

REPUBLIC ACT NO. 8562

AN ACT CONVERTING THE MEDINA LACSON DE LEON SCHOOL OF ARTS AND TRADES IN THE MUNICIPALITY OF BALANGA, PROVINCE OF BATAAN, INTO A CHARTERED STATE COLLEGE, TO BE KNOWN AS THE BATAAN POLYTECHNIC STATE COLLEGE, INTEGRATING THEREWITH THE BATAAN COMMUNITY COLLEGES IN THE MUNICIPALITY OF BALANGA, PROVINCE OF BATAAN, AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. The Medina Lacson de Leon School of Arts and Trades in the Municipality of Balanga, Province of Bataan, is hereby converted into a polytechnic college to be known as the Bataan Polytechnic State College hereinafter referred to as the State College and integrating therewith the Bataan Community Colleges also located in the same municipality and province.

SEC. 2. The State College shall primarily provide higher professional, technical and special instruction and promote technological studies, and scientific researches, advanced studies and progressive leadership in education, engineering, science, arts, humanities and other fields as may be relevant.

SEC. 3. The State College shall offer undergraduate programs and short term courses within its area of specialization as well as graduate courses, as the Board of Trustees may deem necessary to carry out its objectives, particularly, in order to meet the needs of the province.

SEC. 4. The existing high school shall be transferred to the jurisdiction and supervision of the Department of Education,

Culture and Sports: *Provided*, That this high school shall be allowed to remain and operate within the campus of the State College until it shall have been transferred to its own site or until its students shall have been accommodated in other public or private high schools, but not later than six (6) years from the approval of this Act.

SEC. 5. The State College shall have the general powers of a corporation set forth in the Corporation Law. The administration of the State College and the exercise of its corporate powers shall be vested exclusively in the Board of Trustees and the President of the State College insofar as authorized by the Board.

SEC. 6. The governing body of the State College shall be the Board of Trustees, hereinafter referred to as the Board, which shall be composed of the following:

(a) Chairman of the Commission on Higher Education (CHED), chairman;

(b) President of the State College, vice chairman;

(c) Chairman of the Committee on Education, Culture and Arts of the Senate, member;

(d) Chairman of the Committee on Education and Culture of the House of Representatives, member;

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

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

(g) President of the faculty association of the State College, member;

(h) President of the supreme student council, member;

(i) President of the alumni association, member; and

(j) Two (2) prominent citizens who have distinguished themselves in their professions, or fields of specialization chosen from among a list of at least five (5) persons qualified in the Province of Bataan, as recommended by a search committee constituted by the State College president in consultation with the chairman of CHED, based on accepted standards and qualification for the position.

The Chairman of the Commission on Higher Education, the President of the State College, the Education Committee Chairmen of the Senate and the House, and the Regional Director of the National Economic and Development Authority shall have an *ex officio* term of office.

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

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

SEC. 7. The administration of the State College shall be vested in the president of the State College who shall render full-time service. He shall be appointed by the Board of Trustees upon the recommendation of a duly constituted search committee. He shall have a term of four (4) years and shall on the basis of demonstrated performance be eligible for reappointment for another term only.

The president shall be assisted by a vice president for academic affairs who shall be appointed by the Board upon the former's recommendation without prejudice to the appointment of more than one (1) vice president when so warranted.

In case of vacancy by reason of death, resignation, removal for cause or incapacity of the president to perform the functions of his office, the Board shall have the authority to designate an

officer-in-charge of the State 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 successor shall hold office for the unexpired term.

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

The salary of the president of the State 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 enrollment and standing.

SEC. 8. In order to ensure the smooth transition to State College, the incumbent heads of the two schools shall serve as members of the transitory body which shall oversee the administration of the State College on direction from the Board until a new president is appointed, subject to the provisions of Section 7 on the State College president, provided that this arrangement shall not go beyond one calendar year from the approval of this Act.

SEC. 9. 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 policies, standards and thrusts of the CHED under Republic Act No. 7722.

SEC. 10. The governing board shall have the following specific powers and duties in addition to its general powers and duties in addition to its general powers of administration and the exercise of all the powers granted to the board of directors of a corporation:

(a) To enact rules and regulations not contrary to law as may be necessary to carry out the purposes and functions of the State College;

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

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

(d) To receive in trust legacies, gifts and donations of real and personal properties of all kinds and to administer and dispose the same when necessary for the benefit of the State College and subject to the limitations, directions and instructions of the donor, if any. Such donations shall be exempt from all taxes and shall be considered as deductible items from the income tax of the donor;

(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 State 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 State College.

