

**[ REPUBLIC ACT NO. 9314, August 07, 2004 ]**

**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 provides 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; eco-tourism and historical and heritage restoration and conservation; information technology development; and other related fields of study, and non-degree 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 Council 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 non-degree and nontraditional courses;
- m. To establish and absorb non-chartered 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