



Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
BANGSAMORO TRANSITION AUTHORITY PARLIAMENT
Bangsamoro Government Center, Cotabato City



SECOND REGULAR SESSION

BANGSAMORO AUTONOMY ACT NO. 50

Begun and held in Cotabato City, on Thursday, the 15th day of September 2022.

AN ACT CREATING THE BANGSAMORO *KULLIYYAH* FOR ISLAMIC STUDIES, REPEALING MUSLIM MINDANAO AUTONOMY ACT NO. 164, OTHERWISE KNOWN AS THE REGIONAL MADRASAH GRADUATE EDUCATION ACT OF 2003, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Be it enacted by the Bangsamoro Transition Authority in Parliament assembled:

SECTION 1. *Title.* – This Act shall be known as the “*Bangsamoro Kulliyah for Islamic Studies Act of 2023.*”

SEC. 2. *Declaration of Policies.* – The Bangsamoro Educational System shall be a subsystem of the national education system, pursuant thereto, the Bangsamoro Government shall promote and protect the constitutional right of all to quality and accessible education at all levels and to establish, maintain, and support a complete, adequate, and integrated system of education relevant and responsive to the needs, ideals, and aspirations of the Bangsamoro people.

SEC. 3. *Definition of Terms.* – As used in this Act, the following terms are defined as follows:

- a) “*Kulliyah*” – refers to an institution of higher learning that offers specialized degrees in Islamic studies and Arabic language.
- b) “*REMAcademy*” – otherwise known as the Regional Madrasah Graduate Academy, was created pursuant to the enactment of Muslim Mindanao Autonomy Act (MMAA) No. 164. It is a government-supported academic institution of higher learning in Islamic and Arabic studies.

SEC. 4. *Creation of the Bangsamoro Kulliyah for Islamic Studies (BKIS).* – There is hereby created a Bangsamoro *Kulliyah* for Islamic Studies (BKIS), hereinafter referred to as the *Kulliyah*, which shall be attached to the Ministry of Basic, Higher and Technical Education (MBHTE).

SEC. 5. *Location.* – The *Kulliyah* shall be situated in the current location of the REMAcademy, in the Municipality of Buluan, Province of Maguindanao del Sur, and such other areas as may be determined by the Board of Trustees.

SEC. 6. *Mandate.* – The *Kulliyah* shall be an institute of specialized higher learning which shall primarily provide baccalaureate and postgraduate degree programs. It shall promote instruction, advanced studies, research, extension services, and leading innovation in its areas of specialization.

It shall also institutionalize moral governance that is inclusive and reflective of the aspirations and ideals of the Bangsamoro people.

The *Kulliyah* shall be under the direct supervision and regulatory powers of the MBHTE.

SEC. 7. Powers as a Corporate Body. – The *Kulliyah* shall have the powers provided in this Act and the general powers of a corporation set forth in the Republic Act No. 11232, otherwise known as the “*Revised Corporation Code of the Philippines.*”

SEC. 8. Board of Trustees. – The Board of Trustees, hereinafter referred to as the Board, shall be the governing body of the *Kulliyah*, and shall be composed of the following:

- a) Minister of Basic, Higher and Technical Education, as Chairperson;
- b) Director-General for Higher Education, as 1st Vice-Chairperson;
- c) Director-General for *Madaris* Education, as 2nd Vice-Chairperson;
- d) The *Kulliyah* President, as Member;
- e) Chairperson of the Committee on Basic, Higher and Technical Education of the Bangsamoro Parliament, as Member;
- f) The Bangsamoro *Mufti*, as Member;
- g) President of the faculty association of the *Kulliyah*, as Member;
- h) President of the Student Government Organization, as Member;
- i) President of Alumni Association, as Member; and
- j) Representative from Private Islamic Institutions recognized by MBHTE, as Member.

