



SENATE

S. No. 1617

INTRODUCED BY SENATOR VILLANUEVA

AN ACT CONVERTING THE DAVAO ORIENTAL STATE COLLEGE OF SCIENCE AND TECHNOLOGY IN THE CITY OF MATI AND ALL ITS SATELLITE CAMPUSES LOCATED IN THE PROVINCE OF DAVAO ORIENTAL INTO A STATE UNIVERSITY TO BE KNOWN AS THE DAVAO ORIENTAL STATE UNIVERSITY AND APPROPRIATING FUNDS THEREFOR

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

1 SECTION 1. *Conversion.* – The Davao Oriental State
2 College of Science and Technology in the City of Mati,
3 including all of its existing satellite campuses, namely:
4 Banaybanay Campus in the Municipality of Banaybanay,
5 Cateel Campus in the Municipality of Cateel, and San Isidro
6 Campus in the Municipality of San Isidro, all located in the
7 Province of Davao Oriental, is hereby converted into a state
8 university to be known as the Davao Oriental State

1 University. The main campus of the Davao Oriental State
2 University, hereinafter referred to as the University, shall be
3 in Mati City.

4 SEC. 2. *General Mandate.* – The University shall
5 primarily provide advanced education, higher technological,
6 professional instruction and training in the fields of education,
7 agricultural technology, agri-business management, business
8 administration, industrial technology, arts and sciences, health
9 sciences, information technology, engineering and other
10 relevant fields of study. It shall also undertake research and
11 extension services, and provide progressive leadership in its
12 areas of specialization.

13 SEC. 3. *Academic Freedom and Institutional Autonomy.*
14 – The University shall enjoy academic freedom and
15 institutional autonomy pursuant to paragraph 2, Section 5 of
16 Article XIV of the Constitution of the Republic of the
17 Philippines.

18 SEC. 4. *Curricular Offerings.* – The University shall
19 offer undergraduate, graduate and post-graduate programs
20 and short-term courses in the fields of agriculture and

1 environment studies, pure and applied sciences, behavioral
2 and social sciences, law, culture and arts, tourism and
3 business-related programs, nautical and maritime programs,
4 industrial technology and engineering, education and
5 teacher training, communication and information
6 technology, health-related programs, developmental
7 management and leadership programs, agricultural
8 technology, agri-business management, business
9 administration, health sciences and other degree courses
10 within its areas of specialization and according to its
11 capabilities as the Board of Regents may deem necessary to
12 carry out its objectives, particularly in meeting the needs of
13 the Province of Davao Oriental and Region XI.

14 The University may operate a reasonably-sized
15 laboratory school under its College of Education.

16 *SEC. 5. Administration.* – The University shall have the
17 general powers of a corporation set forth in Batas Pambansa
18 Blg. 68, as amended, otherwise known as the Corporation
19 Code of the Philippines. The administration of the
20 University and the exercise of its corporate powers shall be

1 vested exclusively in the Board of Regents and the President
2 of the University.

3 SEC. 6. *Governing Board.* – The governing body of the
4 University shall be the Board of Regents, hereinafter
5 referred to as the Board, which shall be composed of the
6 following:

7 (a) The chairperson of the Commission on Higher
8 Education (CHED), as chairperson;

9 (b) The President of the University, as vice
10 chairperson;

11 (c) The chairperson of the Committee on Education,
12 Arts and Culture of the Senate;

13 (d) The chairperson of the Committee on Higher and
14 Technical Education of the House of Representatives;

15 (e) The regional director of the National Economic and
16 Development Authority (NEDA) in Region XI;

17 (f) The regional director of the Department of Science
18 and Technology (DOST) in Region XI;

19 (g) The regional director of the Department of
20 Agriculture (DA) in Region XI;

1 (h) The president of the federation of faculty
2 associations of the University;

3 (i) The president of the federation of student councils
4 of the University;

5 (j) The president of the federation of alumni
6 associations of the University; and

7 (k) Two (2) prominent citizens from the private sector
8 who have distinguished themselves in their profession or in
9 the fields of specialization, as members.

10 The Board shall appoint the two (2) prominent citizens
11 from among a list of at least five (5) qualified persons in the
12 Province of Davao Oriental where the University and its
13 campuses are located, as recommended by the search
14 committee constituted by the President of the University, in
15 consultation with the Chairperson of the CHED and the
16 other members of the Board, based on the normal standards
17 and qualifications for the position.

