

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE

Senate Bill No. 1693



Introduced by Senator FRANCIS G. ESCUDERO 18 FEB 13 P3:15

RECEIVED BY: 
**AN ACT CREATING THE BATAAN HIGH SCHOOL FOR THE ARTS AND
APPROPRIATING FUNDS THEREFOR**

EXPLANATORY NOTE

Art is an essential aspect of learning and is equally relevant as other fields of study such as the sciences and mathematics. It influences the society by imparting values through human experiences translated into art forms. It serves as the society's collective memory through different mediums such as paintings, sculptures and music. It gives the public an intrinsic value of art in our culture and society, by instilling a wider understanding of the impact it gives to our country's culture. Recognizing these values would serve as a strategic national resource.

In order to further recognize the essence of arts in the society's cultural development, it is important to add more educational institutions that will cater to the youth in harnessing their artistic skills.

Bataan High School for the Arts is envisioned to be a national high school that will educate not only young natives of the province, but deserving students all over the country as well through its education curriculum that focuses on arts. Bataan, having the first Learning City in the Philippines duly recognized by United Nations Educational, Scientific and Cultural Organization (UNESCO), it is equipped and capable to establish an arts high school.

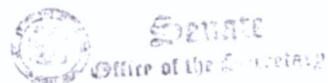
This bill is originally proposed by Representative Jose Enrique S. Garcia III, 2nd District of Bataan. The province is indeed prepared and more than willing to help in nation building through training and molding future artists who will help in the preservation of our culture as a country.



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AN ACT CREATING THE BATAAN HIGH SCHOOL FOR THE ARTS AND
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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1. Establishment** – There is hereby created, under the supervision of the
2 Department of Education (DepEd), and in coordination with the National Commission for
3 Culture and the Arts (NCCA), an arts and culture high school in the Province of Bataan to be
4 known as the “Bataan High School for the Arts” and hereinafter referred to as the School.

5
6 **SECTION 2. Mandate** – The School is hereby mandated to implement a general
7 secondary curriculum combined with a special curriculum focused on the arts and geared
8 towards the early recognition and development of highly talented children and gifted in the arts
9 to provide a continuing source of artist of excellence and foster the preservation and promotion
10 of the Filipino heritage in the arts.

11
12 **SECTION 3. Advisory Board** – The School shall have an Advisory Board, composed of
13 the following members:

- 14
15 (a) The Regional Director of the DepEd in Region III as chairperson;
16 (b) The School Director as vice-chairperson;
17 (c) A representative of the NCCA;
18 (d) The Governor of the Province of Bataan
19 (e) The Regional Director of the National Economic and Development Authority
20 (NEDA);
21 (f) The Schools Division Superintendent of the Division of Bataan;
22 (g) A representative elected by the members of the school faculty; and four (4)
23 prominent citizens from the private sector who have distinguished themselves in their
24 professions or fields of specialization, which shall include, but not limited to music,
25 theater, dance, visual arts, performance arts and the like, to be appointed by the
26 chairperson upon recommendation of the Advisory Board.

27
28 The faculty representative, who shall serve for a term of two (2) years, shall be chosen in
29 accordance with rules and qualifications set by the faculty members of the school.

30
31 The four prominent citizens, who shall serve for a term of three (3) years from the date of
32 appointment, shall be selected by the Board from a list of at least seven (7) qualified nominees
33 from Region III. The private sector representatives may be reappointed.

34
35 A search committee to be constituted by the School Director with the approval of the
36 chairperson of the Advisory Board shall be created for the selection of the nominees to be
37 included in the list based on the normal standards and qualifications for the position.

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2 date of appointment, shall be selected by the Board from a list of at least seven (7)
3 qualified nominees from Region III. The private sector representatives may be
4 reappointed.
5

6 A search committee to be constituted by the School Director with the approval of the
7 chairperson of the Advisory Board shall be created for the selection of the nominees to
8 be included in the list based on the normal standards and qualifications for the position.
9

10 **SECTION 4. Powers and Functions** - To accomplish the mandate of the School, the
11 Advisory Board shall advise the School Director on the following:
12

