
38 n. Collaborate with the governing boards of state universities and colleges
39 (SUCs) within Region II, under the supervision of the CHED and in consultation with the
40 Department of Budget and Management (DBM), in restructuring the University to make it
41 more efficient, relevant, productive and competitive;

42
43 o. Absorb non-chartered tertiary institutions within the Province of Batanes as
44 branches extension/external centers, in coordination with the CHED and in consultation with
45 the DBM, and offer therein programs or courses to promote and carry out equal access to
46 educational opportunities, as mandated by the Constitution;

47
48 p. Authorize an external management audit of the University, to be financed by
49 the CHED, subject to the rules and regulations of the Commission on Audit (COA); and
50 institute reforms, including academic and structural changes, on the basis of the audit results
51 and recommendations;

52
53 q. Develop consortia and other economic forms of linkages with local
54 government units (LGUs), public, private, local and foreign institutions and agencies, in the
55 furtherance of the purposes and objectives of the University;

r. Import economic, technical and cultural books and publications;

s. Enter into joint ventures with business and industry for the profitable development and management of the economic assets of the University, the proceeds from which shall be used for the development and strengthening of the University;

t. Receive, in trust, legacies, gifts and donations of real and personal properties of all kinds and administer and dispose of the same, when necessary, for the benefit of the University, and subject to the limitations, directions and instructions of the donor, if any;

u. Authorize the construction or repair of its buildings, machinery, equipment and other facilities, and the purchase and acquisition of real property, including the necessary supplies, materials and equipment;

v. Extend the term of the President of the University beyond the age of retirement, but not beyond the age of seventy (70), based on the guidelines, qualifications and standards set by the Board: *Provided*, That the President's performance has been rated by the Board as outstanding and unanimous recommendation has been decided by the search committee;

w. Delegate any of its powers and duties provided to the President and other officials of the University, as it may deem appropriate, so as to expedite the administration of the affairs of the University;

x. Establish policy guidelines and procedures for participative decision-making and transparency within the University;

y. Where most advantageous to the University, privatize the management of non-academic services such as health, food, building or grounds or property maintenance, and such other similar activities;

z. Promulgate rules and regulations, as may be necessary, to carry out the purposes and functions of the University.

SEC. 7. *Meetings of the Board.* – The Board shall regularly convene once every quarter. The Chairperson of the Board may, however, upon three (3) days' prior written notice, call a maximum of two (2) special meetings whenever necessary within the year.

A quorum of the Board shall consist of majority of all its members holding office at the time of the meeting: *Provided, however,* that the Chairperson of the Board or the President of the University is among those present in the meeting.

In the absence of the CHED Chairperson, a Commissioner of the CHED, duly designated by the CHED Chairperson as representative in the meeting, shall have all the rights and responsibilities of a regular member: *Provided*, however, That during this meeting, the President of the University, as Vice Chairperson, shall be the Presiding Officer: *Provided, further*, That this *proviso*, notwithstanding, the Chairperson of the CHED is hereby authorized to designate a CHED Commissioner as the regular Chairperson of the Board, in which case said CHED Commissioner, shall act as the Presiding Officer.

In case the Chairpersons of the Senate Committee on Education, Arts and Culture and the House Committee on Higher and Technical Education will not be able to attend the Board meeting, they may designate their respective representatives to attend the meeting, who shall have the same rights and responsibilities as the regular members of the Board.

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

5 **SEC. 8. *The University President.*** - The University shall be headed by a President,
6 who shall render full-time service and shall be appointed by the Board, upon the
7 recommendation of a duly constituted search committee. The President shall serve a term of
8 four (4) years and shall be eligible for reappointment to another term: *Provided*, That in order
9 to effect the smooth transition of the Batanes State College to a state university, the
10 incumbent President of the Batanes State College shall serve as the first President of the
11 University.

12 Within six (6) months before the expiration of the term of office of the incumbent
13 President of the University, the Board shall constitute the Search Committee for the
14 Presidency.

15 The Board shall designate an officer-in-charge of the University in case of vacancy in
16 the Office of the President by reason of death, compulsory retirement, resignation, removal
17 for cause, or incapacity of the President to perform the functions of the office, pending the
18 appointment of a new President: *Provided*, That the OIC shall serve only for the unexpired
19 portion of the term.

20 The powers and duties of the President of the University, in addition to those
21 provided in this Act, shall be those usually pertaining to the Office of the President of similar
22 universities and those delegated by the Board.

23 The salary of the President of the University shall be in accordance with the Revised
24 Compensation and Position Classification System, as modified by Joint Resolution No. 4
25 dated June 17, 2009, and by such other laws amendatory thereto, which may hereinafter be
26 enacted, and shall be comparable to that being received by the Presidents of similar
27 educational institutions.