18 The term of office of the president of the federation of
19 faculty associations, the president of the federation of
20 student councils and the president of the federation of

1 alumni associations shall be coterminous with their
2 respective terms of office, as set forth in their respective
3 constitutions and by-laws.

4 The two (2) prominent citizens shall serve for a term of
5 two (2) years from the date of appointment.

6 *SEC. 7. Powers and Duties of the Board of Regents. -*

7 The Board shall have the following specific powers and
8 duties, in addition to its general powers of administration
9 and the exercise of all the powers granted to the board of
10 directors of a corporation under existing laws:

11 (a) To promulgate and implement policies in
12 accordance with the declared State policies and the
13 provisions of the Philippine Constitution on education,
14 agriculture, science and technology, as well as the policies,
15 standards and thrusts of the CHED under Republic Act No.
16 7722, otherwise known as the Higher Education Act of 1994;

17 (b) To promulgate rules and regulations not contrary
18 to law as may be necessary to carry out the purposes and
19 functions of the University;

1 (c) To receive and appropriate all sums as may be
2 provided for the support of the University in the manner it
3 may determine, in its discretion, in order to carry out the
4 purposes and functions of the University;

5 (d) To import economic, technical and cultural books
6 and publications;

7 (e) To receive in trust legacies, gifts and donations of
8 real and personal properties of all kinds and to administer
9 and dispose of the same when necessary for the benefit of the
10 University, and subject to the limitations, directions and
11 instructions of the donor, if any;

12 (f) To fix the tuition fees and other necessary school
13 charges including matriculation fees, graduation fees and
14 laboratory fees, as the Board may deem proper to impose,
15 after due consultation with the involved sectors. Such fees
16 and charges, including government subsidies and other
17 income generated by the University, shall constitute special
18 trust funds and shall be deposited in any authorized
19 government depository bank, and all interest that shall

1 accrue therefrom shall form part of the same funds for the
2 use of the University.

3 Any provision of existing laws, rules and regulations to
4 the contrary notwithstanding, any income generated by the
5 University from tuition fees and other charges, as well as
6 from the operation of auxiliary services and land grants,
7 shall be retained by the University, and may be disbursed by
8 the Board for instruction, research, extension or other
9 program or projects of the University: *Provided*, That all
10 fiduciary fees shall be disbursed for the specific purposes for
11 which these are collected.

12 If, for reasons beyond its control, the University shall
13 not be able to pursue any project for which the funds have
14 been appropriated and allocated under its approved
15 program of expenditures, the Board may authorize the use of
16 said funds for any reasonable purpose which, in its
17 discretion, may be necessary and urgent for the attainment
18 of the objectives and goals of the University;

1 (g) To adopt and implement a socialized scheme of
2 tuition and school fees for greater access to poor but
3 deserving students;

4 (h) To authorize the construction or repair of its
5 buildings, machinery, equipment and other facilities, and the
6 purchase and acquisition of real property, including
7 necessary supplies, materials and equipment;

8 (i) To appoint, upon recommendation of the President
9 of the University, vice presidents, deans, directors, heads of
10 campuses, faculty members and other officials and
11 employees of the University;

12 (j) To fix and adjust salaries of faculty members and
13 administrative officials and employees, subject to the
14 provisions of the Revised Compensation and Position
15 Classification System and other pertinent budget and
16 compensation laws governing hours of service, and such
17 other duties and conditions as it may deem proper; to grant
18 them, at its discretion, leaves of absence under such
19 regulations as it may promulgate, any provision of existing
20 law to the contrary notwithstanding; and to remove them for

1 cause in accordance with the requirements of due process of
2 law;

3 (k) To approve the curricula, instructional programs
4 and rules of discipline drawn by the Administrative Council
5 and Academic Council herein provided;

6 (l) To set policies on admission and graduation of
7 students;

8 (m) To award honorary degrees upon persons in
9 recognition of their outstanding contribution in the fields of
10 education, public service, arts, science and technology,
11 agriculture or in any field of specialization within the
12 academic competence of the University; and to authorize the
13 awarding of certificates of completion of non-degree and non-
14 traditional courses;

