

Republic of the Philippines  
Congress of the Philippines  
Metro Manila  
Twelfth Congress  
Third Regular Session

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Begun and held in Metro Manila, on Monday, the twenty-eighth day of July, two thousand three.

[ REPUBLIC ACT NO. 9314 ]

AN ACT CONVERTING THE BATANES POLYTECHNIC COLLEGE IN THE MUNICIPALITY OF BASCO, PROVINCE OF BATANES INTO A STATE COLLEGE TO BE KNOWN AS THE BATANES STATE COLLEGE, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

SECTION 1. *Conversion.* — The Batanes Polytechnic College in the Municipality of Basco, Province of Batanes is hereby converted into a state college to be known as the Batanes State College, hereinafter referred to as the College.

SEC. 2. *General Mandate.* — The College shall primarily provide collegiate level occupational, technological and professional training in the fields of fishery, agriculture, environmental sciences and other related fields of study. It shall also provide special instruction for special purposes, promote research and extension services in the various disciplines and areas of specialization and provide progressive leadership in its areas of specialization.

SEC. 3. *Curricular Offerings.* – The College shall offer graduate and undergraduate courses in fisheries and marine/coastal resource development; agriculture, particularly crop production, livestock development and horticulture; forestry and environmental conservation; ecotourism and historical and heritage restoration and conservation; information technology development; and other related fields of study, and nondegree technical/industrial technologies and other degree courses as the Board of Trustees may deem necessary to carry out its objectives, particularly to meet the needs of the Province of Batanes and the Region.

The College shall maintain and operate the existing laboratory high school, if it has a Department of Education. Otherwise, the existing laboratory high school shall be allowed to remain and operate until the existing students shall have completed their high school education.

SEC. 4. *Administration.* – The College 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 College and the exercise of its corporate powers shall be vested exclusively in the Board of Trustees and the president of the College insofar as authorized by the Board.

SEC. 5. *Governing Board.* – The governing board of the College shall be the Board of Trustees, hereinafter referred to as the Board, which shall be composed of the following:

- (a) The Chairperson of the Commission on Higher Education (CHED), chairperson;
- (b) The president of the College, vice chairperson;
- (c) The Chairperson of the Committee on Education, Arts and Culture of the Senate, member;
- (d) The Chairperson of the Committee on Higher and Technical Education of the House of Representatives, member;
- (e) The Regional Director of the National Economic and Development Authority (NEDA), member;

- (f) The Regional Director of the Department of Agriculture (DA), member;
- (g) The president of the faculty association of the College, member;
- (h) The president of the student council of the College, member;
- (i) The president of the alumni association of the College, member; and
- (j) Two (2) prominent citizens who have distinguished themselves in their profession or fields of specialization of the College, members.

The Board of Trustees shall appoint the two (2) prominent citizens from among a list of at least five (5) persons qualified in the Province of Batanes, as recommended by the search committee constituted by the College president, in consultation with the Chairperson of the CHED, based on the normal standards and qualifications for the position.

The term of office of the president of the faculty association, the president of the student council, and the president of the alumni association shall be contemporaneous with their respective terms of office.

The two (2) prominent citizens shall serve for a term of two (2) years.

*SEC. 6. Promulgation and Implementation of Policies.* – The Board shall promulgate and implement policies in accordance with the declared State policies on education and other pertinent provisions of the Philippine Constitution on education, science and technology, arts, culture and sports, as well as the standards and thrusts of the CHED under Republic Act No. 7722, otherwise known as the "Higher Education Act of 1994."

*SEC. 7. Powers and Duties of the Board of Trustees.* – The Board shall have the following specific powers and duties in addition to its general powers of administration and the exercise of all powers

granted to the Board of Directors of a corporation under existing laws:

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

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

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

(d) To receive in trust legacies, gifts and donations of real and personal properties of all kinds and to administer and dispose of the same when necessary for the benefit of the College, and subject to the limitations, directions and instructions of the donor, if any. Such donations shall be exempt from the donor's tax and the same shall be considered as allowable deductions from the gross income in the computation of the income tax of the donor, in accordance with the provisions of the National Internal Revenue Code (NIRC), as amended: *Provided*, That such donations shall not be disposed of, transferred or sold;

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

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

Any provision of existing laws, rules and regulations to the contrary notwithstanding, any income generated by the College

from tuition fees and other charges as well as from the operation of auxiliary services and land grants, shall be retained by the College, and may be disbursed by the Board of Trustees for instruction, research, extension, or other programs/projects of the College: *Provided*, That all fiduciary fees shall be disbursed for the specific purposes for which they are collected.

