

THIRTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
Third Regular Session

6 SEP -5 P6:31

RECEIVED BY: 

SENATE  
S. No. 2457

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INTRODUCED BY SEN. MANNY VILLAR

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#### EXPLANATORY NOTE

This bill seeks to convert the Bataan Polytechnic State College in the City of Balanga, Province of Bataan into a State University to be known as the Bataan Peninsula State University (BPSU), integrating therewith the Bataan State College in the Municipality of Dinalupihan with satellite campus in the Municipality of Abucay, both in the Province of Bataan, and appropriating funds therefor.

The Bataan Polytechnic State College (BPSC) was established in 1998 by virtue of Republic Act No. 8562. In spite of the limited resources under its command, the state college has virtually succeeded in meeting the demands of upgrading and updating the process of modern higher learning. As mandated by its charter, the state college has effectively served the people of Bataan and other nearby provinces within the region, through various courses offered in its three campuses and has maintained its high level of competence as a learning institution.


BPSC's student population is rapidly growing owing to several factors, among which are: (1) the attraction to BPSC's strong and formidable faculty of instruction; (2) low tuition fees; (3) excellent performance in various Professional Regulatory Commission (PRC) examinations, and (4) absence of pollution problems where the environment is remarkably conducive to a healthful process of learning. The conversion of the BPSC into a state university will enable it to cope up with the urgent need for an expanded academic program aimed at accommodating the rapidly growing student population. Its conversion into a State University will broaden its curricular offerings to pursue programs of instructions and effective methods of training in the field of science, arts, engineering, education and other fields.

On the other hand, the Bataan State College was created by virtue of Republic Act No. 7913, entitled: "An Act Converting the Bataan College of Science and Technology in Dinalupihan and the Bataan National Agricultural School in Samal, Both in the Province of Bataan, into a State College to be Known as the Bataan State College, and Appropriating Funds Therefor". The said college has focused on offering degree courses, which are not being offered in other state colleges in the Province of Bataan like Teacher Education, Agriculture and two-year course in Forestry. While it has aimed to serve the people of Bataan and the nearby provinces through offering higher professional, technical and special instructions for special purposes and promoting research and extension services, BSC has also opened its door for merger with the Bataan Polytechnic State College to be able to offer better services to all

members of the academic community, as well as to be able to produce better and more competitive graduates.

Finally, it is important to note that in the whole Province of Bataan there are no existing state and private universities. Based on the 2005 Projected Demographic Data from the Provincial Population Commission, the college-going population ranked second after the elementary-going population in the school-going population in the Province of Bataan, comprising of 101,446 persons or 35.14% out of 288,692 persons or 43.78% of the total population of Bataan. And, as the Province of Bataan is geared towards industrialization, education - specifically tertiary education, must be able to answer the growing demand of industries and other small and medium business enterprises to complement the industrial growth of the province. All these necessitate the creation of a university in the Province of Bataan.


In view of the foregoing, passage of this bill is earnestly requested.



MANNY VILLAR

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**AN ACT  
CONVERTING THE BATAAN POLYTECHNIC STATE COLLEGE  
IN THE PROVINCE OF BATAAN INTO A STATE UNIVERSITY  
TO BE KNOWN AS THE BATAAN PENINSULA STATE UNIVERSITY (BPSU),  
INTEGRATING THEREWITH THE BATAAN STATE COLLEGE  
IN THE MUNICIPALITY OF DINALUPIHAN WITH SATELLITE CAMPUS  
IN THE MUNICIPALITY OF ABUCAY, BOTH IN THE PROVINCE OF BATAAN,  
AND APPROPRIATING FUNDS THEREFOR**

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

1 Section 1. *Conversion.* - The Bataan Polytechnic State College in the Province of  
2 Bataan, including its duly integrated campuses, namely: the Bataan Community Colleges in the  
3 City of Balanga and the Bataan National School for Filipino Craftsmen in the Municipality of  
4 Orani, all located in the Province of Bataan is hereby converted into a state university to be  
5 known as the Bataan Peninsula State University (BPSU), hereinafter referred to as the  
6 University, integrating therewith the Bataan State College in the Municipality of Dinalupihan,  
7 with satellite campus in the Municipality of Abucay, both in the Province of Bataan. The main  
8 campus of the University shall be in the City of Balanga.

