



HOUSE OF REPRESENTATIVES

H. No. 5336

BY REPRESENTATIVES GARCIA (A.), ROMAN, VILLAR, ABAYON, LAPUS AND
SALCEDA, PER COMMITTEE REPORT NO. 1600

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, 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
2 the Province of Bataan, including its duly integrated campuses, namely: the
3 Bataan Community Colleges in the City of Balanga and the Bataan National
4 School for Filipino Craftsmen in the Municipality of Orani, all located in the
5 Province of Bataan is hereby converted into a state university to be known as
6 the Bataan Peninsula State University (BPSU), hereinafter referred to as the
7 University, integrating therewith the Bataan State College in the Municipality

1 of Dinalupihan also in the Province of Bataan. The main campus of the
2 University shall be in the City of Balanga.

3 SEC. 2. *General Mandate.* – The University shall primarily provide
4 advanced instruction and professional training in education, engineering,
5 science and technology, arts and humanities, computer and forestry, and other
6 relevant fields of study. It shall also undertake research, extension services
7 and production activities in support of the socioeconomic development of
8 Bataan and provide progressive leadership in its areas of specialization.

9 SEC. 3. *Curricular Offerings.* – The University shall offer
10 undergraduate and graduate courses in the fields of education, engineering,
11 science and technology, arts and humanities, computer and forestry, and other
12 degree courses within its areas of specialization and according to its
13 capabilities, as the Board of Regents may deem necessary to carry out its
14 objectives and in order to meet the needs of the Province of Bataan and
15 Region III.

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

1 SEC. 4. *Administration.* – The University shall have the general
2 powers of a corporation set forth in Batas Pambansa Blg. 68, as amended,
3 otherwise known as the “Corporation Code of the Philippines”. The
4 administration of the University and the exercise of its corporate powers shall
5 be vested exclusively in the Board of Regents and the president of the
6 University.

7 SEC. 5. *The Governing Board.* – The governing board of the
8 University shall be the Board of Regents, hereinafter referred to as the Board,
9 which shall be composed of the following:

10 (a) The chairperson of the Commission on Higher Education (CHED),
11 chairperson;

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

13 (c) The chairperson of the Committee on Education, Arts and Culture
14 of the Senate, member;

15 (d) The chairperson of the Committee on Higher and Technical
16 Education of the House of Representatives, member;

17 (e) The regional director of the National Economic and Development
18 Authority (NEDA), member;

19 (f) The regional director of the Department of Science and
20 Technology (DOST), member;

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

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

5 (i) The president of the federation of alumni associations of the
6 University, member; and

7 (j) Two prominent citizens from the private sector who have
8 distinguished themselves in their profession or fields of specialization of the
9 University, members.

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

15 The term of office of the president of the federation of faculty
16 associations, the president of the federation of student councils and the
17 president of the federation of alumni associations shall be coterminous with
18 their respective terms of office, as set forth in their respective constitutions and
19 bylaws.

20 The two prominent citizens shall serve for a term of two years from the
21 date of appointment.

1 SEC. 6. *Promulgation and Implementation of Policies.* – The Board
2 shall promulgate and implement policies in accordance with the declared State
3 policies on education and other pertinent provisions of the Philippine
4 Constitution on education, agriculture, science and technology, as well as the
5 policies, standards and thrusts of the CHED under Republic Act No. 7722,
6 otherwise known as the “Higher Education Act of 1994”.

7 SEC. 7. *Powers and Duties of the Board of Regents.* – The Board shall
8 have the following specific powers and duties, in addition to its general
9 powers of administration and the exercise of all the powers granted to the
10 board of directors of a corporation under existing laws:

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

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

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

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

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

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

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

19 Any provision of existing laws, rules and regulations to the contrary
20 notwithstanding, any income generated by the University from tuition fees and
21 other charges, as well as from the operation of auxiliary services and land

1 grants, shall be retained by the University, and may be disbursed by the Board
2 for instruction, research, extension or other programs/projects of the
3 University; *Provided*, That all fiduciary fees shall be disbursed for the
4 specific purposes for which they are collected.