28 The President of the University shall be assisted by a Vice-President for Academic
29 Affairs, a Vice-President for Finance and Administration, and a Vice-President for Research,
30 Extension and Training, who shall be appointed by the Board upon recommendation of the
31 President of the University.

32 **SEC. 9. *The Secretary of the University.*** - The Board shall appoint a Secretary who
33 shall serve as such for both the Board and the University and shall keep all records and
34 proceedings of the Board in addition to other duties and responsibilities. The Secretary of the
35 University shall serve upon each member of the Board the appropriate notice of Board
36 meetings.

37 **SEC. 10. *The Treasurer of the University.*** - The Treasurer of the Philippines shall be
38 the *ex-officio* treasurer of the University.

39 **SEC. 11. *Administrative Council.*** - There shall be an Administrative Council
40 consisting of the President of the University, as Chairperson, and the vice presidents, deans,
41 directors and other officials of equal rank, as members, whose duty is to review and
42 recommend to the Board such policies governing the administration, management and
43 development planning of the University.

44 **SEC. 12. *The Academic Council.*** - There shall be an Academic Council to be
45 composed of the President of the University, who shall act as its Chairperson, and all
46 academic staff with the rank of at least an assistant professor, as members.

1
2 The Academic Council shall have the power to review and recommend the curricular
3 offerings and rules of discipline of the University, subject to the approval of the Board. It
4 shall fix the requirements for the admission of students, as well as for their graduation and
5 conferment of degrees, subject to the review and approval of the Board through the President
6 of the University.

7
8 It shall have disciplinary power over the students of the University and shall
9 formulate academic policies, rules and regulations on discipline, subject to the approval of
10 the Board.

11
12 **SEC. 13. Heads of University Campuses.** - The Campus Directors shall serve as
13 heads or administrators of the University campuses and shall render full-time service.

14
15 They shall be appointed or designated by the Board upon the recommendation of the
16 Search Committee and the President, subject to the guidelines, qualifications and standards
17 set by the Board: *Provided*, That the incumbent Campus Directors of the existing campuses
18 of the Batanes State College shall serve as Campus Directors of their respective campuses
19 upon the effectivity of this Act.

20
21 **SEC. 14. The Faculty.** - No political belief, gender preference, cultural or
22 community affiliation, ethnic origin, nor religious opinion or affiliation shall be a matter of
23 inquiry in the appointment of faculty members of the University: *Provided*, That the
24 appointment shall be subject to the guidelines, qualifications and standards set by the Board:
25 *Provided, further*, That a member of the faculty shall not criticize, vouch for, recruit members
26 in behalf of, or preach about any particular church or religious sect.

27
28 **SEC. 15. Academic Freedom and Institutional Autonomy.** - The University shall
29 enjoy academic freedom and institutional autonomy, pursuant to Paragraph 2, Section 5 of
30 Article XIV of the Philippine Constitution.

31
32 **SEC.16. Scholarship Program/Admission.** - The University shall provide a
33 scholarship program and other affirmative action programs to assist poor but deserving
34 students who qualify for admission to the University.

35
36 No student shall be denied admission to the University by reason of sex, religion,
37 political, cultural or community affiliation, and ethnic origin.

38
39 **SEC. 17. Authority to Loan or Transfer Apparatus/Equipment/Supplies and Detail
40 of Personnel.** - The heads of the bureaus and offices of the national government are hereby
41 authorized to loan or transfer, upon the request of the President of the University, such
42 apparatus, equipment or supplies as may be needed by the University, and to detail
43 employees for duty therein when, in the judgment of the head of bureau or office, such
44 apparatus, equipment, supplies or services of such employees can be spared without serious
45 detriment to public service. The employees so detailed shall perform such duties as required
46 of them by the President of the University, and the time so employed shall be counted as part
47 of their regular service.

48
49 **SEC. 18. Assets, Liabilities and Personnel.** - All assets, real and personal, personnel
50 and records of the Batanes State College, as well as liabilities or obligations, are hereby
51 transferred to the University: *Provided*, That the positions, rights and security of tenure of the
52 faculty members and personnel therein employed under existing laws prior to the conversion
53 into a University shall be respected: *Provided, further*, That the incumbents of the positions
54 shall remain in the same status until otherwise provided for by the Board: *Provided*, finally,
55 That the University shall also include an upgrade or increase in its human resource
56 component.