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

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

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

(h) To appoint, upon recommendation of the president of the State College, vice presidents, directors, heads of departments, faculty members and other officials and employees of the College;

(i) To fix and adjust 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 governing hours of service and such other duties and conditions as it may deem proper; to grant them, at its discretion, leaves of absences under such regulations as it may promulgate, any provision of existing laws to the contrary notwithstanding; and to remove them for cause in accordance with the requirements of due process of law;

(j) To approve the curricula, instructional programs and rules of discipline drawn by the Administrative and Academic Councils herein provided;

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

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

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

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

(o) To establish chairs in the College and to provide fellowships for qualified faculty members and scholarships to deserving students;

(p) To delegate any of its powers and duties provided for hereinabove to the president or officer-in-charge and/or other officials of the College as it may deem appropriate, so as to expedite the administration of the affairs of the College;

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

(r) To collaborate with other governing boards of the state colleges and universities within the Province of Batanes or the Region, under the supervision of the CHED and in consultation with the DBM, the restructuring of the College to become more efficient, relevant, productive and competitive;

(s) To enter into joint ventures with business and industry for the profitable development and management of the economic

assets of the College, the proceeds of which shall be used for the development and strengthening of the College;

(t) To develop consortia and other economic forms of linkages with local government units, institutions and agencies, both public and private, local and foreign, in the furtherance of the purposes and objectives of the College;

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

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

(w) To establish policy guidelines and procedures for participative decision-making and transparency within the College:

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

(y) To extend the term of the president of the College beyond the age of retirement but not later than the age of seventy (70), whose performance has been unanimously rated as outstanding and upon unanimous recommendation by the search committee.

SEC. 8. *Meetings of the Board.* – The Board shall regularly convene at least once every quarter. However, the chairperson of the Board may, upon three (3) days' prior written notice, call a special meeting whenever necessary.

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 College is among those present in the meeting.

In the absence of the chairperson of the CHED, a commissioner of the CHED, duly designated by him/her, shall represent him/her in the meeting with 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 Chair of the Board of Trustees, in which case said CHED commissioner shall act as the presiding officer.

In case the chairpersons of the Congressional Committees on Education shall not be able to attend the Board meeting, they may duly designate their respective representatives to attend the said meeting, who shall have the same rights and responsibilities of a regular member 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 in their attendance to meetings of the Board or in connection with other official business authorized by resolution of the Board, subject to existing laws and regulations.

**SEC. 9. *The College President.*** – The College shall be headed by a president, who shall render full time service. He/She shall be appointed by the Board, upon recommendation of a duly constituted search committee. He/She shall have a term of four (4) years and shall be eligible for reappointment for another term: *Provided,* That in order to effect a smooth transition to a state college, the CHED shall designate the incumbent head of the Batanes Polytechnic College as officer-in-charge of the Batanes State College, pending the appointment of the first president of the College.

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 his/her office, the Board shall have the authority to designate an officer-in-charge of the College, pending the appointment of a new president.

In case of vacancy in the office of the president as mentioned in the immediately preceding paragraph, his/her successor or the



officer-in-charge designated by the Board shall hold office for the unexpired term only.

The powers and duties of the president of the College, in addition to those specifically provided in this Act, shall be those usually pertaining to the office of the president of similar colleges and those delegated by the Board.

The salary of the president of the College shall be in accordance with the Revised Compensation and Position Classification System and shall be comparable to that being received by the presidents of similar educational institutions of like standing.

SEC. 10. *The Administrative Council.* – There shall be an Administrative Council consisting of the president of the College as chairperson, vice presidents, directors and other officials of equal rank, as members, whose duty is to review and recommend to the Board of Trustees policies governing the administration, management and development of the College.

SEC. 11. *The Academic Council.* – There shall be an Academic Council with the president of the College as chairperson and all members of the academic staff with the rank of not lower than assistant professor as members.

The Academic Council shall have the power to determine, review and recommend the curricular offerings and rules of discipline of the College, subject to the appropriate action of the Board of Trustees. It shall fix the requirements for the admission of students, as well as for their graduation and conferment of degrees, subject to review and/or approval by the Board of Trustees through the president of the College. It shall have the disciplinary power over students of the College and shall formulate academic policies and rules and regulations on discipline, subject to the approval of the Board of Trustees.

