



Republic of the Philippines
House of Representatives
Quezon City

SEVENTEENTH CONGRESS

First Regular Session

House Bill No. 4463



Introduced by Representative Jose Enrique S. Garcia III

EXPLANATORY NOTE

Art is as important to learning as phonetics, mathematics, science and technology are. It is a language that cuts across all backgrounds, economic classes, familial relationships and religions. It develops higher thinking skills such as analysis and problem solving, thus improving academic abilities. Art contributes to a better society because it provides the very venue needed to deal with the human problems and evils that beseech our society. Not only does it provide the necessary skills and ingenuity to create innovations, but it also educates students to become disciplined citizens and empathic leaders.

Recognizing the value of arts in our society, there is a need for an additional school that focuses on the development of human resources, particularly the youth, who show a deep appreciation and aptitude for culture and the arts - a school that will respond to the Constitutional mandate of making education accessible to all citizens with varying proficiencies. More importantly, it shall be a school that takes a step towards the eradication of problems plaguing our country including poverty, illiteracy and drug abuse.

It is envisioned that the Bataan High School for the Arts will be a national high school that caters to the needs not only of the province, but all deserving students from across the nation. It shall develop artistically gifted and talented students into capable members of society through a specially designed secondary education curriculum that focuses on the arts.

Bataan, recently recognized by UNESCO as having the first Learning City in the Philippines, is equipped and capable to house an arts high school as proposed. As a province more than ready and willing to help in nation building through the training of exceptional populace, it is the perfect location for a new arts high school.

Support for this bill is thereby earnestly requested from my colleagues.


REP. JOSE ENRIQUE S. GARCIA III
Second District, Bataan



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10⁰⁰ **4463**
House Bill No. _____

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

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

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

SECTION 2. School Governance and Administration – The School 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 school and the exercise of its corporate powers shall be vested exclusively in the Board of Regents and the School Director.

SECTION 3. Board of Regents - The governance of the school shall be vested in the “Board of Regents of the Bataan High School for the Arts,” hereinafter referred to as the “Board”, which shall be composed of the following:

- (a) The Secretary of the Department of Education (DepEd) as Chairperson;
- (b) The School Director as Vice-Chairperson;
- (c) The Chairperson of the Senate Committee on Education, Arts and Culture;
- (d) The Chairperson of the House of Representatives Committee on Basic Education and Culture;
- (e) The Chairperson of the National Commission for Culture and the Arts (NCCA);

- 1 (f) The Regional Director of the National Economic and
2 Development Authority (NEDA);
3 (g) A representative elected by the members of the faculty;
4 and
5 (h) Three (3) prominent citizens from the private sector
6 who have distinguished themselves in their
7 professions or fields of specialization, which shall
8 include, but not be limited to music, theater, dance,
9 visual arts, performance arts and the like.

10 The term of office of the faculty representative shall be coterminous with
11 his term of office as provided in the constitutions and by-laws of his association.

12 The three prominent citizens, who shall serve for a term of three (3) years
13 from the date of appointment, shall be selected by the Board from a list of at least
14 five qualified persons in the Province of Bataan.

15 A search committee to be constituted by the Schools Division
16 Superintendent, with the approval of the DepEd Secretary, the Chairpersons of
17 the Congressional Committees on Education, and the NCCA chairperson, shall be
18 established for the election of the citizens based on the normal standards and
19 qualifications for the position.

