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 academy 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.
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.

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:

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

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

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

SEC. 4. Administration. - The University 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 University and the exercise of its corporate powers shall be vested exclusively in the Board of Regents and the President of the University.

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

a. Chairperson of the Committee on Education, Arts and Culture of the Senate;
b. Chairperson of the Committee on Higher and Technical Education of the House of Representatives;
c. Regional Director of the National Economic and Development Authority (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
and projects of the University: Provided, That all fiduciary fees shall be disbursed for the specific purposes for which these are collected; Provided however, That if, for reasons beyond its control, the University shall not be able to pursue any project for which the funds have been appropriated and allocated under its approved program of expenditures, the Board may authorize the use of the funds for any reasonable purpose which, in its discretion, may be necessary and urgent for the attainment of the objectives and goals of the University;

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

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

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

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

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

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

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

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

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

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

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

q. Develop consortia and other economic forms of linkages with local government units (LGUs), public, private, local and foreign institutions and agencies, in the 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.
The members of the Board shall not receive any salary, but shall be entitled to
reimbursements for actual and necessary expenses incurred, either for their attendance in the
meetings of the Board or in connection with other official business authorized by resolution
of the Board, subject to existing laws and regulations.

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

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

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

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

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

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

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

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

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

SEC. 12. The Academic Council. - There shall be an Academic Council to be
composed of the President of the University, who shall act as its Chairperson, and all
academic staff with the rank of at least an assistant professor, as members.
The Academic Council shall have the power to review and recommend the curricular offerings and rules of discipline of the University, subject to the approval of the Board. It shall fix the requirements for the admission of students, as well as for their graduation and conferment of degrees, subject to the review and approval of the Board through the President of the University.

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

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

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

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

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

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

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

**SEC. 17. Authority to Loan or Transfer Apparatus/Equipment/Supplies and Detail of Personnel.** - The heads of the bureaus and offices of the national government are hereby authorized to loan or transfer, upon the request of the President of the University, such apparatus, equipment or supplies as may be needed by the University, 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 public service. The employees so detailed shall perform such duties as required of them by the President of the University, and the time so employed shall be counted as part of their regular service.

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

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

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

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

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

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

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

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

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

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

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

**SEC. 27. 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 shall remain in full force and effect.

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

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

Approved,