

1 Republic of the Philippines
2 Bangsamoro Autonomous Region in Muslim Mindanao
3 BANGSAMORO TRANSITION AUTHORITY
4 Cotabato City
5

6 *First Regular Session*

7
8 **BTA PARLIAMENT**
9 BTA Parliament Bill No. 53

Bangsamoro Autonomous Region in Muslim Mindanao
Parliament
BILLS AND INDEX DIVISION
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Date: SEP 27 2022 Time: 2:25 PM

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12 **Introduced by:**
13 **MP DR. SUSANA SALVADOR – ANAYATIN**
14

15 **AN ACT**
16 **CREATING THE BANGSAMORO MEDICAL SCHOOL IN COTABATO CITY,**
17 **APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES.**
18

19 **Explanatory Note**

20
21 "Wherever the art of Medicine is loved, there is also a love of Humanity."
22

23 – Hippocrates

24
25 Under Sec. 16 of Article IX, of Republic Act No. 11054, *it shall be a top*
26 *priority of the Bangsamoro Government to establish, maintain, and support a*
27 *complete and integrated system of quality education, which shall be a*
28 *subsystem of the national education system. The Bangsamoro Government*
29 *shall develop an educational framework relevant and responsive to the needs,*
30 *ideals, and aspirations of the Bangsamoro people.*
31

32 This Parliament body have approved several bills establishing
33 numerous hospitals in the region, adopted health standards and upgraded
34 facilities of existing hospitals in observance of the policy on health of the
35 Bangsamoro government. In relation to that, this representation created this
36 bill to further implement the aforementioned policy by creating a medical
37 school to encourage and open the opportunity to the Bangsamoro people to
38 study medicine.
39

40 The Mindanao State University – College of Medicine is the only
41 government medical school in Mindanao and the only medical school in the
42 region, started in the school year 1984-1985. The college aims to provide

43 competent medical practitioners for the underserved medically-depressed
44 areas of the MINSUPALA (Mindanao, Sulu, and Palawan) region as well as to
45 provide opportunities for Muslim students and other members of the cultural
46 communities including poor but deserving students of MINSUPALA region to
47 become Doctors of Medicine and serve the areas from which they come.

48
49 Considering that we are under the pandemic, aspiring medical students
50 of different areas in the region, maybe contemplating as to the risks and the
51 costs to pursue such education in faraway cities. That is why, this bill seeks
52 to aid the desire of the Bangsamoro to medical education.

53
54 Furthermore, in our journey to a meaningful self – governance, an
55 established medical school signifies the capacity of the Bangsamoro
56 Government to address the needs of its people to education and to produce
57 medical practitioners which will be of great help and importance not only to
58 the society as a whole but most especially in our own region.

59
60 This representation is of the opinion that it is high time for this
61 Bangsamoro government to establish medical school to cater aspiring medical
62 students and to produce more medical practitioners to mobilize the
63 implementation of the policy on health of the Bangsamoro government.

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65 In view of the foregoing, the passage of this legislative measure is
66 earnestly sought.

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72 **DR. SUSANA SALVADOR ANAYATIN**
73 Member – BTA Parliament

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Bangsamoro Autonomous Region in Muslim Mindanao
Parliament
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92
93 **Introduced by:**
94 **MP DR. SUSANA SALVADOR – ANAYATIN**
95

96 **AN ACT**
97 **CREATING THE BANGSAMORO MEDICAL SCHOOL IN COTABATO CITY,**
98 **APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES.**
99

100 *Be it enacted by the Bangsamoro Autonomous Region in Muslim Mindanao,*
101 *Bangsamoro Transition Authority (BTA) Interim Parliament.*
102

103 **SECTION 1. Short Title.** – This Act shall be known as the “**BANGSAMORO**
104 **MEDICAL SCHOOL ACT OF 2023**”.

105 **SECTION 2. Declaration of Policy.** – It is a policy of the Bangsamoro
106 Autonomous Region in Muslim Mindanao as provided under Section 16,
107 Article IX of Republic Act No. 11054 otherwise known as Bangsamoro Organic
108 Law, that “It shall be a top priority of the Bangsamoro Government to
109 establish, maintain, and support a complete and integrated system of quality
110 education, which shall be a subsystem of the national education system. The
111 Bangsamoro Government shall develop an educational framework relevant
112 and responsive to the needs, ideals, and aspirations of Bangsamoro people”.