9 Sec. 2. *General Mandate.* - The University shall primarily provide advanced instruction  
10 and professional training in education, engineering, science and technology, arts and  
11 humanities, agricultur  and other relevant fields of study. It shall also undertake research,  
12 extension services and production activities in support of the socio-economic development of  
13 Bataan, and provide progressive leadership in its areas of specialization.

1           Sec. 3. *Curricular Offerings.* - The University shall offer undergraduate and graduate  
2 courses in the fields of education, engineering, science and technology, arts and humanities,  
3 agriculture and other degree courses within its areas of specialization and according to its  
4 capabilities, as the Board of Regents may deem necessary to carry out its objectives, in order to  
5 meet the needs of the Province of Bataan and Region III.

6           The existing high schools shall be transferred to the jurisdiction and supervision of the  
7 Department of Education (DepEd): *Provided, That the high schools shall be allowed to remain*  
8 *and operate within the campus of the University until the existing students shall have completed*  
9 *their high school education: Provided, further, That the University may operate a reasonably-*  
10 *sized laboratory school, if it has a College of Education.*

11           Sec. 4. *Administration.* - The University shall have the general powers of a corporation  
12 set forth in Batas Pambansa Bldg. 68, as amended, otherwise known as "the Corporation Code  
13 of the Philippines." The administration of the University and the exercise of its corporate  
14 powers shall be vested exclusively in the Board of Regents and the president of the University.

15           Sec. 5. *The Governing Board.* - The governing board of the University shall be the  
16 Board of Regents, hereinafter referred to as the Board, which shall be composed of the  
17 following:

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

19           (b) The president of the University, vice chairperson;

20           (c) The Chairperson of the Committee on Education, Arts and Culture of the Senate,  
21 member;

22           (d) The Chairperson of the Committee on Higher and Technical Education of the House  
23 of Representatives, member;

24           (e) The Regional Director of the National Economic and Development Authority  
25 (NEDA), member;

26           (f) The Regional Director of the Department of Science and Technology (DOST),  
27 member;

28           (g) The president of the federation of faculty associations of the University, member;

29           (h) The president of the federation of student councils of the University, member;

- 1 (i) The president of the federation of alumni associations of the University, member;  
2 and,  
3 (j) Two prominent citizens from the private sector who have distinguished themselves  
4 in their profession or fields of specialization of the University, members.

5 The Board of Regents shall appoint the two prominent citizens from among a list of at  
6 least five persons qualified in the Province of Bataan, as recommended by the search  
7 committee constituted by the University president, in consultation with the chairperson of the  
8 CHED and other members of the Board, based on the normal standards and qualifications for  
9 the position.

10 The term of office of the president of the federation of faculty associations, the president  
11 of the federation of student councils, and the president of the federation of alumni associations  
12 shall be coterminous with their *respective* terms of office, as set forth in their respective  
13 constitutions and by-laws.

14 The two prominent citizens shall serve for a term of two 2 years from the date of  
15 appointment.

16 *Sec. 6. Promulgation and Implementation of Policies.* - The Board shall promulgate  
17 and implement policies in accordance with the declared state policies on education and other  
18 pertinent provisions of the Philippine Constitution on education, agriculture, science and  
19 technology, as well as the policies, standards and thrusts of the CHED under Republic Act No.  
20 7722, otherwise known as the "Higher Education Act of 1994".

