

SEP 12 1990

EXECUTIVE ORDER NO. 420

CONVERTING THE PHILIPPINE HIGH SCHOOL FOR THE ARTS INTO A  
REGULAR GOVERNMENT AGENCY, REPEALING PRESIDENTIAL  
DECREE NO. 1287 AND FOR OTHER PURPOSES

WHEREAS, the arts complement the sciences in improving the quality of human life by means of the complete and harmonious development of the individual;

WHEREAS, it is the person completely and harmoniously developed who can contribute most meaningfully towards the creation and enhancement of a democratic, just and humane society imbued with national identity and pride;

WHEREAS, the Philippine High School for the Arts has been organized under Presidential Decree No. 1287 (1978), to search for and develop highly talented children exceptionally gifted in the arts, with the objective of providing a continuing source of artists of excellence and leaders in the preservation and promotion of the Filipino heritage in the arts;

WHEREAS, the government is committed to fulfill its constitutional mandate to foster the preservation, enrichment and dynamic evolution of a Filipino national culture based on the principle of unity in diversity in a climate of free artistic and intellectual expression and to place arts and letters under the patronage of the State;

WHEREAS, in view of the foregoing, the regularization and conversion of the Philippine High School for the Arts as a regular government agency have been recommended by the Department of Budget and Management pursuant to its mandate under Executive Order No. 165 (1987) and Executive Order No. 5 (1986);

WHEREAS, per the Secretary of Justice Opinion No. 210, series of 1988, Section 22 of Proclamation No. 50 (1986), as amended, empowers the President of the Philippines to amend or repeal the laws creating government-owned or controlled corporations which have been identified for divestment, dissolution, regularization, merger or consolidation, not later than December 6, 1991;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Abolition and Creation. The Philippine High School for the Arts is hereby abolished. In lieu thereof, a regular government agency is hereby created in accordance with the provisions of this Executive Order, with the same name and hereinafter referred to as High School.

SEC. 2. Mandate. The High School is hereby mandated to implement a general secondary level program, combined with a special curriculum oriented to the arts and geared to the early recognition and development of highly talented children exceptionally gifted in the arts, thus providing a continuing source of artists of excellence and leaders in the preservation and promotion of the Filipino heritage in the arts.

SEC. 3. Advisory Council. The High School shall have an Advisory Council, composed of the following members:

- (a) President of the Cultural Center of the Philippines who shall be the Chairman, ex-officio;
- (b) Undersecretary of the Department of Education, Culture and Sports, who shall be the Vice-Chairman, ex-officio;
- (c) Artistic Director of the Cultural Center of the Philippines, ex-officio;
- (d) Director of the Bureau of Secondary Education of the Department of Education, Culture and Sports, ex-officio;
- (e) Director of the Philippine High School for the Arts, ex-officio;
- (f) A representative from each of the fields of music, dance, theatre arts, visual arts, and literature to be appointed by the Chairman, upon recommendation of the Governing Board.

The Advisory Council shall meet at least once a month. A quorum of the Advisory Council shall consist of the majority of all its members holding office at the time the meeting is called and present thereat. Each member of the Advisory Council shall receive an honorarium in accordance with pertinent laws, rules and regulations.

SEC. 4. Powers and Functions. To accomplish the mandate of the High School, the Advisory Council shall advise the Director on the following:

- (a) Fixing of the site of the school;
- (b) Receipt for, and appropriations for the ends specified by law, of such sums as may be provided by law for the support of the High School;
- (c) Approval of appointments made and contracts entered into by the Director in connection with the employment of teachers, lecturers and other employees of the High School, fixing of their compensations and other conditions of employment, with concurrence by the Secretary of Budget and Management; and their removal for cause after due notice and hearing;
- (d) Providing fellowships for faculty members and approval of the grant of scholarships, stipends and other allowances to deserving students;
- (e) Determining the criteria for the selection and admission of students which shall include, among others, national competitive examinations;
- (f) Approval of the issuance of certificates or diplomas to successful candidates for graduation;
- (g) Receipt of in trust legacies, gifts, donations, grants, endowments, contributions, or other transfers of ownership and/or possession of real and personal properties of all kinds and administration of the same for the benefit of the High School or for aid to any of its students;
- (h) Approval of the annual work program and budget for endorsement to the Department of Budget and Management;
- (i) Such other tasks as may be assigned to it by the Secretary of Education, Culture and Sports, which are necessary for the efficient and effective accomplishment of the purposes of this Executive Order.