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

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

13 (g) To authorize the construction or repair of its buildings, machinery,
14 equipment and other facilities, and the purchase and acquisition of real
15 property, *including necessary supplies, materials and equipment*;

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

19 (i) To fix and adjust salaries of faculty members and administrative
20 officials and employees, subject to the provisions of the Revised
21 Compensation and Position Classification System and other pertinent budget

1 and compensation laws governing hours of service and such other duties and
2 conditions as it may deem proper; to grant them, at its discretion, leaves of
3 absence under such regulations as it may promulgate, any provision of existing
4 law to the contrary notwithstanding; and to remove them for cause in
5 accordance with the requirements of due process of law;

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

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

9 (l) To award honorary degrees upon persons in recognition of their
10 outstanding contribution in the fields of education, public service, arts, science
11 and technology, agriculture or in any field of specialization within the
12 academic competence of the University; and to authorize the awarding of
13 certificates of completion of nondegree and nontraditional courses;

14 (m) To establish and absorb nonchartered tertiary institutions within the
15 Province of Bataan as branches and centers in coordination with the CHED,
16 and in consultation with the Department of Budget and Management (DBM),
17 and to offer therein programs or courses, to promote and carry out equal
18 access to educational opportunities as mandated by the Constitution;

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

1 (o) To establish professorial chairs in the University and to provide
2 fellowships for qualified faculty members and scholarships to deserving
3 students;

4 (p) To delegate any of its powers and duties provided hereinabove to
5 the president and/or other officials of the University as it may deem
6 appropriate, so as to expedite the administration of the affairs of the
7 University;

8 (q) To authorize an external management audit of the University, to be
9 financed by the CHED, subject to Commission on Audit (COA) rules and
10 regulations; and to institute reforms, including academic and structural
11 changes, on the basis of the audit results and recommendations;

12 (r) To collaborate with other governing boards of the state colleges
13 and universities within the Province of Bataan or Region III, under the
14 supervision of the CHED and in consultation with the DBM, and work
15 towards the restructuring of the University to become more efficient, relevant,
16 productive and competitive;

17 (s) To enter into joint ventures with business and industry for the
18 profitable development and management of the economic assets of the
19 University, the proceeds from which shall be used for the development and
20 strengthening of the University;

1 (t) To develop consortia and other economic forms of linkages with
2 local government units (LGUs), institutions and agencies, both public and
3 private, local and foreign, in the furtherance of the purpose and objectives of
4 the University;

5 (u) To develop academic arrangements for institutional capability
6 building with appropriate institutions and agencies, public and private, local
7 and foreign, and to appoint experts/specialists as consultants, part-time or
8 visiting or exchange professors, scholars or researchers, as the case may be;

9 (v) To set up the adoption of modern and innovative modes of
10 transmitting knowledge such as the use of information technology, the dual
11 learning system, open learning, or distance education and community
12 laboratory for the promotion of greater access to education;

13 (w) To establish policy guidelines and procedures for participative
14 decision-making and transparency within the University;

15 (x) To privatize, where most advantageous to the University, the
16 management of nonacademic services such as health, food, building or
17 grounds or property maintenance and such other similar activities; and

18 (y) To extend the term of the president of the University beyond the
19 age of retirement but not beyond the age of seventy (70), whose performance
20 has been unanimously rated by the governing board as outstanding based on

1 the guidelines, qualifications and/or standards set by the Board, after
2 unanimous recommendation by the search committee.

3 *SEC. 8. Meetings of the Board.* – The Board shall regularly convene at
4 least once every quarter. However, the chairperson of the Board may, upon
5 three days' prior written notice, call a maximum of two special meetings
6 whenever necessary.

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

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

19 In case the chairpersons of the Congressional Committees on Education
20 shall not be able to attend the Board meeting, they may duly designate their

1 respective representatives to attend the said meeting, who shall have the same
2 rights and responsibilities as a regular member of the Board.

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

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

16 *Within six months before the expiration of the term of office of the*
17 incumbent president of the University, the Board shall constitute the Search
18 Committee for the Presidency (SCP).

19 In case of vacancy in the office of the president by reason of death,
20 compulsory retirement, resignation, removal for cause or incapacity of the
21 president to perform the functions of his/her office, the Board shall designate

1 an officer-in-charge of the University within six months from date of vacancy,
2 pending the appointment of a new president.