20 **SECTION 4. Powers of the Board** - The Board shall have the following
21 specific powers and duties in addition to all the powers granted to the board of
22 directors of a corporation under existing laws, to wit:

- 23 (a) To prepare policies, rules and regulations as may be necessary
24 for the administration and operation of BHSA;
25
26 (b) To approve the school budget and appropriate all sums
27 received as may be specified by law for the support of the
28 BHSA;
29
30 (c) To receive in trust, legacies, gifts, and donations of real and
31 personal property of all kinds, and to administer the same for
32 the benefit of BHSA, subject to the limitations, directions and
33 instructions of the donor, if any;
34
35 (d) To determine and fix the site and location of the school, acquire
36 property on its behalf, and authorize the construction or repair
37 of its buildings, equipment and other facilities;
38
39 (e) To approve the curricula, instructional programs and rules of
40 discipline drawn by the offices of the Administrative and
41 Academic Directors created in Section 7 and 8 of this act;
42

- (f) To establish the criteria for the selection, admission and graduation of students which shall include, among others, a national competitive examination, and to approve the issuance of certificates or diplomas to successful candidates for graduation;
- (g) To develop strategies for the increase of enrollment and prepare purposeful campaigns to enhance the competence of the school and its students;
- (h) To adopt and implement a socialized scheme of tuition and school fees, subject to the provisions of Section 14 hereof, for greater access by all qualified students, and to approve the grant of scholarship, stipend and such other allowances for suitable students;
- (i) To formulate the criteria on the appointment, promotion, retention, removal and renewal of administrators, faculty and staff, and to appoint, upon the recommendation of the School Director, faculty members, lecturers and other officials and employees of the school;
- (j) To fix and adjust salaries, rewards and incentives 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;
- (k) To grant members of the faculty and staff, at its discretion, leaves of absence under such regulations as it may promulgate, and to provide fellowship grants when available;
- (l) To remove for cause, erring faculty and staff members in accordance with the requirements of due process of law, and in compliance with other administrative rules the Board may establish;
- (m) To authorize an external management audit of the school, as may be sanctioned by the DepEd, subject to Commission on Audit (COA) rules and regulations; and to institute reforms including academic and structural changes on the basis of the audit results and recommendations;
- (n) To enter into joint ventures with private enterprises for the development and management of the economic assets of the school, the proceeds of which shall be used exclusively for the strengthening of the school;

- (o) To develop consortia and other economic linkages with local government units (LGU's), institutions and agencies, both public and private, local and foreign, in the furtherance of the purposes and objectives of the school;
- (p) To set up the adoption of modern communications technology and other innovative modes of transmitting knowledge;
- (q) To import duty-free books and/or publications, upon certification by the DepEd 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;
- (r) To privatize, where most advantageous to the school, management of non-academic services such as health, food, or property maintenance and such other similar activities; and
- (s) To delegate any of its powers and duties provided hereinabove to the School Director and/or other officials of the school as it may deem appropriate, so as to expedite the administration of the affairs of the BHSA.

SECTION 5. *Meetings of the Board.* - The Board shall convene at least once every quarter. However, the chairperson of the Board may, upon three days' prior written notice, call a maximum of two meetings 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 School Director is among those present in the meeting.

In the absence of the DepEd Secretary, a duly designated commissioner of the department shall represent him in the meeting with all the rights and responsibilities of a regular member: *Provided, however,* That during this meeting the School Director as vice chairperson shall be the presiding officer: *Provided, further,* That this *proviso* notwithstanding, the chairperson of the DepEd is hereby authorized to designate a DepEd commissioner as the regular chair of the Board, in which case said DepEd 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 as 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.

SECTION 6. School Director – There shall be a School Director who shall be elected by the Board to serve as the chief academic officer, head of the school faculty and the chief executive officer of the school. His functions, powers and duties, in addition to those specifically described in this Act, and those determined by the Board, shall be those usually pertaining to the office of the principal of any high school in the Philippine education system, and those which are related or necessary to its functions.

The School Director shall coordinate the implementation of policies and guidelines set by the Board, and shall articulate to the Board all concerns of the school. He shall render full-time work and have a term of five (5) years, and shall be eligible for appointment for another term.

The School Director shall be elected by the Board, subject to the guidelines and qualifications set in the implementing rules and regulations, upon recommendation of a duly constituted Search Committee.