SEC. 5. Authority to Solicit Donations, Grants and the Like. Upon the recommendation of the Advisory Council, the Director may, without need of authority, approval or intervention by any government agency of any kind whatsoever, solicit, negotiate with, and receive from any public or private, domestic or foreign sources such 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 High School, subject to ratification by the Secretary of Education, Culture and Sports; Provided, That the Director shall, upon recommendation by the Advisory Council 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. 6. Director. The day-to-day operations of the High School shall be under the supervision and control of the Director in accordance with Section 4 hereof. He shall be appointed by the Secretary of Education, Culture and Sports, upon the recommendation of the Advisory Council. His functions, powers and duties, in addition to those specifically provided in this Executive Order, shall be those usually pertaining to the office of the principal of any high school in the Philippine educational system.

SEC. 7. Civil Service Coverage. Personnel of the High School shall be classified into:

- (a) Career service personnel, namely, those of the finance, administrative and personnel staff of the High School and its general education faculty
- (b) Non-career service personnel, namely, visiting professors and arts instructors.

Career and non-career service personnel shall be subject to civil service rules and regulations on wage and position classifications. They shall be entitled to retirement benefits enjoyed by all government personnel, in accordance with existing laws, rules and regulations. Provisions for retirement shall be included in the annual budget of the High School: Provided, That services of incumbents whose appointments have not been processed through the Civil Service Commission shall be considered as creditable services for purposes of claiming retirement or separation benefits as long as the necessary requirements are met.

SEC. 8. Attachment. The High School is hereby attached to the Department of Education, Culture and Sports, in consultation with the Cultural Center of the Philippines, for policy and program implementation with special emphasis on subjects pertaining to the arts, with the end in view of preparing its students for a career in the arts.

SEC. 9. Arts High School Fund. All legacies, gifts, donations, grants, endowments, contributions and other similar transfers of real and personal properties of all kinds received by the High School shall constitute the Arts High School Fund, which shall be expended or used by, or with the authority from, the Director upon the recommendation of the Advisory Council, to attain the purposes of this Executive Order, in accordance with pertinent laws, rules and regulations. Signatories to this Fund shall be the Director and the officer of the High School responsible for its finances, regular reports on the status of the Fund shall be submitted to the Advisory Council.

SEC. 10. Position Structure and Staffing Pattern. Upon approval of this Executive Order, the officers and employees of the defunct Philippine High School for the Arts shall, in a holdover capacity, continue to perform their respective duties and responsibilities and receive the corresponding salaries and benefits unless in the meantime they are duly separated from the service.

The position structure and staffing pattern of the High School shall be approved and prescribed by the Secretary of Education, Culture and Sports, upon the recommendation of the Director of the High School and with the concurrence of the Secretary of Budget and Management, within one hundred twenty (120) days from the approval of this Executive Order and the authorized positions created thereunder shall be filled with regular appointments by the High School or by the President of the Philippines, as the case may be. Those incumbents of the High School whose positions are not included therein or who are not reappointed, shall be deemed separated from the service and shall receive the benefits to which they may be entitled under existing laws, rules and regulations.

SEC. 11. Transfer. The records, equipment, facilities, choses in actions, rights, other assets and personnel of the defunct Philippine High School for the Arts are hereby transferred to the High School, insofar as necessary for the proper accomplishment of the objectives of this Executive Order. The appropriations and funds of said defunct entity, if any, shall revert to the General Fund.

Its remaining assets, if any, shall be allocated to the appropriate units of the government as the Office of the President shall determine or shall otherwise be disposed in accordance with the Government Auditing Code of the Philippines and other pertinent laws, rules and regulations. Its liabilities, if any, shall be paid in accordance with the provisions of the Civil Code of the Philippines on the concurrence and preference of credits.

SEC. 12. Notice or Consent Requirement. If any reorganizational change authorized in this Executive Order is of such substance or materiality as to prejudice third persons with rights recognized by law or contract such that notice to or consent of creditors is required to be made or obtained pursuant to any agreement entered into with any such creditors, such notice or consent requirement shall be complied with prior to the implementation of such reorganizational change.

SEC. 13. Implementing Rules and Regulations. The Secretary of Education, Culture and Sports shall prescribe the rules and regulations for the efficient and effective implementation of the provisions of this Executive Order.

SEC. 14. Separability. Any portion or provision of this Executive Order that may be declared unconstitutional or invalid shall not have the effect of nullifying other portions or provisions hereof as long as such remaining portions or provisions can still subsist and be given effect in their entirety.

SEC. 15. Repeal. Presidential Decree No. 1287 (1978) is hereby repealed. All other laws, issuances, rules and regulations inconsistent herewith are likewise hereby repealed or modified accordingly.

SEC. 16. Effectivity. This Executive Order shall take effect upon approval, subject to its publication in the Official Gazette.

DONE in the City of Manila, this 7<sup>th</sup> day of September, in the year of Our Lord, nineteen hundred and ninety.



By authority of the President:



CATALINO MACARAIG, JR.  
Executive Secretary