15 (n) To establish and absorb non-chartered tertiary
16 institutions within the Province of Davao Oriental as
17 branches and centers in coordination with the CHED, and in
18 consultation with the Department of Budget and
19 Management (DBM), and to offer therein programs or

1 courses, to promote and carry out equal access to educational
2 opportunities as mandated by the Constitution;

3 (o) To establish research and extension centers of the
4 University where such will promote the development of the
5 University;

6 (p) To establish professorial chairs in the University
7 and to provide fellowships for qualified faculty members and
8 scholarships to deserving students;

9 (q) To delegate any of its powers and duties provided
10 for herein to the President or other officials of the University
11 as it may deem appropriate, so as to expedite the
12 administration of the affairs of the University;

13 (r) To authorize an external management audit of the
14 University, to be financed by the CHED, subject to the rules
15 and regulations of the Commission on Audit; and to institute
16 reforms, including academic and structural changes, on the
17 basis of the audit results and recommendations;

18 (s) To collaborate with other governing boards of the
19 state colleges and universities within the Province of Davao
20 Oriental or Region XI, under the supervision of the CHED

1 and in consultation with the DBM, and work towards the
2 restructuring of the University to become more efficient,
3 relevant, productive and competitive;

4 (t) To enter into joint ventures with business and
5 industry for the profitable development and management of
6 the economic assets of the University, the proceeds from
7 which shall be used for the development and strengthening
8 of the University;

9 (u) To develop consortia and other economic forms of
10 linkages with local government units (LGUs), institutions
11 and agencies, both public and private, local and foreign, in
12 the furtherance of the purposes and objectives of the
13 University;

14 (v) To develop academic arrangements for
15 institutional capability building with appropriate
16 institutions and agencies, public and private, local and
17 foreign, and to appoint experts or specialists as consultants,
18 part-time or visiting or exchange professors, scholars or
19 researchers, as the case may be;

1 (w) To set up the adoption of modern and innovative
2 modes of transmitting knowledge such as the use of
3 information technology, the dual learning system, open or
4 distance education and community laboratory for the
5 promotion of greater access to education;

6 (x) To establish policy guidelines and procedures for
7 participative decision-making and transparency within the
8 University;

9 (y) To privatize, where most advantageous to the
10 University, the management of non-academic services such
11 as health, food, building or grounds or property maintenance
12 and such other similar activities; and

13 (z) To extend the term of the President of the
14 University beyond the age of retirement but not beyond the
15 age of seventy (70): *Provided*, That his/her performance has
16 been unanimously rated as outstanding and upon the
17 unanimous recommendation by the search committee,

18 SEC. 8. *Meetings of the Board.* – The Board shall
19 regularly convene once every three (3) months. Whenever
20 necessary, the chairperson of the Board may call, upon three

1 (3) days' prior written notice to the members, a maximum of
2 two (2) special meetings within the same period.

3 A quorum of the Board shall consist of majority of all
4 its members holding office at the time of the meeting:
5 *Provided, however,* That the chairperson of the Board or the
6 President of the University is among those present in the
7 meeting.

8 In the absence of the Chairperson of the CHED, a duly
9 designated CHED commissioner shall represent the
10 Chairperson of the CHED in the meeting, with all the rights
11 and responsibilities of a regular member: *Provided,* That
12 during this meeting, the President of the University as vice
13 chairperson shall be the presiding officer: *Provided, further,*
14 That this provision notwithstanding, the Chairperson of the
15 CHED is hereby authorized to designate a CHED
16 commissioner as the regular chairperson of the Board, in
17 which case said CHED commissioner shall act as the
18 presiding officer.

19 In case the chairpersons of the Senate Committee on
20 Education, Arts and Culture and House Committee on

1 Higher and Technical Education shall not be able to attend
2 the Board meeting, they may duly designate their respective
3 representatives to attend the meeting, who shall have the
4 same rights and responsibilities as a regular member of the
5 Board.

6 The members of the Board shall not receive any salary
7 but shall be entitled to reimbursements for actual and
8 necessary expenses incurred, either in their attendance to
9 meetings of the Board or in connection with other official
10 business authorized by resolution of the Board, subject to
11 existing laws and regulations.