The Search Committee shall be established by the Bataan Schools Division Superintendent, with the approval of the DepEd Secretary, the Chairpersons of the Congressional Committees on Education, and the NCCA Chairperson. It shall be formed immediately upon the approval of the implementing rules and regulations as established in Section 20 of this act, and shall reconvene again within six months before the expiration of the term of the School Director.

In case of vacancy in the office of the School Director by reason of death, compulsory retirement, resignation, removal for cause or incapacity to perform the functions of his office, the Board shall designate an officer-in-charge of the School within three (3) months from the date of vacancy, pending the appointment of a new school director.

In case of vacancy in the office of the school director as mentioned in the immediately preceding paragraph, his successor or the officer-in-charge shall hold office only until the appointment of the new School Director.

The salary of the school director 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.

The School Director shall be assisted by a Director for Academic Affairs and Director for Administration, who shall be appointed by the Board from a list of nominees to be submitted by the School Director. The salaries of the assistant directors shall likewise be in accordance with the Revised Compensation and Position Classification System, and shall also be comparable to that being received by officers of the same level of similar educational institutions.

SECTION 7. *Director for Administration.* – There shall be a Director for Administration who shall assist the School Director and the Board on policies governing the administration, financial management and development planning of the BHSA.

SECTION 8. *Director for Academic Affairs.* – There shall be a Director for Academic Affairs who shall have the power to review and recommend the curricular offerings and rules of discipline of the school, subject to the approval of the Board. He shall likewise have the disciplinary power over students of the BHSA, and shall formulate academic policies and rules and regulations on discipline, subject to the approval of the Board.

The Director for Academic Affairs shall work in consultation with the school department heads and other ranking faculty members in developing the curricular offerings and rules of discipline.

SECTION 9. *Admissions Council* – There shall be an Admissions Council consisting of the School Director, the Director for Administration, the Director for Academic Affairs, the heads of each faculty departments, and such, other ranking faculty members or officials of the BHSA as may be determined by the School Director. The Council shall have the power to screen and select the students to be admitted to the BHSA, and to select students who shall be recipients of scholarships, stipends and other allowances.

The Admissions Council shall propose to the Board scholarship schemes and other affirmative action programs to assist underprivileged students who qualify for admission to the school.

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

SECTION 10. *The Registrar and Secretary of the School.* – The Board shall appoint a Registrar, who shall serve as secretary for both the Board and the school. He shall keep all records of the school and the proceedings of the Board. He shall serve upon each member of the Board the appropriate notice of the Board's meetings.

The Registrar shall keep the academic and disciplinary records of all students, and shall, likewise, fix the requirements for their admission and graduation, subject to review and/or approval by the Board through the School Director.

SECTION 11. *The School Treasurer.* – The Treasurer of the Philippines shall be the *ex-officio* treasurer of the school.

SECTION 12. *Faculty.* – No political beliefs, gender preferences, cultural or community affiliation, ethnic origin, and religious opinion or affiliation shall be a matter of inquiry in the appointment of faculty members of the school: *Provided*, That said appointment shall be subject to the guidelines, qualifications

1 and/or standards set by the Board: *Provided, further*, That no member of the
2 faculty shall teach for or against any particular church or religious sect.

3 **SECTION 13. *Academic Freedom and Institutional Autonomy.*** – Nothing in
4 this Act shall be construed as encroaching on the academic freedom of
5 educational institutions. The BHSA shall enjoy academic freedom and
6 institutional autonomy, pursuant to paragraph 2. Section 5 of Article XIV of the
7 1987 Constitution of the Republic of the Philippines.

8 **SECTION 14. – *Tuition Fee and Other School Fees*** – The Board may fix the
9 tuition fees and other necessary school charges as it may deem proper to impose,
10 after due consultations with the involved sectors.

11 Any provision of existing laws, rules and regulations to the contrary
12 notwithstanding, any income generated by the BHSA from tuition fees and other
13 charges, as well as from the operation of auxiliary services and land grants, shall
14 be part of the Bataan High School for the Arts Fund,

15 The BHSA Fund shall be used exclusively for the development of the
16 BHSA. Such fees and charges, including government subsidies and other income
17 generated by the school, shall constitute special trust funds of the BHSA, and
18 shall be deposited in an authorized government depository bank, all interests
19 that shall accrue therefrom shall form part of the same funds. This fund shall be
20 expended as authorized by the Board exclusively for the use of BHSA.