113 It is hereby declared the policy of the Bangsamoro Government to protect and
114 promote the right of health of its constituents through the formulation and
115 implementation of policies and strategies for the appropriated recruitment,
116 training, and generation of the health workforce to respond to the growing
117 need for medical professionals who shall provide quality basic, promotive,
118 preventive, and curative health care services in the region. It is also the
119 declared policy of the State to promote social justice by expanding access to
120 quality education and creating opportunities for underprivileged individuals.

121 Towards this end, the Bangsamoro Government shall establish a medical
122 school that will provide aspiring medical doctors in the region, medical
123 education, and training in the field of health and medicine. This shall ensure

124 the availability of doctors who may serve in every municipality in the
125 Bangsamoro Autonomous Region, especially the underserved, remote,
126 economically underdeveloped, distressed, conflict-afflicted and geographically
127 disadvantaged areas.

128 **SECTION 3. *The Establishment of Bangsamoro Medical School.*** – There is
129 hereby established in the Province of Maguindanao with a central site and
130 administration office at Cotabato City a medical school which shall be known
131 as the “Bangsamoro Medical School”, the same being organized as a body
132 corporate under that name.

133 The Bangsamoro Medical School shall be constructed and start its operations
134 under capacity and capability as prescribed by the licensing standards and
135 regulation of the Commission on Higher Education (CHED) of the Philippines.
136 The Bangsamoro Medical School may be upgraded thereafter into a higher
137 facility for advance medical studies upon the evaluation and recommendation
138 by the Commission on Higher Education

139 **SECTION 4. *Purpose.*** - To provide the Bangsamoro young people with highly
140 accessible, affordable, comprehensive, and rewarding medical education and
141 integrating in its system of operations all pertinent and relevant provision
142 under Republic Act No. 2382 otherwise known as the Medical Act of 1959 as
143 amended and CHED Memorandum Order No. 18, Series of 2016.

144 The Bangsamoro Medical School, hereinafter referred to as “School”, shall
145 provide advanced instruction and professional training in scientific,
146 technological, and special instructions in the field of medicine by offering
147 Doctor of Medicine program and other related academic programs. It shall
148 also undertake research and extension services and provide progressive
149 leadership in response to the needs of the Bangsamoro region for quality
150 health services.

151 The Bangsamoro Medical School shall serve primarily, but not limited to the
152 Bangsamoro young people from different territories of BARMM and may
153 extend its services as additional to other existing medical schools.

154 **SECTION 5. *Powers of the School.*** - The School shall have the general
155 powers of a corporation set forth in the Corporation Law. The administration
156 of the School and the exercise of its powers shall be vested exclusively in the
157 Board of Trustees and in the President in so far as authorized by the Board.

158 It shall have the power to acquire public lands for its expansion and /or
159 beneficial use; and it shall be authorized to undertake the construction of its
160 buildings and other permanent improvements and such sums as may be
161 necessary for the purpose shall be included in the Annual General
162 Appropriations Act for the School.

163

164 **Section 6. Governing Body.** - The governing body of the School shall be the
165 Board of Trustees, hereinafter referred to as the Board, which shall be
166 composed of the following:

167 (a) The Minister of the Ministry of Basic, Higher and Technical Education
168 (hereinafter referred to as MBHTE), chairman;

169 (b) The President of the School, vice chairman;

170 (c) The Minister of the Ministry of Health, member;

171 (d) Chairman of the Committee on Basic, Higher and Technical Education
172 in the Bangsamoro Parliament, member: *Provided*, that if he is the same
173 person with the Minister of the Basic Higher, and Technical Education, he
174 shall assume the position of chairman;

175 (e) Chairman of the Committee on Health in the Bangsamoro Parliament,
176 member;

177 (f) Minister of the Ministry of the Science and Technology, member;

178 (g) Director of the Cotabato Regional Medical Center (CRMC), member;

179 (h) President of the faculty assembly of the School, member;

180 (i) President of the student governing body representing the entire
181 population of students of the School; and

182 (j) Two (2) prominent medical doctors who have distinguished themselves
183 in their respective fields, chosen from among a list of at least five (5) qualified
184 persons in the Bangsamoro Autonomous Region, as recommended by the
185 search committee constituted by the President in consultation with the
186 Minister of Basic, Higher and Technical Education based on the normal
187 standards and qualifications of the position, members.