12 SEC. 9. *President of the University.* – The University
13 shall be headed by a President, who shall render full-time
14 service and who shall be appointed by the Board, subject to
15 the guidelines, qualifications and standards set by the
16 Board, upon recommendation of a duly constituted search
17 committee. The President of the University shall have a term
18 of four (4) years and shall be eligible for reappointment for
19 another term: *Provided*, That in order to effect a smooth
20 transition to a state university, the incumbent President of

1 the Davao Oriental State College of Science and Technology
2 shall serve as the first President of the University.

3 Within six (6) months before the expiration of the term
4 of office of the incumbent President of the University, the
5 Board shall constitute the search committee for the
6 Presidency.

7 In case of vacancy in the Office of the University
8 President by reason of death, compulsory retirement,
9 resignation, removal for cause or incapacity of the President
10 to perform the functions of the office, the Board shall
11 designate an officer-in-charge of the University within six
12 (6) months from the date of the vacancy, pending the
13 appointment of a new President. The successor or the officer-
14 in-charge shall serve only the unexpired portion of the term.

15 The powers and duties of the President of the
16 University, in addition to those specifically provided in this
17 Act, shall be those usually pertaining to the Office of the
18 President of similar universities, and those delegated by the
19 Board.

1 The salary of the President of the University shall be in
2 accordance with the Revised Compensation and Position
3 Classification System and shall be comparable to that being
4 received by the presidents of similar educational institutions.

5 The President of the University shall be assisted by a
6 Vice President for Academic Affairs and a Vice President for
7 Administration, who shall be appointed by the Board upon
8 recommendation of the President of the University.

9 SEC. 10. *Secretary of the University.* – The Board shall
10 appoint a Secretary, who shall serve as such for both the
11 Board and the University and shall keep all records and
12 proceedings of the Board. The Secretary of the University
13 shall serve upon each member of the Board the appropriate
14 notice of the Board of meetings.

15 SEC. 11. *Treasurer of the University.* – The Treasurer of
16 the Philippines shall be the *ex officio* Treasurer of the
17 University.

18 SEC. 12. *Administrative Council.* – There shall be an
19 Administrative Council consisting of the President of the
20 University as chairperson, vice presidents, deans, directors and

1 other officials of equal rank as members, whose duty is to
2 review and recommend to the Board the policies governing
3 the administration, management and development planning
4 of the University.

5 SEC. 13. *Academic Council.* – There shall be an
6 Academic Council to be composed of the President of the
7 University, who shall act as chairperson, and all academic
8 staff with the rank of at least assistant professor, as
9 members.

10 The Academic Council shall have the power to review
11 and recommend the curricular offerings and rules of
12 discipline of the University, subject to the approval of the
13 Board. It shall fix the requirements for the admission of
14 students as well as for their graduation and conferment of
15 degrees, subject to review and approval by the Board
16 through the President of the University. It shall have the
17 disciplinary power over students of the University and shall
18 formulate academic policies and rules and regulations on
19 discipline, subject to the approval of the Board.

1 SEC.14. *Faculty.* – No political beliefs, gender preference,
2 cultural or community affiliation or ethnic origin, and
3 religious opinion or affiliation shall be a matter of inquiry in
4 the appointment of faculty members of the University:
5 *Provided,* That the appointment shall be subject to the
6 guidelines, qualifications and standards set by the Board:
7 *Provided, further,* That no member of the faculty shall teach
8 for or against any particular church or religious sect.

9 SEC. 15. *Scholarship Program and Admission.* – The
10 University shall provide a scholarship program and other
11 affirmative action programs to assist poor but deserving
12 students who qualify for admission to the University.

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

16 SEC. 16. *Authority to Loan or Transfer Apparatus,*
17 *Equipment, Supplies and Detail of Personnel.* – The heads
18 of the bureaus and offices of the national government are
19 hereby authorized to loan or transfer, upon the request of the
20 President of the University, apparatus, equipment or

1 supplies as may be needed by the University, and to detail
2 employees for duty therein when, in the judgment of the
3 head of the bureau or office, such apparatus, equipment,
4 supplies or services of such employees can be spared without
5 serious detriment to public service.

6 The employees so detailed shall perform such duties as
7 required of them by the President of the University, and the
8 time so employed shall be counted as part of their regular
9 service.

10 SEC. 17. *Assets, Liabilities and Personnel.* – All assets,
11 real and personal, personnel and records of the Davao
12 Oriental State College of Science and Technology, including
13 those of the extension campuses in the municipalities of
14 Banaybanay, Cateel and San Isidro, as well as liabilities or
15 obligations, are hereby transferred to the University. The
16 positions, right and security of tenure of faculty members
17 and personnel therein employed under existing laws prior to
18 the conversion into a University shall be respected.