- 13 (a.) Formulation of policies, rules and regulations as may be necessary for the
14 administration and operation of the School;
- 15 (b.) Preparation of school budget and appropriation of all sums received as may
16 be specified by law for the support of the School;
- 17 (c.) Receipt in trust of legacies, gifts, and donations of real and personal property
18 of all kinds and administration of the same for the benefit of the School,
19 subject to the limitations, directions and instructions of the donor, if any;
- 20 (d.) Fixing of the site band location of the School, acquisition of property on its
21 behalf, and construction or repair of its building, equipment and other
22 facilities;
- 23 (e.) Approval of the curricula, instructional programs and rules of discipline
24 drawn by the offices of the Deputy Directors for Administration and
25 Academic Affairs created in Sections 7 and 8 of this Act;
- 26 (f.) Establishment of criteria for the selection, admission and graduation of
27 students which shall include, among others, a national competitive
28 examination, and approval of the issuance of certificates or diplomas to
29 successful candidates for graduation;
- 30 (g.) Development of strategies for the increase of enrollment and preparation of
31 purposeful campaigns to enhance the competence of the school and its
32 students;
- 33 (h.) Approval of the grant of stipend and such other allowances for deserving
34 students;
- 35 (i.) Formulation of qualification standards for the hiring, promotion, retention, or
36 renewal of appointment, and the grounds for removal of faculty members,
37 lecturers and other officials and employees of the School;
- 38 (j.) Granting the members of the faculty and staff of leaves of absence subject to
39 applicable rules and regulations and provision of fellowship grants when
40 available;
- 41 (k.) Development of consortia and other economic linkages with local
42 government units (LGUS), institutions and agencies, both public and private,
43 local and foreign, in the furtherance of the purposes and objectives of the
44 School;
- 45 (l.) Adoption of modern communications technology and other innovative
46 modes of transmitting knowledge;
- 47 (m.) Importation of duty-free books and/or publications, upon certification by
48 the DepEd that such imported books and/or publications are for economic,
49 technical, vocational, scientific, philosophical, historical or cultural purposes,
50 in accordance with the provisions of the Tariff and Customs Code, as
51 amended;

1 (n.) Delegation of any of the powers and duties of the School Director to other
2 officials of the School as may be deemed appropriate, so as to expedite the
3 administration of the affairs of the School.
4

5 **SECTION 5. Meetings** - The Advisory Board shall convene at least once every
6 quarter. However, the chairperson of the Board may, upon three days prior written
7 notice, call a maximum of two meetings in a quarter whenever necessary.
8

9 A quorum of the Board shall consist of majority of all its members holding office
10 at the time of the meeting; *Provided*, however, that the chairperson of the Board or the
11 School Director is among those present in the meeting.
12

13 In the absence of the chairperson of the Board, a duly authorized representative
14 may attend in his behalf with all the rights and responsibilities of a regular member:
15 *Provided*, however, that, during such meeting, the School Director, as vice-chairperson,
16 shall be the presiding officer.
17

18 The members of the Advisory Board shall not receive any salary but shall be
19 entitled to reimbursements for actual and necessary expenses incurred, either in their
20 attendance to meetings of the Board or in connection with other official business
21 authorized by the DepEd Regional Director, in case of the other Board members, and by
22 the appropriate DepEd official, in case of the chairperson of the Board, subject to
23 existing laws and regulations.
24

25 **SECTION 6. Authority to Solicit, Receive Donations, Grants and the Like.** - Upon the
26 recommendation of the Advisory Board, the School Director may solicit, negotiate with,
27 and received in trust from any public or private domestic or foreign sources legacies,
28 gifts, donations, grants, endowments, contributions or other transfers of ownership
29 and/or possession of real or personal properties of all kinds in favor and for the
30 benefits of the School; *Provided*, that, the School Director shall, upon recommendation
31 by the Advisory Board and in accordance with pertinent accounting and auditing laws,
32 rules and regulations, prescribe the measures necessary for the proper use, maintenance
33 and safekeeping of said donations, donations, grants, endowments, contributions or
34 other transfers and compliance of the terms and conditions thereon, if any.
35

36 **SECTION 7. School Director** - There shall be a School Director who shall serve as
37 the chief academic officer, head of the school faculty and the chief executive officer of
38 the School. His functions, power and duties, in addition to those specifically described
39 in this Act, shall be those usually pertaining to the office of the principal of any high
40 school in the Philippines education system, and those which are related or necessary to
41 his functions.
42