21 *Sec. 7. Powers and Duties of the Board of Regents.* - The Board shall have the  
22 following specific powers and duties, in addition to its general powers of administration and the  
23 exercise of all the powers granted to the Board of Directors of a corporation under existing  
24 laws:

25 (a) To promulgate rules and regulations as may be necessary to carry out the purposes  
26 and functions of the University;

27 (b) To receive and appropriate all sums as may be provided for the support of the  
28 University in the manner it may determine in its discretion, in order to carry out the purposes  
29 and functions of the University;

1 (c) To import duty-free economic, technical and cultural books and/or publications, upon  
2 certification by the CHED that such imported books and/or publications are for economic,  
3 technical, vocational, scientific, philosophical, historical or cultural purposes, in accordance with  
4 the provisions of the Tariff and Customs Code, as amended;

5 (d) To receive in trust legacies, gifts and donations of real and personal properties of all  
6 kinds and to administer and dispose of the same when necessary for the benefit of the  
7 University, and subject to the limitations, directions and instructions of the donor, if any.

8 Such donations shall be exempt from the donor's tax and the same shall be  
9 considered as allowable deductions from the gross income in the computation of the income tax  
10 of the donor, in accordance with the provisions of the National Internal Revenue Code (NIRC) of  
11 1997, as amended: *Provided*, That such donations shall not be disposed of, transferred or sold;

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

15 Such fees and charges, including government subsidies and other income generated  
16 by the University, shall constitute special trust funds and shall be deposited in any authorized  
17 government depository bank, and all interests that shall accrue therefrom shall form part of the  
18 same funds for the use of the University.

19 Any provision of existing laws, rules and regulations to the contrary notwithstanding,  
20 any income generated by the University from tuition fees and other charges, as well as from the  
21 operation of auxiliary services and land grants, shall be retained by the University, and may be  
22 disbursed by the Board for instruction, research, extension or other programs/projects of the  
23 University: *Provided*, That all fiduciary fees shall be disbursed for the specific purposes for  
24 which they are collected.

25 If, for reasons beyond its control, the University shall not be able to pursue any  
26 project for which the funds have been appropriated and allocated under its approved program of  
27 expenditures, the Board may authorize the use of said funds for any reasonable purpose which,  
28 in its discretion, may be necessary and urgent for the attainment of the objectives and goals of  
29 the University;

1 (f) To adopt and implement a socialized scheme of tuition and school fees for greater  
2 access to poor but deserving students;

3 (g) To authorize the construction or repair of its buildings, machinery, equipment and  
4 other facilities, and the purchase and acquisition of real property, including necessary supplies,  
5 materials and equipment;

6 (h) To appoint upon recommendation of the president of the University, vice presidents,  
7 deans, directors, heads of campuses, faculty members, and other officials and employees of the  
8 University;

9 (i) To fix and adjust salaries of faculty members and administrative officials and  
10 employees, subject to the provisions of the Revised Compensation and Position Classification  
11 System and other pertinent budget and compensation laws governing hours of service and such  
12 other duties and conditions as it may deem proper; to grant them, at its discretion, leaves of  
13 absence under such regulations as it may promulgate, any provision of existing law to the  
14 contrary notwithstanding; and to remove them for cause in accordance with the requirements of  
15 due process of law;

16 (j) To approve the curricula, instructional programs and rules of discipline drawn by the  
17 administrative and academic councils herein provided;

18 (k) To set policies on admission and graduation of students;

19 (l) To award honorary degrees upon persons in recognition of their outstanding  
20 contribution in the fields of education, public service, arts, science and technology, agriculture or  
21 in any field of specialization within the academic competence of the University; and to authorize  
22 the awarding of certificates of completion of non-degree and non-traditional courses;

23 (m) To establish and absorb non-chartered tertiary institutions within the Province of  
24 Bataan as branches and centers in coordination with the Commission on Higher Education  
25 (CHED), and in consultation with the Department of Budget and Management (DBM), and to  
26 offer therein programs or courses, to promote and carry out equal access to educational  
27 opportunities as mandated by the Constitution;

28 (n) To establish research and extension centers of the University where such will  
29 promote the development of the latter;