188 The term of office of the president of faculty assembly and the president of the
189 student governing body shall be coterminous with their respective terms of
190 office.

191 For the purpose of the provisions of this section, the faculty and the students
192 shall organize themselves to form their respective assembly or governing body,
193 as the case may be.

194 The members of the Board referred to in paragraph (j) of this section shall
195 serve for a term of two years.

196 In case of vacancy in the office of the president, the officer-in-charge of the
197 University designated by the Board shall serve for the unexpired term only.

198 **Section 7. The Board as the policy-making body.** - The Board shall
199 promulgate and implement policies in accordance with the declared National
200 and Bangsamoro Government policies on education and other pertinent
201 provisions of the Constitution and the Bangsamoro Organic Law on
202 education, science and technology and health as well as the policies,
203 standards, and thrusts of a complete and integrated system of quality
204 education in the Bangsamoro provided under the Bangsamoro Education
205 Code of 2021.

206 **Section 8. Powers of the Board of Trustees.** - The Board shall have the
207 following specific powers and duties in addition to its general powers of
208 administration and the exercise of all the powers granted to the Board of
209 Directors of a corporation under Revised Corporation Code of the Philippines
210 and other related laws promulgated by the Bangsamoro Parliament:

211 (a) To enact rules and regulations not contrary to law, as may be
212 necessary to carry out the purposes and functions of the School;

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

216 (c) To receive in trust legacies, gifts and donations of real and personal
217 properties of all kinds, to administer and dispose the same when necessary
218 for the benefit of the School, subject to limitations, directions and instructions
219 of donors, if any. Such donations shall be exempt from all taxes that may be
220 imposed by the Bangsamoro government;

221 (d) To fix the tuition fees and other school fees and charges, such as,
222 but not limited to, matriculation fees, graduation fees and laboratory fees, as
223 it may deem proper and reasonable to impose after due consultations with
224 the involved sectors.

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

230 Any provision of existing laws, rules and regulations promulgated by the
231 Bangsamoro Parliament to the contrary notwithstanding, any income
232 generated by the School from tuition fees and other charges, as well as from
233 the operation of auxiliary services and land grants, shall be retained by the
234 School, and may be disbursed by the Board for instruction, research,
235 extension or other programs/projects of the School: *Provided*, That all
236 fiduciary fees shall be disbursed for the specific purposes for which they are
237 collected.

238 If, for reasons beyond its control, the School shall not be able to pursue any
239 projects for which funds have been appropriated and allocated under its
240 approved program of expenditures, the Board may authorize the use of said
241 funds for any reasonable purposes which, in its discretion, may be necessary
242 and urgent for the attainment of the objectives and goals of the School;

243 (e) To adopt and implement a socialized scheme of tuition and school
244 fees for greater access to poor but deserving students.

245 (f) To authorize the construction or repair of its buildings, machineries,
246 equipment and other facilities and the purchase and acquisition of real and
247 personal properties, including necessary supplies, material, and equipment.

248 Purchases and other transactions entered into by the School through the
249 Board shall be exempt from all taxes and duties that may be imposed by the
250 Bangsamoro Government;

251 (g) To appoint, upon recommendation of the president of the School,
252 vice president, dean, department chairpersons, faculty members and other
253 officials and employees;

254 (h) To fix and adjust salaries of faculty members and administrative
255 officials and employees subject to the provisions of the Compensation and
256 Position Classification System adopted by the Bangsamoro Parliament and
257 other pertinent budget and compensation laws governing hours of service,
258 and such other duties and conditions as it may deem proper; to grant them,
259 at its discretion, leaves of absence under such regulations as it may
260 promulgate, any provisions of existing Bangsamoro laws to the contrary
261 notwithstanding; and to remove them for cause in accordance with the
262 requirements of due process of law;

263 (i) To approve the curricula, institutional programs and rules of
264 discipline drawn by the President in consultation with the dean of the School;

