

H. No. 7784

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

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

[REPUBLIC ACT NO. **11190**]

AN ACT CREATING A HIGH SCHOOL FOR THE ARTS IN THE PROVINCE OF BATAAN TO BE KNOWN AS THE BATAAN HIGH SCHOOL FOR THE ARTS, AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. *Declaration of Policy.* — It is hereby the declared policy of the State to promote the sustained development of young Filipinos whose aptitude and skill in culture and the arts shall be encouraged and honed through education and specialized training programs. Towards this end, the State shall establish, maintain, and support a complete, adequate, and integrated system of education and training to encourage the artistic talent and cultural aptitude of the Filipino youth as well as support and promote the growth of young artists nationwide.

SEC. 2. *Creation of the Bataan High School for the Arts.*

– There is hereby created a high school for the arts in the Province of Bataan to be known as the “Bataan High School for the Arts”, hereinafter referred to as the “School”.

The School shall be administered and supervised by the Department of Education (DepEd), in coordination with the National Commission for Culture and the Arts (NCCA) and the Cultural Center of the Philippines (CCP).

SEC. 3. *Mandate.* – The School shall implement a general secondary curriculum prescribed by Republic Act No. 10533, or the “Enhanced Basic Education Act of 2013”, with special focus on the arts that shall aid in recognizing early the talent and exceptional giftedness of young children, thereby ensuring the nurturance of artists of excellence and the preservation and promotion of Filipino heritage.

SEC. 4. *Advisory Board.* – The School shall have an Advisory Board, composed of the following members:

- (a) The Regional Director of the DepEd in Region III as Chairperson;
- (b) The School Director as Vice-Chairperson;
- (c) A representative of the NCCA;
- (d) A representative of the CCP;
- (e) The Governor of the Province of Bataan;
- (f) The Schools Division Superintendent of the Schools Division of Bataan;
- (g) An elected representative of the members of the school faculty; and
- (h) Four (4) prominent citizens from the private sector who have distinguished themselves in their professions or fields of specialization, specifically music, theater, dance, visual arts, performance arts and the like, to be appointed by the Chairperson upon the recommendation of the Advisory Board.

The faculty representative shall serve for a term of two (2) years to be chosen in accordance with the rules and qualifications set by the faculty members of the School.

The four (4) prominent citizens shall serve for a term of three (3) years to be selected by the Board from a list of at least seven (7) qualified nominees from Region III. The private sector representatives may be reappointed.

A Search Committee to be constituted by the School Director with the approval of the Chairperson of the Advisory Board shall be created to select the nominees based on the normal standards and qualifications for the position.

SEC. 5. *Powers and Functions of the Advisory Board.* – To accomplish the mandate of the School, the Advisory Board shall advise the School Director on the following:

- (a) Formulation of policies, rules and regulations as may be necessary for the administration and operation of the School;
- (b) Preparation of school budget and appropriation of all sums received as may be specified by law for the support of the School;
- (c) Receiving in trust of legacies, gifts, and donations of real and personal property of all kinds, and administration of the same for the benefit of the School, subject to the limitations, directions and instructions of the donor, if any;
- (d) Fixing of the site and location of the School, acquire property on its behalf, and cause the construction or repair of its buildings, equipment and other facilities when necessary;
- (e) Approval of the curricula, instructional programs and rules of discipline drawn by the offices of the Deputy Directors for Administration and Student and Academic Affairs;
- (f) Establishment of criteria for the selection, admission and graduation of students which shall include a regional competitive examination, and approval of the issuance of certificates or diplomas to successful candidates for graduation;
- (g) Development of strategies to increase the enrollment rate and preparation of purposive campaigns to enhance the competence of the School and its students;

(h) Approval of the grant of stipend and such other allowances for deserving students;

(i) Formulation of qualification standards for the hiring, promotion, retention, or renewal of appointment, and the grounds for removal of faculty members, lecturers and other officials and employees of the School;

(j) Granting the members of the faculty and staff leaves of absence subject to applicable rules and regulations, and provision of fellowship grants when available;

(k) Development of consortia and other economic linkages with local government units (LGUs), institutions and agencies, both public and private, local and foreign, in the furtherance of the purposes and objectives of the School;

(l) Adoption of modern communications technology and other innovative modes of transmitting knowledge;

(m) Importation of 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; and

(n) Delegation of any of the powers and duties of the School Director to other officials of the School as may be deemed appropriate, so as to expedite the administration of the affairs of the School.

SEC. 6. *Meetings.* – The Advisory Board shall convene at least once every quarter. However, the Chairperson of the Board may, upon three (3) days prior written notice, call a maximum of two (2) meetings in a quarter whenever necessary.

A quorum of the Board shall consist of majority of all its members holding office at the time of the meeting: *Provided*, That the Chairperson of the Board or the School Director shall be among those present in the meeting.

In the absence of the Chairperson of the Board, a duly authorized representative may attend with all the rights and responsibilities of a regular member: *Provided*, That during such meeting, the School Director, as Vice-Chairperson, shall be the presiding officer.

The members of the Advisory 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 the DepEd Regional Director, in case of the other Board members, and by the appropriate DepEd official, in case of the Chairperson of the Board, subject to existing laws and regulations.

SEC. 7. *School Director.* – There shall be a School Director who shall serve as the chief academic officer, head of the school faculty and the chief executive officer of the School. The functions, powers and duties, in addition to those specifically described in this Act, 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 the School Director's functions.

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

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

A Search Committee shall be constituted by the DepEd Regional Director in consultation with the representatives of the NCCA, the CCP, and the Provincial Governor of Bataan to select the School Director. It shall be formed immediately upon the approval of the implementing rules and regulations mandated in Section 20 of this Act, and shall reconvene again within six (6) 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 the office, the DepEd Regional Director shall designate an officer-in-charge of the School within three (3) months from the date of vacancy, pending the selection and appointment of a new School Director.