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

26 The Board, shall, as far as practicable, implement a socialized
27 matriculation policy and schedule of fees that will allow better access and easier
28 enrollment for the underprivileged.

29 **SECTION 15. *Tax Exemptions*** - All legacies, gifts and donations for the
30 benefit of the BHSA, or for its support and maintenance, or for aid to any of its
31 students shall be exempt from Donor's Tax. The same shall be considered as
32 allowable deductions from the gross income in the computation of the income
33 tax of the donor, in accordance with the provisions of the National Internal
34 Revenue Code (NIRC), as amended: *Provided*, That such donations shall not be
35 disposed of, transferred or sold by BHSA for other purposes.

36 It shall likewise be exempt from taxes and duties on any equipment,
37 books, articles or goods it may import from abroad for the exclusive use of the
38 BHSA, in accordance with the provisions of the Tariff and Customs Code, as
39 amended.

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

3 Finally, all the revenues, grants, endowments, donations, contributions
4 and assets of the BSHA used actually, directly and exclusively for educational
5 purposes shall be exempt from taxes and duties, subject to the conditions set
6 forth in Article XIV, Section 4 of the 1987 Philippine Constitution.

7 **SECTION 16. *Appropriation*** – An initial amount of twenty (20) million
8 pesos is hereby appropriated and shall be made available from the funds of the
9 Department of Education not otherwise appropriated for the immediate
10 operation of the BHSA. Thereafter, such sums as may be necessary for the
11 continued operation and maintenance of BHSA shall be provided in the yearly
12 General Appropriations Act of the national government.

13 The LGUs concerned shall likewise continue to provide assistance to the
14 BSHA.

15 **SECTION 17. *Development Plan, Management Audit, Organizational***
16 ***Structure*** – Within the period of one hundred twenty (120) days after the
17 approval of this Act, and the approval of its implementing rules and regulations,
18 the BHSA shall accomplish the following:

19 (a) Submit a five (5)-year development plan, including its corresponding
20 program budget to the DepEd, for corresponding recommendation to the
21 DBM; and

22 (b) Set up its organizational, administrative as well as academic structure,
23 including the appointment of the school officials, subject to the
24 qualifications set forth in this Act.

25 **SECTION 18. *Filing of Report*** – On or before the fifteenth (15th) day of the
26 second month after the opening of the regular classes each year, the Board shall
27 file with the Office of the President of the Philippines, through the Secretary of
28 DepEd, and with both Houses of Congress, a detailed report on the progress,
29 conditions and needs of the BHSA.

30 **SECTION 19. *Suppletory Application*** – The provisions of Republic Act No.
31 9155, otherwise known as the “Governance of Basic Education Act of 2001” shall
32 be made an integral part of this Act, and shall serve as part of the governing
33 charter of the BHSA.

34 **SECTION 20. *Implementing Rules and Regulations*** –The Department of
35 Education, in coordination with the National Commission for Culture and Arts
36 shall, within one hundred twenty (120) days from the effectivity of this Act, issue
37 such rules and regulations as may be necessary to carry out the purposes of this
38 Act.

1 **SECTION 21. *Separability Clause*** – If, for any reason, any part or provision
2 of this Act is declared invalid or unconstitutional, the remaining parts or
3 provisions not affected shall remain in full force and effect.

4 **SECTION 22. *Repealing Clause*** – All laws, presidential decrees, executive
5 orders, rules and regulations contrary to or inconsistent with the provisions of
6 this Act are hereby repealed or modified accordingly.

7 **SECTION 23. *Effectivity*** – This Act shall take effect fifteen (15) days upon
8 the approval and publication thereof.

9 *Approved.*