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

266 (k) To award honorary degrees upon persons in recognition of
267 outstanding contribution in the field of education, public service, arts, science
268 and technology or in any field of specialization within the academic
269 competence of the School and to authorize the award of certificate of
270 completion of non-degree and non-traditional courses;

271 (l) To establish research and extension centers of the School where such
272 will promote the development of the latter;

273 (m) To delegate any of its powers and duties provided for hereinabove
274 to the President and/or other officials of the School as it may deem
275 appropriate so as to expedite the administration of the affairs of the School;

276 (n) To enter into joint ventures with business and industry for the
277 profitable development and management of the economic assets of the
278 University, the proceeds from which shall be used for the development and
279 strengthening of the same;

280 (o) To develop consortia and other forms of linkages with local
281 government units, institutions and agencies, both public and private, local
282 and foreign, in furtherance of the purposes and objectives of the School;

283 (p) To set up the adoption of modern and innovative modes of
284 transmitting knowledge, such as the use of information technology, the dual
285 system, open-learning, community laboratory, etc., for the promotion of
286 greater access to higher education; and

287 (q) To establish policy guidelines and procedures for participative
288 decision-making and transparency within the School.

289 **Section 9. Board Meetings.** - The Board shall regularly convene at least once
290 every quarter. The Chairman of the Board may call a special meeting
291 whenever necessary: *Provided*, That members are notified in writing at least
292 three (3) days prior to said meeting.

293 A majority of all members holding office shall constitute a quorum for board
294 meetings: *Provided*, That the Minister of the MBHTE who is the chairman of
295 the Board or the president of the School is among those present in the
296 meeting. In the absence of the Minister of the MBHTE, a deputy minister of
297 the Ministry of Basic, Higher and Technical Education, duly designated by
298 him, shall represent him in the meeting with all the rights and responsibilities
299 of a regular member: *Provided*, however, That in the said meeting, the
300 president of the School as the vice chairman shall be the presiding officer:
301 *Provided*, further, That the preceding proviso notwithstanding, the Minister of
302 Basic, Higher and Technical Education is hereby authorized to designate a
303 deputy minister to be the regular Chair to the Board, in which case said
304 deputy minister of the MBHTE shall act as the presiding officer.

305 The members shall serve without compensation, but they shall be reimbursed
306 for necessary expenses incurred in their attendance of meetings of the Board
307 subject to pertinent existing laws and regulations or in connection with their
308 official business authorized by resolution of the Board.

309 **Section. 10. The President.** - The administration of the School shall be
310 vested in the president of the School who shall render full-time service. He
311 shall be appointed by the Board, upon recommendation of a duly constituted
312 search committee. He shall have a term of four (4) years and shall be eligible
313 for reappointment for another term.

314 In case of vacancy by reason of death, resignation, removal for cause or
315 incapacity of the president to perform the functions of his office, the Board
316 shall have the authority to designate an officer-in-charge pending the
317 appointment of a new president.

318 In case of vacancy in the office of the president as mentioned in the
319 immediately preceding paragraph, his successor shall hold office for the
320 unexpired term. If the successor shall serve for a period of more than two (2)
321 years, then such shall be considered as one full term for the successor.

322 The powers and duties of the president of the School, in addition to those
323 specifically provided in this Act, shall be those usually pertaining to the office
324 of the president of a similar School, and those delegated by the Board.

325 The salary of the president of the School shall be in accordance with the
326 Compensation and Position Classification System adopted by the Bangsamoro
327 Parliament and shall be comparable to that being received by other presidents
328 of similar educational institutions of like standing.

329

330 **Section. 11. Board Secretary.** - The Board shall appoint a secretary who
331 shall serve as such for both the Board and the School and shall keep all
332 records and proceedings of the Board. He shall communicate to each member
333 of the Board notice of meetings.

334 **Section 12. School Treasurer.** - The Bangsamoro Treasurer shall be the *ex-*
335 *officio* treasurer of the School.

336 **Section. 13. Non-discrimination.** - No religious opinion or affiliation shall
337 be a matter of inquiry in the appointment of faculty members of the School:
338 *Provided*, however, That no member of faculty shall teach against any
339 particular church or religious sect.