The duly appointed successor shall have a fresh term of five (5) years and shall be eligible for reappointment.

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 heads or directors of similar educational institutions.

The School Director shall be assisted by a Deputy Director for Student and Academic Affairs and a Deputy Director for Administration, who shall be appointed by the DepEd Regional Director from a list of nominees to be submitted by the School Director. The salaries of the Deputy 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.

SEC. 8. *Director for Student and Academic Affairs.* – There shall be a Deputy Director who shall serve as Director for Student and Academic Affairs and shall have the power to review and recommend the curricular offerings and rules of discipline of the School, subject to the approval of the School Director. The Director for Student and Academic Affairs shall likewise have disciplinary power over students of the School, and shall formulate academic policies and rules and regulations on discipline, subject to the approval of the School Director.

The Director for Student and 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.

SEC. 9. *Director for Administration.* – There shall be a Deputy Director who shall serve as Director for Administration and shall assist the School Director and the Advisory Board on policies governing the administration, financial management and development planning of the School.

SEC. 10. *Admissions Council.* – There shall be an Admissions Council consisting of the School Director, the Deputy Directors for Student and Academic Affairs and for Administration, the heads of each faculty department, and such other ranking faculty member or official of the School 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 School, and to select the students who shall be recipients of stipends and other allowances.

The Admissions Council shall propose to the Advisory Board financial assistance schemes and other affirmative programs to assist underprivileged students who qualify for admission to the School.

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

SEC. 11. *Position Structure and Staffing Pattern.* – The position structure and staffing pattern of the School shall be prescribed by the DepEd upon the recommendation of the School Director, subject to the approval of the Department of Budget and Management.

SEC. 12. *Civil Service Coverage.* – Except for visiting professors and other arts instructors engaged by the School, all personnel of the School shall be subject to civil service rules and regulations on wage and position classifications.

SEC. 13. *Faculty.* – No political belief, gender preference, 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 the appointment of faculty shall be subject to the guidelines and qualification standards set by the School Director upon the recommendation of the Advisory Board: *Provided, further*, That no member of the faculty shall teach for or against any particular church or religious sect.

SEC. 14. *School Fund.* – All government appropriations for and other income generated by the School, as well as all legacies, gifts, donations, grants, endowments, contributions and other similar transfers of real and personal properties of all kinds received by the School, shall constitute the School Fund. The School Fund shall be expended or used by, or with authority from, the School Director upon the recommendation of the Advisory Board.

If, for reasons beyond its control, the School shall not be able to pursue any project for which the funds have been

appropriated and allocated under its approved program of expenditures, the School Director, upon the recommendation of the Advisory Board, may authorize the use of said funds for any reasonable purpose which, in his discretion, may be necessary and urgent for the attainment of the objectives and goals of the School.

SEC. 15. *Authority to Solicit, Receive Donations, Grants and the Like.* – Upon the recommendation of the Advisory Board, the School Director may solicit, negotiate with, and receive in trust from any public or private, domestic or foreign sources, legacies, gifts, donations, grants, endowments, contributions or other transfers of ownership and/or possession of real or personal properties of all kinds in favor and for the benefit of the School: *Provided, That the School Director shall, upon the recommendation by the Advisory Board and in accordance with pertinent accounting and auditing laws, rules and regulations, prescribe the measures necessary for the proper use, maintenance and safekeeping of said donations, grants, endowments, contributions or transfers and the compliance of the terms and conditions thereon, if any.*

SEC. 16. *Appropriations.* – The Secretary of Education shall immediately include in the Department's programs the operationalization of the Bataan High School for the Arts, the funding of which shall be included in the annual General Appropriations Act.

The LGUs concerned may likewise provide financial assistance to the School.

SEC. 17. *Development Plan, Organizational Structure.* – Within the period of one hundred twenty (120) days after the approval of this Act, and the approval of its implementing rules and regulations, the School shall accomplish the following:

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

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

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

SEC. 19. *Supplementary Application.* – The provisions of Republic Act No. 9155, otherwise known as the "Governance of Basic Education Act of 2001" shall be made an integral part of this Act, and shall serve as part of the governing charter of the School.

SEC. 20. *Implementing Rules and Regulations.* – Within one hundred twenty (120) days from the effectivity of this Act, the DepEd, in coordination with the NCCA and the CCP, shall issue the rules and regulations implementing the provisions of this Act.

SEC. 21. *Separability Clause.* – If any provision of this Act is held invalid or unconstitutional, the other provisions not so declared shall remain in force and effect.

SEC. 22. *Repealing Clause.* – All laws, decrees, orders and rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or amended accordingly.


SEC. 23. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette*, or in any newspaper of general circulation.


Approved,


VICENTE C. SOTTO III
President of the Senate


GLORIA MACAPAGAL-ARROYO
Speaker of the House
of Representatives

This Act which originated in the House of Representatives was passed by the House of Representatives and the Senate on August 14, 2018 and October 10, 2018, respectively.

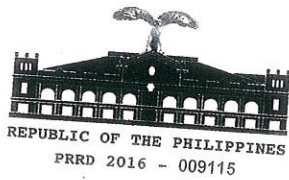

MYRA MARIE D. VILLARICA
Secretary of the Senate


DANTE ROBERTO P. MALING
*Acting Secretary General
House of Representatives*

Approved: ~~JAN~~ 10 2019




RODRIGO ROA DUTERTE
President of the Philippines



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DIRECTOR IV
5-2-4-2019