SEC. 12. *The Secretary of the College.* – The Board shall appoint a secretary, who shall serve as such for both the Board and the College and shall keep all records and proceedings of the Board. He/She shall communicate to each member of the Board the notices of meetings.

SEC. 13. *The Treasurer of the College.* – The Treasurer of the Philippines shall be the *ex officio* treasurer of the College.

SEC. 14. *Faculty.* – No political beliefs, gender preference, cultural or community affiliation or ethnic origin, and religious opinion or affiliation shall be a matter of inquiry in the appointment of faculty members of the College: *Provided, however,* That no member of the faculty shall teach for or against any particular church or religious sect.

SEC. 15. *Scholarship Program/Admission.* – The College shall provide a scholarship program and other affirmative action programs to assist poor but deserving students who qualify for admission to the College.

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

SEC. 16. *Academic Freedom and Institutional Autonomy.* – The College shall enjoy academic freedom and institutional autonomy, pursuant to paragraph 2, Section 5 of Article XIV of the Constitution of the Republic of the Philippines.

SEC. 17. *Authority to Loan and Transfer.* – 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 State College such apparatus, equipment or supplies as may be needed by the College, 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 the public service. The employees so detailed shall perform such duties as required of them by the president of the State College, and the time so employed shall be counted as part of their regular services.

SEC. 18. *Assets, Liabilities and Personnel.* – All assets, real and personal, personnel and records of the Batanes Polytechnic College, as well as liabilities or obligations, are hereby transferred to the College. The positions, rights and security of tenure of the faculty members and personnel therein employed under existing laws shall be respected.

All parcels of land belonging to the government and occupied by the Batanes Polytechnic College are hereby declared to be property of the Batanes State College, and shall be titled under that name: *Provided*, That should the College cease to exist or be abolished or should such parcels of land aforementioned be no longer needed by the College, the same shall revert to the Province of Batanes.

SEC. 19. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the Batanes Polytechnic College. Thereafter, such sums as may be necessary for the continued operation and maintenance of the Batanes State College shall be included in the annual General Appropriations Act.

SEC. 20. *Development Plan, Management Audit, Organization/Administrative/Academic Structure.* – Within the period of one hundred twenty (120) days after the approval of this Act, the State College shall accomplish the following:

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

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

(c) Accordingly set up its organizational, administrative as well as academic structure, including the appointment of the State College key officials; and

(d) Set in motion the establishment of at least four (4) separate degree-granting units, one of which is in the arts and sciences and another at the graduate level.

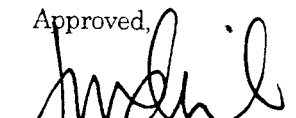
SEC. 21. *Filing of Report.* – On or before the fifteenth (15<sup>th</sup>) day of the second month after the opening of the regular classes each year, the Board shall file with the Office of the President of the Philippines through the chairperson of the CHED, and with both Houses of Congress a detailed report on the progress, conditions and needs of the College.

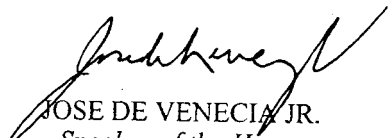
SEC. 22. *Inclusion Clause.* – The provisions of Republic Act No. 8292, otherwise known as the "Higher Education Modernization Act of 1997," shall be an integral part of this Act and shall serve as part of the Governing Charter of the College.

SEC. 23. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.


SEC. 24. *Effectivity.* – This Act shall take effect upon its approval.

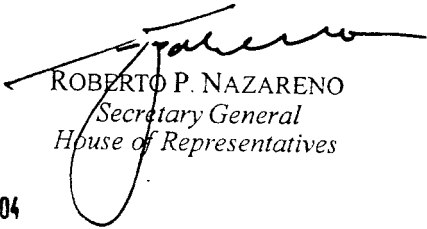
Approved,

  
FRANKLIN M. DRILON  
*President of the Senate*

  
JOSE DE VENECIA JR.  
*Speaker of the House  
of Representatives*

This Act which originated in the House of Representatives was finally passed by the House of Representatives and the Senate on June 10, 2004.

  
OSCAR G. TABES  
*Secretary of the Senate*

  
ROBERTO P. NAZARENO  
*Secretary General  
House of Representatives*

Approved: **AUG 07 2004**

  
GLORIA MACAPAGAL-ARROYO  
*President of the Philippines*

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