19 All parcels of land belonging to the government
20 occupied by the Davao Oriental State College of Science and

1 Technology and its campuses in the municipalities of Banaybay,
2 Cateel and San Isidro are hereby declared to be the property
3 of the University and shall be titled under that name:
4 *Provided*, That should the University cease to exist or be
5 abolished or should such parcels of land aforementioned be
6 no longer needed by the University, the same shall revert to
7 the LGUs concerned.

8 SEC. 18. *Tax Exemption on Importation and Donations.*

9 – The importation of economic, technical and cultural books
10 or publications, which is for economic, technical, vocational,
11 scientific, philosophical, historical or cultural purposes
12 made by the University upon certification by the CHED,
13 shall be exempt from customs duties in accordance with the
14 provisions of the Tariff and Customs Code of the Philippines,
15 as amended.

16 Donations in any form to the University shall be
17 exempt from the donor's tax and the same shall be
18 considered as allowable deduction from the gross income in
19 the computation of the income tax of the donor, in

1 accordance with the provisions of the National Internal
2 Revenue Code of 1997, as amended.

3 SEC. 19. *Appropriations.* – The amount necessary to
4 carry out the provisions of this Act shall be charged against
5 the current year's appropriations of the Davao Oriental State
6 College of Science and Technology. Thereafter, such sums as
7 may be necessary for the continued operation and
8 maintenance of the University shall be included in the
9 annual General Appropriations Act.

10 SEC. 20. *Development Plan, Management Audit and*
11 *Academic Structure.* – Within the period of one hundred
12 twenty (120) days after the approval of this Act, the
13 University shall accomplish the following:

14 (a) Submit a five-year development plan, including its
15 corresponding program budget to the CHED, for
16 corresponding recommendation to the DBM;

17 (b) Undergo a management audit in cooperation with
18 the CHED; and

1 (c) Set up its organizational, administrative as well as
2 academic structure, including the appointment of key
3 officials of the University.

4 SEC. 21. *Filing of Report.* – On or before the fifteenth
5 day of the second month after the opening of the regular
6 classes of each year, the Board shall file with the Office of
7 the President of the Philippines through the Chairperson of
8 the CHED, and with both Houses of Congress, a detailed
9 report on the progress, conditions and needs of the
10 University.

11 SEC. 22. *Suppletory Application.* – The provisions of
12 Republic Act No. 8292, otherwise known as the “*Higher*
13 *Education Modernization Act of 1997*”, shall be an integral
14 part of this Act and shall serve as part of the governing
15 charter of the University.

16 SEC. 23. *Compliance with CHED Requirements.* – The
17 provisions of this Act notwithstanding, the conversion of the
18 institution into a state university, shall become effective only
19 upon the determination and declaration by the CHED, based
20 on the recommendation of a panel of experts it shall

1 constitute for the purpose, that the institution has complied
2 with the requirements for a university status based on
3 CHED Memorandum Order No. 46, series of 2012.

4 The institution shall retain its status prior to the
5 effectivity of this Act until it is able to comply with the
6 requirements provided herein.

7 SEC. 24. *Parity Clause.* – All other powers, functions
8 and privileges, responsibilities and limitations to state
9 universities and their officials under existing laws shall be
10 deemed granted to or imposed upon the University and its
11 officials, whenever appropriate.

12 SEC. 25. *Implementing Rules and Regulations.* – Within
13 sixty (60) days from the effectivity of this Act, the Board
14 shall, in consultation with the CHED, formulate the
15 guidelines to fully implement the provisions of this Act.

16 SEC. 26. *Separability Clause.* – If any part or provision
17 of this Act is declared invalid or unconstitutional, the
18 remaining parts or provisions not affected shall remain in
19 full force and effect.

1 SEC. 27. *Repealing Clause.* – All laws, presidential
2 decrees, executive orders, rules and regulation contrary to or
3 inconsistent with the provisions of this Act are hereby
4 repealed or modified accordingly.

5 SEC. 28. *Effectivity.* – This Act shall take effect fifteen
6 (15) days after its publication in the *Official Gazette* or in a
7 newspaper of general circulation.

Approved,