Any provision of existing laws, rules and regulations to the contrary notwithstanding, any income generated by the State College from tuition fees and other charges, as well as from the operation of auxiliary services and land grants, shall be retained by the State College, and may be disbursed by the Board of Trustees for instruction, research, extension or other programs/projects of the State 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 State 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 State College.

(f) To authorize the construction or repair of its buildings, machineries, equipment and other facilities and the purchase and acquisition of real and personal properties, including necessary supplies, materials and equipment. Purchases and other transactions entered into by the State College through the Board shall be exempt from all taxes and duties;

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

(h) 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 absence under such regulations as it may promulgate, any provisions of existing law to the contrary notwithstanding; and to remove them for cause in accordance with the requirements of due process of law;

(i) To approve the curricula, institutional programs and rules of discipline drawn by the administrative and academic councils as herein provided;

(j) To confer degrees upon successful candidates for graduation, to award honorary degrees upon persons in recognition of outstanding contribution in the field of education, public service, arts and science, and technology or in any field of specialization within the competence of the State College and to authorize the award of certificate for completion of nondegree and nontraditional courses;

(k) To absorb non-chartered tertiary institutions within their respective provinces in coordination with the CHED and in consultation with the Department of Budget and Management, and to offer therein, needed programs or courses, to promote and carry out equal access to educational opportunities mandated by the Constitution;

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

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

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

(o) To delegate any of its powers and duties provided for hereinabove to the president and/or other officials of the State College as it may deem appropriate so as to expedite the administration of the affairs of the State College;

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

(q) To collaborate with other governing boards of SUCs within the province or region, under the supervision of the CHED and in consultation with the Department of Budget and Management, the restructuring of said State College to become more efficient, relevant, productive, and competitive;

(r) To enter into joint ventures with business and industry for the profitable development and management of the economic assets of the State College, the proceeds from which to be used for the development and strengthening of the State College;

(s) To develop consortia and other forms of linkages with local government units, institutions and agencies, both public

and private, local and foreign, in furtherance of the purposes and objectives of the State College;

(t) 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, or visiting or exchange professors, scholars, researchers, as the case may be;

(u) 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, community laboratory, etc., for the promotion of greater access to higher education;

(v) To establish policy guidelines and procedures for participative decision-making and transparency within the institution;

(w) To privatize, where most advantageous to the institution, management and non-academic services such as health, food, building or grounds or property maintenance and such other similar activities; and

(x) To extend the term of the president of the State 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 for the president of the institution concerned.

SEC. 11. The Board of Trustees shall regularly convene once every two (2) months. The chair of the Board of Trustee may call a special meeting whenever necessary: *Provided*, That members are notified in writing at least three (3) days prior to said meeting.

A majority of all members holding office shall constitute a quorum for board meetings: *Provided*, That the chairman of the CHED, who is the chairman of the Board or the president of the State College is among those present in the meeting. In the absence of the chairman of the CHED, a commissioner of the CHED, duly

designated by him, shall represent him in the meeting with all the rights and responsibilities of a regular member: *Provided, however,* That in said meeting, the president of the State College as vice chairman shall be the presiding officer: *Provided, further,* That this *proviso* notwithstanding, the chairman of the CHED is hereby authorized to designate a CHED commissioner the regular chair to the board of the State College, in which case said CHED commissioner shall act as the presiding officer.

The members of the Board of Trustees shall not receive compensation but shall be entitled to a *per diem* of Five hundred pesos (P500) per meeting actually attended: *Provided,* That the aggregate amount shall not exceed Two thousand pesos (P2,000) during any month for each member and the secretary. The State College shall reimburse them for actual and necessary expenses incurred either in attendance of meetings of the Board or in other official business authorized by resolution of the Board subject to existing laws on *honoraria* and allowances.