- 1           (o) To establish professorial chairs in the University and to provide fellowships for  
2 qualified faculty members and scholarships to deserving students;
- 3           (p) To delegate any of its powers and duties provided hereinabove to the president  
4 and/or other officials of the University as it may deem appropriate, so as to expedite the  
5 administration of the affairs of the University;
- 6           (q) To authorize an external management audit of the University, to be financed by the  
7 CHED, subject to Commission on Audit (COA) rules and regulations; and to institute reforms,  
8 including academic and structural changes, on the basis of the audit results and  
9 recommendations;
- 10          (r) To collaborate with other governing boards of the state colleges and universities  
11 within the Province of Bataan or Region III, under the supervision of the CHED and in  
12 consultation with the DBM, and work towards the restructuring of the University to become  
13 more efficient, relevant, productive and competitive;
- 14          (s) To enter into joint ventures with business and industry for the profitable development  
15 and management of the economic assets of the University, the proceeds from which shall be  
16 used for the development and strengthening of the University;
- 17          (t) To develop consortia and other economic forms of linkages with local government  
18 units (LGUs), institutions and agencies, both public and private, local and foreign, in the  
19 furtherance of the purpose and objectives of the University;
- 20          (u) To develop academic arrangements for institutional capability building with  
21 appropriate institutions and agencies, public and private, local and foreign, and to appoint  
22 experts/specialists as consultants, part time or visiting or exchange professors, scholars, or  
23 researchers, as the case may be;
- 24          (v) To set up the adoption of modern and innovative modes of transmitting knowledge  
25 such as the use of information technology, the dual learning system, open learning, or distance  
26 education and community laboratory for the promotion of greater access to education;
- 27          (w) To establish policy guidelines and procedures for participative decision-making and  
28 transparency within the University;



1 (x) To privatize, where most advantageous to the University, management of non-  
2 academic services such as health, food, building or grounds or property maintenance and such  
3 other similar activities; and

4 (y) To extend the term of the president of the University beyond the age of retirement  
5 but not beyond the age of seventy (70), whose performance has been unanimously rated by  
6 the Governing Board as outstanding based on the guidelines, qualifications an/or standards set  
7 by the Board, after unanimous recommendation by the search committee.

8 Sec. 8. *Meetings of the Board.* - The Board shall regularly convene at least once every  
9 quarter. However, the Chairperson of the Board may, upon three days' prior written notice, call  
10 a maximum of two special meetings per year, whenever necessary.

11 A quorum of the Board shall consist of majority of all its members holding office at the  
12 time of the meeting: *Provided, however,* That the chairperson of the Board or the president of  
13 the University is among those present in the meeting.

14 In the absence of the chairperson of the CHED, a commissioner of the CHED, duly  
15 designated by him/her, shall represent him/her in the meeting with all the rights and  
16 responsibilities of a regular member: *Provided, however,* That during this meeting, the  
17 president of the University as vice-chairperson shall be the presiding officer: *Provided, further,*  
18 That this *proviso* notwithstanding, the chairperson of the CHED is hereby authorized to  
19 designate a CHED commissioner as the regular chair of the Board, in which case said CHED  
20 commissioner shall act as the presiding officer.

21 In case the chairpersons of the Congressional Committees on Education shall not be  
22 able to attend the Board meeting, they may duly designate their respective representatives to  
23 attend the said meeting, who shall have the same rights and responsibilities as a regular  
24 member of the Board.

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

1           *Sec. 9. The University President.* - The University shall be headed by a president, who  
2 shall render full-time service. He/She shall be appointed by the Board, subject to the guidelines,  
3 qualifications and/or standards set by the Board, upon recommendation of a duly constituted  
4 search committee. He/She shall have a term of four years and shall be eligible for  
5 reappointment for another term: *Provided*, That in order to effect a smooth transition to a state  
6 university, the incumbent president of the Bataan Polytechnic State College, if qualified, shall  
7 serve as the first president of the University.

8           Within six months before the expiration of the term of office of the Incumbent president  
9 of the University, the Board shall constitute the Search Committee for the Presidency (SCP).