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

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

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

14 The president of the University shall be assisted by a vice president for
15 academic affairs and a vice president for administration who shall be
16 appointed by the Board upon recommendation of the president.

17 *SEC. 10. Heads of University Campuses.* – Campus directors shall
18 head the University campuses and they shall render full time service. They
19 shall be appointed by the Board upon recommendation of the Search
20 Committee and the University president, subject to the guidelines,
21 qualifications and/or standards set by the Board: *Provided*, That the incumbent

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

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

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

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

20 SEC. 13. *The Secretary of the University.* -- The Board shall appoint a
21 secretary, who shall serve as such for both the Board and the University and

1 shall keep all records and proceedings of the Board. He/She shall serve upon
2 each member of the Board the appropriate notice of the Board's meetings.

3 SEC. 14. *The Treasurer of the University.* -- The Treasurer of the
4 Philippines shall be the *ex officio* treasurer of the University.

5 SEC. 15. *Faculty.* -- No political beliefs, gender preference, cultural or
6 community affiliation or ethnic origin, and religious opinion or affiliation shall
7 be a matter of inquiry in the appointment of faculty members of the
8 University: *Provided*, That said appointment shall be subject to the
9 guidelines, qualifications and/or standards set by the Board: *Provided*,
10 *further*, That no member of the faculty shall teach for or against any particular
11 church or religious sect.

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

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

17 SEC. 17. *Academic Freedom and Institutional Autonomy.* -- The
18 University shall enjoy academic freedom and institutional autonomy, pursuant
19 to paragraph 2, Section 5 of Article XIV of the Constitution of the Republic of
20 the Philippines.

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

11 SEC. 19. *Assets, Liabilities and Personnel.* – All assets, real and
12 personal, personnel and records of the Bataan Polytechnic State College, and
13 its duly integrated campuses namely: the Bataan Community Colleges in the
14 City of Balanga, the Bataan National School for Filipino Craftsmen in the
15 Municipality of Orani and the Bataan State College, as well as liabilities or
16 obligations, are hereby transferred to the University. The positions, rights and
17 *security of tenure of faculty members and personnel* therein employed under
18 existing laws prior to the conversion into a University shall be respected.

19 All parcels of land belonging to the government occupied by the Bataan
20 Polytechnic State College, the Bataan Community Colleges in the City of
21 Balanga, the Bataan National School for Filipino Craftsmen in the

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

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

19 SEC. 21. *Development Plan, Management Audit, Organizational/*
20 *Administrative/Academic Structure.* – Within the period of one hundred

1 twenty (120) days after the approval of this Act, the University shall
2 accomplish the following:

3 (a) Submit a five-year development plan, including its corresponding
4 program budget to the CHED, for corresponding recommendation to the
5 DBM;

6 (b) Undergo a management audit in cooperation with the CHED; and

7 (c) Accordingly set up its organizational, administrative, as well as
8 academic structure, including the appointment of the University key officials.

9 SEC. 22. *Filing of Report.* – On or before the fifteenth (15th) day of the
10 second month after the opening of the regular classes each year, the Board
11 shall file with the Office of the President of the Philippines through the
12 chairperson of the CHED, and with both Houses of Congress a detailed report
13 on the progress, conditions and needs of the University.

14 SEC. 23. *Suppletory Application.* – The provisions of Republic Act
15 No. 8292, otherwise known as the “Higher Education Modernization Act of
16 1997”, shall be an integral part of this Act and shall serve as part of the
17 governing charter of the University.

18 SEC. 24. *Parity Clause.* – All other powers, functions and privileges,
19 responsibilities and limitations to state universities and/or their officials under
20 existing laws shall be deemed granted to or imposed upon the University
21 and/or its officials whenever appropriate.

1 SEC. 25. *Implementing Rules and Regulations.* – The Board, in
2 consultation with the CHED, shall formulate the guidelines to fully implement
3 the provisions of this Act.

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

7 SEC. 27. *Repealing Clause.* – All laws, presidential decrees, executive
8 orders, rules and regulations contrary to or inconsistent with the provisions of
9 this Act are hereby repealed or modified accordingly.

10 SEC. 28. *Effectivity.* – This Act shall take effect fifteen (15) days after
11 its publication in two newspapers of general circulation.

Approved,

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