SEC. 9. Powers and Duties of the Board. – The Board shall be the highest policy-making body of the *Kulliyah*. It shall have the following powers and duties, in addition to its general powers of administration and the exercise of all the powers of a corporation under existing laws:

- a) Formulate and adopt policies and measures for the management and operation of the *Kulliyah*;
- b) Receive and manage all funds as may be provided, for the support of the *Kulliyah* in the manner it may determine, in its discretion, to carry out the purposes and functions of the *Kulliyah* with full transparency and accountability;
- c) Establish research and extension centers for the development of the *Kulliyah*;
- d) Receive in trust legacies, gifts, and donations of real and personal property of all kinds, to administer and dispose the same, when necessary, for the benefit of the *Kulliyah*, subject to limitations, directions, and instructions of the donor/s, if any. Such donations shall be exempt from all taxes and shall be considered as deductible items from the income tax of the donor/s;

- e) Approve the curricula, institutional programs, and rules of discipline drawn by the administrative and academic councils as herein provided;
- f) Set policies on admission and graduation of students;
- g) Award honorary degrees upon persons in recognition of outstanding contribution in the field of education, public service, arts, science and technology or in any field of specialization within the academic competence of the *Kulliyah* and to authorize the award of certificates of completion of non-degree and nontraditional courses;
- h) Fix the tuition fees and other necessary school charges, such as but not limited to matriculation fees, graduation fees, and laboratory fees, as their respective boards 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 *Kulliyah*, 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 fund for the use of the *Kulliyah*.

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

If, for reasons beyond its control, the *Kulliyah*, shall not be able to pursue any project for which funds have been appropriated and allocated under its approved program of expenditures, the Board 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 *Kulliyah*;

- i) Adopt and implement socialized scheme of tuition and school fees for greater access to poor but deserving students;
- j) Establish professorial chairs in the *Kulliyah* and provide fellowship for qualified faculty members, and scholarships to deserving students;
- k) Delegate any of its powers and duties provided for hereinafter to the President and/or other officials of the *Kulliyah* as it may deem appropriate so as to expedite the administration of the affairs of the *Kulliyah*;
- l) Authorize an external management audit of the *Kulliyah*, and request the MBHTE to finance the same, and to institute reforms, including academic and structural changes, on the basis of the audit results and recommendations;
- m) Collaborate with other governing boards of state colleges and universities within the Bangsamoro Region, under the supervision of MBHTE, and in consultation with the Ministry of Finance, Budget and Management (MFBM), and work towards the restructuring of the *Kulliyah* to become more efficient, relevant, productive, and competitive;

- n) Enter into joint ventures with business and industry for the profitable development and management of the economic assets of the *Kulliyah*, the proceeds from which shall be used for the development and strengthening of the *Kulliyah*;
- o) Develop consortia and other economic forms of 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 *Kulliyah*;
- p) Develop academic arrangements for institutional 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;
- q) Set up the adoption of modern and innovative modes of transmitting knowledge such as the use of information technology, the dual learning system, open or distance education, and community laboratory for the promotion of greater access to education;
- r) Establish policy guidelines and procedures for participative decision-making and transparency within the *Kulliyah*;
- s) Privatize, where most advantageous to the *Kulliyah*, the management of non-academic services such as health, food, building or grounds, or property maintenance, and such other similar activities;
- t) Extend the term of the President of the *Kulliyah* beyond the age of retirement but not beyond the age of seventy (70), whose performance has been unanimously rated by the Board as outstanding, based on the guidelines, qualifications, and/or standards set by the Board, after unanimous recommendation by the search committee; and
- u) Establish branches of the *Kulliyah* in other areas of BARMM.

SEC. 10. *Appointing Authority.* – The Chief Minister shall appoint officials with Salary Grade (SG) 25 and above, while the Minister of MBHTE shall appoint officials and employees with SG 24 and below.

SEC. 11. *Honorarium.* – Each Member shall be given an honorarium for each meeting attended, in accordance with existing accounting and auditing rules and regulations.

SEC. 12. *Board Meetings.* – The Board shall meet regularly, at least once every quarter, or as often as it deems necessary upon written request signed by the majority of the members. A quorum of the Board shall be determined by a simple majority of all members.

The Chairperson of the Board may call for a special meeting, as the need arises.

SEC. 13. *Structure of the Kulliyah.* – The structure of the *Kulliyah* shall be comprised of the Office of the President, which shall be supported by appropriate Services, Divisions, Sections, and Units.

The complete staffing pattern of the *Kulliyah* shall be determined by the MBHTE.

SEC. 14. *Office of the President.* – The *Kulliyah* shall be headed by the President who shall be in-charge in the overall administration of the institution on a full-time basis. The Office of the President shall hold a salary grade position of SG 26.

SEC. 15. *Manner of Election and Appointment of the President.* – Six (6) months before the expiration of the term of the incumbent President, the Board shall create a search committee for the nomination of the next President.