340 **Section 14. Authority to acquire loans and initiate transfer.** - Heads of
341 ministries and offices of the Bangsamoro Government are hereby authorized
342 to loan or transfer, upon request of the president of the School, such
343 apparatus, equipment or supplies as may be needed by the School, and to
344 detail employees for duty therein when, in the judgment of the head of the
345 ministry or office, such apparatus, equipment, supplies or services of such
346 employees can be spared without detriment to the public service. The
347 employees so detailed shall perform such duties as required of them by the
348 president of the School, and the time so employed shall be counted as part of
349 their official service.

350 **Section 15. Scholarship Program.** - The School shall provide a scholarship
351 program and other affirmative action programs to assist poor but deserving
352 students to qualify for admission to the School.

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

355 **Section 16. Academic Freedom.** - The School shall enjoy academic freedom.

356 **Section 17. Progress Report.** - On or before the fifteenth (15th) of the second
357 month after the opening of the regular classes each year, the Board shall file
358 with the Bansamoro Parliament a detailed report on the progress, conditions
359 and needs of the School.

360 **Section 18. Development Plan.** - Within a period of one hundred twenty
361 (120) days after the approval of this Act, the School shall accomplish the
362 following:

363 (a) Submit a five (5) year development plan, including its corresponding
364 program budget, to the MBHTE, for appropriate recommendation to the
365 Ministry of Finance, Budget and Management;

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

367 (c) Accordingly set up its organizational, administrative as well as academic,
368 structure, including the appointment/ designation of School key officials; and

369 (d) Set in motion the establishment of Doctor of Medicine program.

370 **Section 19. Exemption from Civil Service Eligibility.** - Members of the
371 faculty of the School shall be exempt from any civil service examination as a
372 requisite for appointment, without prejudice to the right of the Board to
373 impose other professional examination requirements intended to maintain
374 high academic standards.

375 **Section 20. Bangsamoro Education Code.** - The provisions of Bangsamoro
376 Autonomy Act No. 18, otherwise known as the "Bangsamoro Education Code
377 of 2021" shall form an integral part of this Act and together shall serve as the
378 governing charter of the School.

379 **Section 21. Administration, Management and Organization.** - The
380 Bangsamoro Medical School shall be under the administrative supervision of
381 the Commission on Higher Education (CHED) who are hereby authorized to
382 determine and approve the appropriate organizational structure for the
383 management and operations of the facility pursuant to the "POLICIES,
384 STANDARDS AND GUIDELINES FOR THE DOCTOR OF MEDICINE (M.D.)
385 PROGRAM" of CHED Memorandum Order No. 18, Series of 2016 and Medical
386 Act of 1959 as amended.

387 **Section 22. Appropriation / Fiscal Autonomy.** - The amount necessary to
388 carry out the provision of this Act shall be included in the Bangsamoro
389 Appropriations Act. Thereafter, the power of fiscal autonomy shall be granted

390 to the Medical School. The funds shall be automatically and regularly released
391 for its maintenance and operation.

392 **Section 23. Implementing Rules and Regulations.** – The Ministry on Basic,
393 Higher and Technical Education (MBHTE) shall promulgate the Implementing
394 Rules and Regulations (IRR) of this Act within sixty (60) days after the
395 enactment of this act, subject to the approval of the Commission on Higher
396 Education (CHED).

397 **Section 24. Residual powers.** - All other powers, functions, privileges,
398 responsibilities and limitations to state universities and/or its officials under
399 existing laws shall be deemed granted to or imposed upon the School and/or
400 its officials whenever appropriate.

401 **Section 25. Separability Clause.** – In the event any provision of this act or
402 the application of such provision is declared invalid, the remainder of this act
403 shall not be affected by such declaration.

404 **Section 26. Repealing Clause.** – All laws and regulations under the
405 Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) government
406 including those passed under the defunct Autonomous Region in Muslim
407 Mindanao (ARMM) government regarding the construction, establishment,
408 and operations of medical school not consistent with this Act are hereby
409 repealed.

410 **Section 27. Effectivity.** – This Act shall take effect after its approval.

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413

414 *Adopted:*

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416

417

418 **DR. SUSANA S. ANAYATIN**

419 Member of Parliament