43 The School Director shall coordinate the implementation of policies and
44 guidelines with the Advisory Board, and shall articulate to the Board all concerns of the
45 School. He shall render full-time work. He shall have a term of five (5) years, and shall
46 be eligible for appointment for another term.
47

48 The School Director shall be appointed by the DepEd Regional Directory, subject
49 to the guidelines and qualifications set forth in the implementing rules and regulations,
50 upon recommendation of a duly constituted Search Committee.
51

52 The Search Committee shall be establishment by the DepEd Regional Director in
53 consultations with the representative of NCCA, the Provincial Governor of Bataan, and

1 the Regional Director of NEDA. It shall be formed immediately upon the approval of
2 the implementing rules and regulations as mandated in Section 20 of this Act, and shall
3 reconvene again within six months before the expiration of the term of the School
4 Director.

5
6 In case of vacancy in the office of the School Director by reason of death,
7 compulsory retirement, resignation, removal for cause or incapacity to perform the
8 functions of his office, the DepEd Regional Director shall designate an officer-in-charge
9 of the School within three (3) months from the date of vacancy, pending the selection
10 and appointment of a new School Director.

11
12 In case of vacancy in the office of the School Director as mentioned in the
13 immediately preceding paragraph, his duly appointed successor shall have a fresh term
14 of five (5) years and shall be eligible for reappointment.

15
16 The salary of the School Director shall be in accordance with the Revised
17 Compensation and Position Classification System, and shall be comparable to that being
18 received by the heads or directors of similar educational institutions.

19
20 The School Director shall be assisted by a Deputy Director for Administration
21 and a Deputy Director for Student Affairs, who shall be appointed by the DepEd
22 Regional Director from a list of nominees to be submitted by the School Director. The
23 salaries of the deputy directors shall likewise be in accordance with the Revised
24 Compensation and Position Classification System, and shall be comparable to that being
25 received by officers of the same level of similar educational institutions.

26
27 **SECTION 8. *Director for Administration.*** - There shall be a Deputy Director for
28 Administration who shall assist the School Director and the Advisory Board on policies
29 governing the administration, financial management and development planning of the
30 School.

31
32 **SECTION 9. *Director for Student Affairs.*** - There shall be a Deputy Director for
33 Student Affairs who shall have the power to review and recommend the curricular
34 offerings and rules of discipline of the School, subject to the approval of the School
35 Director. He shall likewise have disciplinary power over students of the School, and
36 shall formulate academic policies and rules and regulations on discipline, subject to the
37 approval of the School Director.

38
39 The Deputy Director for Student Affairs shall work in consultation with the
40 school department heads and other ranking faculty members in developing the
41 curricular offerings and rules of discipline.

42
43 **SECTION 10. *Admissions Council*** - There shall be an Admissions Council
44 consisting of the School Director, the Deputy Directors for Administration and Student
45 Affairs, the heads of each faculty departments, and such other ranking faculty members
46 or officials of the School as may be determined by the School Director. The Council shall
47 have the power to screen and select the students to be admitted to the School, and to
48 select students who shall be recipients of stipends and other allowances.

49
50 The Admissions Council shall propose to the Advisory Board financial assistance
51 schemes and other affirmative programs to assist underprivileged students who qualify
52 for admission to the school.

1 No student shall be denied admission to the School by reason of sex, religion,
2 cultural or community affiliation, or ethnic origin.

3
4 **SECTION 11.** *Position Structure and Staffing Pattern.* - The position structure and
5 staffing pattern of the School shall be prescribed by the DepEd upon the
6 recommendation of the School Director and subject to approval of the Department of
7 Budget and Management. The positions created shall be filled with regular
8 appointments.

9
10 **SECTION 12.** *Civil Service Coverage.* - Except for visiting professors and other
11 arts instructors engaged by the School without employer-employee relationship, all
12 personnel of the School shall be subject to civil service rules and regulations on wage
13 and position classifications.

14
15 **SECTION 13.** *Faculty.* - No political beliefs, gender preferences, cultural or
16 community affiliation, ethnic origin, and religious opinion or affiliation shall be a
17 matter of inquiry in the appointment of faculty members of the school: *Provided,* That,
18 said appointment shall be subject to guidelines, qualification and/or standards set by
19 the School Director upon recommendation of the Advisory Board: *Provided, further,* That
20 no member of the faculty shall teach for or against any particular church or religious
21 sect.