The President shall be appointed by the Chief Minister from a list of at least three (3) recommended nominees by the search committee, as endorsed by the Board at least one (1) month before the expiration of the term of the incumbent President.

The term of office for the President shall be four (4) years. The President may be eligible for reappointment for another term: *Provided*, That no President shall serve for more than two (2) terms.

SEC. 16. *Kulliyah Secretary.* – There shall be a secretary of the *Kulliyah* who shall act as the Secretary of the Board.

All processes intended for the Board shall be received by the Secretary. The Secretary shall keep such and other relevant records of the *Kulliyah* and the Board.

SEC. 17. *Academic Council.* – There shall be created an Academic Council, hereinafter referred to as the Council, to be composed of the President of the *Kulliyah*, as Chairperson, and all academic staff with the rank of at least Assistant Professor, as Members.

SEC. 18. *Powers and Duties of Academic Council.* – The Council shall have the following powers and duties:

- a) Act as an advisory body for academics and programs;
- b) Review and recommend the curricular offerings of the *Kulliyah*, subject to the approval of the Board;
- c) Set the requirements for the admission of students, as well as for the graduation and conferment of degrees, subject to the review and approval by the Board through the President of the *Kulliyah*;
- d) Formulate academic policies, rules and regulations on discipline subject to the approval of the Board; and
- e) Exercise disciplinary power over students of the *Kulliyah*.

SEC. 19. *Non-discrimination.* – The *Kulliyah* shall not discriminate on the basis of color, race, religion, sex, or disability in its admissions, employment, or any other programs or activities.

SEC. 20. *Applicability of Civil Service Rules.* – Administrative and non-teaching personnel of the *Kulliyah* shall be covered by the appropriate civil service rules and regulations.

SEC. 21. *Transition.* – Within a period of ninety (90) days after the approval of this law, the MBHTE shall transition the disposition of personnel, assets, and liabilities of the defunct REMAcademy to the *Kulliyah*.

All assets, capital, records, funds, receivables, equipment, and facilities of the REMAcademy shall upon approval of this Act be transferred to the *Kulliyah*.

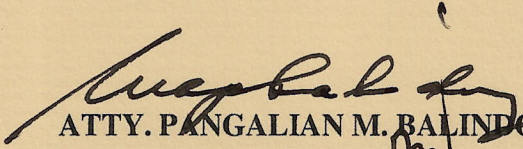
SEC. 22. Appropriations. – The amount necessary for the initial implementation of this Act shall be charged against the current year’s appropriations of the defunct REMAcademy. Thereafter, the amount necessary for the continued operation and maintenance of the *Kulliyah* shall be included in the appropriation for the MBHTE under the General Appropriations Act of the BARMM.

SEC. 23. Implementing Rules and Regulations. – Within sixty (60) days immediately after the passage of this Act, the MBHTE shall formulate the necessary implementing rules and regulations (IRR). A copy of such IRR shall be furnished to the Bangsamoro Parliament.

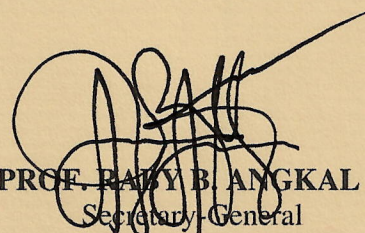
SEC. 24. Separability Clause. – If any part or provision of this Act is declared invalid or unconstitutional, the other parts or provisions thereof shall remain valid and effective.

SEC. 25. Repealing Clause. – MMAA No. 164, otherwise known as the “*Regional Madrasah Graduate Education Act of 2003*” is hereby repealed. All other regional laws, executive orders, memoranda, and other issuances, or parts thereof inconsistent with this Act are hereby repealed.

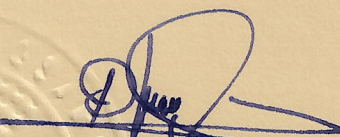
SEC. 26. Effectivity. – This Act shall take effect fifteen (15) days after its publication in a newspaper of general and regional circulation.


ATTY. PANGALIAN M. BALINDONG
Speaker

This Act was passed by the Bangsamoro Transition Authority Parliament on *Jumada Al-Awwal* 16, 1445/November 30, 2023.


PROF. RABY B. ANGKAL
Secretary General

Approved:


AHOD B. EBRAHIM
Chief Minister
Date: Dec. 26, 2023

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