All parcels of land belonging to the government occupied by the Batanes State College are hereby declared to be property of the University, and shall be titled under its name: *Provided*, That should the University cease to exist or be abolished or should such aforementioned parcels of land be no longer needed by the University, the same shall revert to the concerned LGU or to the Republic of the Philippines, as the case may be.

SEC. 19. Tax Exemption. - The importation of economic, technical and cultural books and publications, which are for economic, technical-vocational, scientific, philosophical, historical or cultural purposes made by the University, upon certification by the CHED, shall be exempt from customs duties in accordance with the provisions of RA No. 10863, otherwise known as the "Customs Modernization and Tariff Act."

All grants, bequest, endowments, donations and contributions made to the University and used actually, exclusively and directly by it, shall be exempt from the donor's tax and the same shall be considered as allowable deduction 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 of 1997, as amended.

SEC. 20. Appropriations. - The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the Batanes State College. Thereafter, such sums as may be necessary for the continued operation and maintenance of the University shall be included in the annual General Appropriations Act.

SEC. 21. Development Plan, Management Audit, Organization /Administrative/Academic Structure. - Within a period of one hundred twenty (120) days after the approval of this Act, the University shall accomplish the following:

- a. Submit a five (5)-year development plan, including its program budget to the CHED for corresponding recommendation to the DBM;
- b. Undergo a management audit in cooperation with the CHED; and
- c. Set up its organizational, administrative, and academic structure, including the appointment of key officials of the University.

SEC. 22. Compliance with CHED Requirements. - - The provisions of this Act notwithstanding, the conversion of the institution into a state university, shall become effective only upon the determination and declaration by the CHED, based on the recommendation of a panel of experts it shall constitute for the purpose, that the institution has complied with the requirements for a university status based on CHED Memorandum Order No. 46, series of 2012 (Policy Standards to Enhance Quality Assurance) in Philippine Higher Education through the Outcomes-Based and Typology-Based Quality Assurance): *Provided*, That the panel may issue such a recommendation when the institution has substantially complied with the requirements for the grant of university status.

The following requirements for a university, as established by the CHED, shall be complied with:

a. Faculty members must possess relevant degrees in their areas of specialization, as required by the CHED, and shall have participated in research and development activities in their respective disciplines, as evidenced by refereed publications and other scholarly outputs;

b. The University must offer a comprehensive range of degree programs in all levels, from basic post-secondary to doctoral programs;

1 c. The University shall have conducted viable research programs in specific
2 (disciplinal and multidisciplinary) areas of study, produce new knowledge, as evidenced by
3 refereed publications, citations, inventions, and patents, among others;

4 d. The University shall possess comprehensive learning resources and support
5 structures (such as libraries, practicum laboratories, relevant educational resources, and
6 linkages with the relevant disciplinal and professional sectors) so as to allow students to
7 explore basic, advance, and even cutting edge knowledge in a wide range of disciplines or
8 professions;

9
10 e. The University must have and maintain linkages with other research institutions in
11 various parts of the world to ensure that the research activities of the university are
12 functioning at current global standards; and

13
14 f. The University must conduct outreach activities that allow the students, faculty, and
15 research staff to apply the new knowledge they generate to address specific social
16 development problems.

17
18 The CHED, through its regional office, shall regularly provide technical assistance to
19 the institution and monitor compliance with the requirements of the Commission.

20
21 The institution shall retain its status prior to the effectivity of this Act until it is able to
22 comply with the requirements provided herein.

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

28
29
30 **SEC. 24. Supplementary Application.** - The provisions of RA No. 8292, otherwise
31 known as the "Higher Education Modernization Act of 1997", shall be an integral part of this
32 Act and shall serve as part of the Governing Charter of the University.

33
34 **SEC. 25. Parity Clause.** -All other powers, functions and privileges, responsibilities
35 and limitations to state universities and their officials under existing laws shall be deemed
36 granted to or imposed upon the University or its officials, whenever appropriate.

37
38 **SEC. 26. Implementing Rules and Regulations.** -Within sixty (60) days from the
39 effectivity of this Act, the Board, in consultation with the CHED, shall formulate the rules
40 and regulations to fully implement the provisions of this Act.

41
42 **SEC. 27. Separability Clause.** - If, for any reason, any part or provision of this Act is
43 declared invalid or unconstitutional, the remaining parts or provisions not affected shall
44 remain in full force and effect.

45
46 **SEC. 28. Repealing Clause.** - All laws, presidential decrees, executive orders, and
47 rules and regulations contrary to or inconsistent with the provisions of this Act are hereby
48 repealed or modified accordingly.

49
50 **SEC. 29. Effectivity.** - This Act shall take effect fifteen (15) days after its publication
51 in the *Official Gazette* or in a newspaper of general circulation.

52
53 Approved,