SEC. 12. There shall be an academic council with the president of the State College as chairman, the vice presidents, deans of colleges, all members of the instructional staff with the rank of not lower than assistant professor, secondary school principals and heads of departments as members. The council shall have the power to prescribe the curricula and rules of discipline, subject to the approval of the Board of Trustees. It shall promulgate and fix the requirements for admission to, and graduation from, the State College as well as the conferring of degrees, subject to review by the Board. The council alone shall have the power to recommend students or others to be recipients of degrees. Through the president of the State College or a duly authorized committee, the council shall have disciplinary power over the students within the limits prescribed by the rules of discipline.

The academic council shall, upon approval of the Board of Trustees, expand the academic programs of the State College to include on its academic offering undergraduate, graduate and/or post graduate degree courses, engineering, education, business and others that may be found necessary to meet the needs of

Bataan and the Region and to institute the organizational structure or machinery to cope with its expansion requirements.

SEC. 13. All processes against the Board of Trustees shall be served on the president of the State College.

SEC. 14. There shall be an administrative council consisting of the president of the State College, as chairman, the vice presidents, deans, directors and other officials of equal rank, whose duty is to implement the policies governing the administration, management and development planning of the State College as approved by the Board.

SEC. 15. The Treasurer of the Republic of the Philippines shall be the *ex officio* Treasurer of the State College.

SEC. 16. All accounts and expenses of the State College shall be audited by the Commission on Audit or its duly authorized representative.

SEC. 17. There shall be a secretary of the State College who shall be appointed by the Board of Trustees upon recommendation of the president of the State College. He shall also be the secretary of the Board of Trustees and shall keep such records of the State College as may be determined by the Board. He shall communicate to each member of the Board notice of meetings.

SEC. 18. In the appointment of members of the faculty, no religious opinion or affiliation shall be a matter of inquiry: *Provided*, That no member of the faculty shall teach for or against any particular church or religious sect.

SEC. 19. No Member of the faculty of the State College shall attempt directly or indirectly, under penalty of dismissal by the Board of Trustees, to influence students or any other person in the State College towards any ideology, which preaches the overthrow of the government through violence or subversion.

SEC. 20. No student shall be denied admission to the State College for reasons of sex, ethnic consideration, religious or political affiliation.

SEC. 21. Heads of bureaus and offices of the national government are authorized to loan or transfer, upon request of the president of the State College, such apparatus, supplies, equipment, and buildings as may be needed by the State College and to detail employees for duty therein, when in the judgment of the bureau or office such apparatus, supplies, equipment, buildings, or service of such employees can be spared without serious detriment to the public service. Employees so detailed shall perform such duty as is required under detail, and the time employed shall be counted as part of their regular official service.

SEC. 22. On or before the fifteenth day of the second month after the opening of regular classes each year, the president of the State College shall file with the Office of the President of the Philippines through the chairman of the CHED, and with the Senate and the House of Representatives, a detailed report on the progress, conditions, and needs of the State College.

SEC. 23. The provisions of Republic Act No. 8292 otherwise known as the Higher Education Modernization Act of 1997 shall form an integral part of this Act and together shall serve as the governing charter of the University.

SEC. 24. All assets, fixed and movable, personnel and records as well as liabilities and obligations of the Medina Lacson de Leon School of Arts and Trades and the Bataan Community Colleges, except those belonging to or to be used by the high schools, are hereby transferred to the State College: *Provided, however,* That the positions, rights and security of tenure of personnel therein employed under existing laws prior to absorption by the State College are not impaired: *Provided, further,* That the incumbents of the positions shall remain in the same status until otherwise provided for by the Board: and *Provided, furthermore,* That personnel who have attained retirement age, may retire under existing laws: *Provided, finally,* That in case of vacancies, local residents shall be given preference in the hiring of personnel. All parcels of land belonging to the government

occupied by the Medina Lacson de Leon School of Arts and Trades and the Bataan Community Colleges are hereby declared to be the property of the Bataan Polytechnic State College and shall be titled under that name: *Provided*, That should the State College cease to exist or be abolished or should such parcels of land aforementioned be no longer needed by the State College, the same shall revert to the Province of Bataan.

SEC. 25. The amount necessary for the implementation of this Act shall be charged against the current year's appropriations of the Medina Lacson de Leon School of Arts and Trades, except the sum needed to continue the operations of the existing high school. Thereafter, such sums as may be necessary for the continued operation and maintenance of the State College shall be included in the annual General Appropriations Act.

SEC. 26. All laws, presidential decrees, executive orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 27. This Act shall take effect upon its approval.

Approved, February 26, 1998.