10          In case of vacancy in the office of the president by reason of death, compulsory  
11 retirement, resignation, removal for cause or incapacity of the president to perform the functions  
12 of his/her office, the Board shall designate an officer-in-charge of the University within six  
13 months from date of vacancy, pending the appointment of a new president.

14          In case of vacancy in the office of the president as mentioned in the immediately  
15 preceding paragraph, his or her successor or the officer-in-charge shall hold office for the  
16 unexpired term only.

17          The powers and duties of the president of the University, in addition to those specifically  
18 provided in this Act, shall be those usually pertaining to the office of the president of similar  
19 universities, and those delegated by the Board.

20          The salary of the president of the University shall be in accordance with the Revised  
21 Compensation and Position Classification System and shall be comparable to that being  
22 received by the presidents of similar educational institutions.

23          The president of the University shall be assisted by a vice-president for academic affairs  
24 and a vice president for administration, who shall be appointed by the Board upon  
25 recommendation of the president.

26          *Sec. 10. Heads of University Campuses.* - Campus directors shall head the University  
27 campuses and they shall render full time service. They shall be appointed by the Board upon  
28 recommendation of the Search Committee and the University president, subject to the  
29 guidelines, qualifications and/or standards set by the Board: *Provided*, That the incumbent

1 college administrators of the extension campuses shall serve as campus directors of their  
2 *respective campuses.*

3       *Sec. 11. The Administrative Council.* - There shall be an administrative council  
4 consisting of the president of the University as chairperson, vice presidents, deans, directors  
5 and other officials of equal rank as members, whose duty is to review and recommend to the  
6 Board policies governing the administration, management and development planning of the  
7 University.

8       *Sec. 12. The Academic Council.* - There shall be an academic council with the president  
9 of the University as chairperson and all members of the academic staff with the rank of at least  
10 an assistant professor, as members.

11       The Academic Council shall have the power to review and recommend the curricular  
12 offerings and rules of discipline of the University, subject to the approval of the Board. It shall fix  
13 the requirements for the admission of students, as well as for their graduation and conferment of  
14 degrees, subject to review and/or approval by the Board through the president of the University.  
15 It shall have the disciplinary power over students of the University and shall formulate academic  
16 policies and rules and regulations on discipline, subject to the approval of the Board.

17       *Sec. 13. The Secretary of the University.* - The Board shall appoint a secretary, who  
18 shall serve as such for both the Board and the University and shall keep all records and  
19 proceedings of the Board. He/She shall serve upon each member of the Board the appropriate  
20 notice of the Board's meetings.

21       *Sec. 14. The Treasurer of the University.* - The Treasurer of the Philippines shall be the  
22 *ex officio* treasurer of the University.

23       *Sec. 15. Faculty.* - No political beliefs, gender preference, cultural or community  
24 affiliation or ethnic origin, and religious opinion or affiliation shall be a matter of inquiry in the  
25 appointment of faculty members of the University: *Provided,* That said appointment shall be  
26 subject to the guidelines, qualifications and/or standards set by the Board: *Provided, further,*  
27 That no member of the faculty shall teach for or against any particular church or religious sect.

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

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

6           Sec. 17. *Academic Freedom and Institutional Autonomy.* - The University shall enjoy  
7 academic freedom and institutional autonomy, pursuant to paragraph 2, Section 5 of Article  
8 XIV of the Constitution of the Republic of the Philippines.

9           Sec. 18. *Authority to Loan or Transfer Apparatus/Equipment/Supplies and Detail of*  
10 *Personnel.* - The heads of the bureaus and offices of the national government are hereby  
11 authorized to loan or transfer, upon the request of the president of the University, such  
12 apparatus, equipment or supplies as may be needed by the University, and to detail employees  
13 for duty therein when, in the judgment of the head of bureau or office, such apparatus,  
14 equipment, supplies or services of such employees can be spared without serious detriment to  
15 the public service. The employees so detailed shall perform such duties as required of them by  
16 the president of the University, and the time so employed shall be counted as part of their  
17 regular services.