22
23 **SECTION 14.** *School Fund.* - All government appropriations for and other
24 income generated by the School as well as all legacies, gifts, donations, grants,
25 endowments, contributions and other similar transfers of real and personal properties
26 of all kinds received by the School shall constitute the School Fund. The School Fund
27 shall be expended or used by, or with authority from, the School Director upon the
28 recommendation of the Advisory Board, to attain the purposes of this Act.

29
30 If, for the reasons beyond its control, the School shall not be able to pursue any
31 project for which the funds have been appropriated and allocated under its approved
32 program of expenditures, the School Director, upon the recommendation of the
33 Advisory Board, may authorize the use of said funds for any reasonable purpose which,
34 in his discretion, may be necessary and urgent for the attainment of the objectives and
35 goals of the School.

36
37 **SECTION 15.** *Tax Exemptions* - All legacies, gifts and donations for the benefit of
38 the School, or for its support and maintenance, or aid to any of its students shall be
39 exempt from Donor's Tax. The same shall be considered as allowable deductions from
40 the gross income in the computation of the income tax of the donor, in accordance with
41 the provisions of the National Internal Revenue Code (NIRC), as amended: *Provided,*
42 That such donations shall not be disposed of, transferred or sold by the School for other
43 purposes.

44
45 The School shall likewise be exempt from taxes and duties on any equipment,
46 books, articles or goods it may import from abroad for its exclusive use, in accordance
47 with provisions of the Tariff and Customs Code, as amended.

48
49 The school shall likewise be exempt from withholding taxes on honoraria or fees
50 paid by the high school to visiting lecturers or professors from abroad.

51
52 Finally, all the revenues, grants, endowments, donations, contributions and
53 assets of the School actually, directly and exclusively used for educational purposes

1 shall be exempt from taxes and duties, subject to the conditions set forth in Article XIV,
2 Section 4 of the 1987 Philippine Constitution.

3
4 **SECTION 16.** *Appropriation* - During the initial year of implementation of this
5 Act, the requisite fund shall be sourced from the available funds of the DepEd, and
6 subsequently, the amount necessary to implement the provisions of this Act shall be
7 included in the General Appropriations Act.

8
9 The LGUs concerned may likewise provide assistance to the School.

10
11 **SECTION 17.** *Development Plan, Organizational Structure* - Within the period of
12 one hundred twenty (120) days after the approval of this Act, and the approval of its
13 implementing rules and regulations, the School shall accomplish the following:

- 14
15 (a) Submit a five (5)-year development plan, including its corresponding
16 program budget to the DepEd, for corresponding recommendation to the
17 DBM; and
18 (b) Set up its organizational, administrative as well as academic structure,
19 including the appointment of the school officials, subject to the qualifications
20 set forth in this Act.

21
22 **SECTION 18.** *Filing of Report* - On or before the fifteenth (15th) day of the second
23 month after the opening of the regular classes each year, the School Director shall file
24 with the Office of the President of the Philippines, through the Secretary of DepEd, and
25 with both Houses of Congress, a detailed report on the progress, conditions and needs
26 of the School.

27
28 **SECTION 19.** *Supplementary Application* - The provisions of Republic Act No.
29 9155, otherwise known as the "Governance of Basic Education Act of 2001" shall be
30 made an integral part of this Act, and shall serve as part of the governing charter of the
31 School.

32
33 **SECTION 20.** *Implementing Rules and Regulations* - The DepEd, in
34 coordination with the NCCA shall, within one hundred twenty (120) days from the
35 effectivity of this Act, issue such rules and regulations as may be necessary to carry out
36 the purposes of this Act.

37
38 **SECTION 21.** *Separability Clause* - If, for any reason, any part or provision
39 of this Act is declared invalid or unconstitutional, the remaining parts or provisions not
40 affected shall remain in full force and effect.

41
42 **SECTION 22.** *Repealing Clause* - All laws, presidential decrees, executive
43 orders, rules and regulations contrary to or inconsistent with the provisions of this Act
44 are hereby repealed or modified accordingly.

45
46 **SECTION 23.** *Effectivity* - This Act shall take effect fifteen (15) days upon
47 approval and publication thereof.

48
49 *Approved,*