18           Sec. 19. *Assets, Liabilities and Personnel.* - All assets, real and personal, personnel and  
19 records of the Bataan Polytechnic State College and its duly integrated campuses namely: the  
20 Bataan Community Colleges in the City of Balanga, the Bataan National School for Filipino  
21 Craftsmen in the Municipality of Orani, the Bataan State College in the Municipality of  
22 Dinalupihan, with satellite campus in the Municipality of Abucay, all in the Province of Bataan,  
23 as well as liabilities or obligations, are hereby transferred to the University. The positions, rights  
24 and security of tenure of faculty members and personnel therein employed under existing laws  
25 prior to the conversion into a University shall be respected.

26           All parcels of land belonging to the Government occupied by the Bataan Polytechnic  
27 State College, the Bataan Community Colleges in the City of Balanga, the Bataan National  
28 School for Filipino Craftsmen in the Municipality of Orani, the Bataan State College in the  
29 Municipality of Dinalupihan, and its satellite campus in the Municipality of Abucay, are hereby

1 declared to be property of the University, and shall be titled under that name: *Provided*, That  
2 should the University cease to exist or be abolished or should such parcels of land  
3 aforementioned be no longer needed by the University, the same shall revert to the LGU  
4 concerned.

5         *Sec. 20. Appropriations.* – The amount necessary to carry out the initial implementation  
6 of this Act shall be charged against the current year's appropriations of the Bataan Polytechnic  
7 State College and the Bataan State College, except the sums as may be necessary for the  
8 continued operation and maintenance of the Bataan Peninsula State University shall be  
9 included in the Annual General Appropriations Act. The LGUs concerned shall continue to  
10 provide assistance to the University corresponding to the funding given to the Bataan  
11 Community Colleges and the Bataan National School for Filipino Craftsmen before the same  
12 are integrated into the University, until such time that full funding requirements of the said LGU  
13 funded colleges integrated into the University are included in the annual General Appropriations  
14 Act

15         *Sec. 21. Development Plan, Management Audit, Organizational/Administrative/  
16 Academic Structure.* - Within the period of one hundred twenty (120) days after the approval of  
17 this Act, the University shall accomplish the following:

- 18             (a) Submit a five-year development plan, including its corresponding  
19                 program budget to the CHED, for corresponding recommendation to the DBM;  
20             (b) Undergo a management audit in cooperation with the CHED; and  
21             (c) Accordingly set up its organizational, administrative as well as academic structure,  
22 including the appointment of the University key officials.

23         *Sec. 22. Filing of Report.* - On or before the fifteenth (15<sup>th</sup>) day of the second month after  
24 the opening of the regular classes each year, the Board shall file with the Office of the President  
25 of the Philippines through the chairperson of the CHED, and with both Houses of Congress a  
26 detailed report on the progress, conditions and needs of the University.

27         *Sec. 23. Suppletory Application.* - The provisions of Republic Act No. 8292, otherwise  
28 known as the "Higher Education Modernization Act of 1997", shall be an integral part of this Act  
29 and shall serve as part of the governing charter of the University.

1            *Sec. 24. Parity Clause.* - All other powers, functions and privileges, responsibilities and  
2 limitations to state universities and/or their officials under existing laws shall be deemed granted  
3 to or imposed upon the University and/or its officials whenever appropriate.

4            *Sec. 25. Implementing Rules and Regulations.* - The Board, in consultation with the  
5 CHED, shall formulate the guidelines to fully implement the provisions of this Act.

6            *Sec. 26. Separability Clause.* - If, for any reason, any part or provision of this Act is  
7 declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain  
8 in full force and effect.

9            *Sec. 27. Repealing Clause.* - All laws, presidential decrees, executive orders, rules and  
10 regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or  
11 modified accordingly.

12           *Sec. 28. Effectivity.* - This Act shall take effect fifteen (15) days after its publication in  
13 two newspapers of general circulation.

Approved,