

S E N A T E

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COMMITTEE REPORT NO. 448

Submitted jointly by the Committees on Education, Arts and Culture, Ways and Means, and Finance on SEP 17 2018

Re: House Bill No. 7733

Recommending its approval without amendments.

Sponsor: Senator Escudero

MR. PRESIDENT:

The Committees on Education, Arts and Culture, Ways and Means, and Finance to which was referred House Bill No. 7733, introduced by Rep. Kho, *et. al.*, entitled:

“AN ACT CONVERTING THE DR. EMILIO B. ESPINOSA, SR. MEMORIAL STATE COLLEGE OF AGRICULTURE AND TECHNOLOGY (DEBESMSCAT) IN THE MUNICIPALITY OF MANDAON, PROVINCE OF MASBATE, INTO A STATE UNIVERSITY TO BE KNOWN AS THE DR. EMILIO B. ESPINOSA SR. - MASBATE STATE UNIVERSITY (DEBESMSU), AND APPROPRIATING FUNDS THEREFOR”

have considered the same and have the honor to report them back to the Senate with the recommendation that it be approved without amendments.


Respectfully submitted:



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Chairperson

Committee on Ways and Means
Vice Chairperson, Committee on
Education, Arts and Culture
Committee on Finance



SEN. FRANCIS G. ESCUDERO

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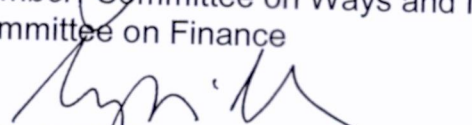
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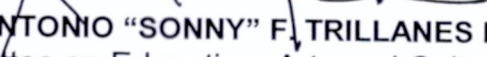


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HOUSE OF REPRESENTATIVES

H. No. 7733

BY REPRESENTATIVES KHO, BRAVO (M.V.), HOFER, NOGRALES (K.A.) AND
CUA, PER COMMITTEE REPORT NO. 737

AN ACT CONVERTING THE DR. EMILIO B. ESPINOSA, SR.
MEMORIAL STATE COLLEGE OF AGRICULTURE AND
TECHNOLOGY (DEBESMSCAT) IN THE MUNICIPALITY
OF MANDAON, PROVINCE OF MASBATE, INTO A
STATE UNIVERSITY TO BE KNOWN AS THE DR. EMILIO
B. ESPINOSA, SR. - MASBATE STATE UNIVERSITY
(DEBESMSU), 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 Dr. Emilio B. Espinosa, Sr.
2 Memorial State College of Agriculture and Technology
3 (DEBESMSCAT) in the Municipality of Mandaon, Province of
4 Masbate, is hereby converted into a state university to be
5 known as the Dr. Emilio B. Espinosa, Sr. - Masbate State
6 University (DEBESMSU), hereinafter referred to as the University.
7 It shall establish regular campuses in Masbate City and in the
8 municipalities of Aroroy, Cawayan, and San Fernando in Ticao
9 Island, all in the Province of Masbate. Its main campus shall
10 be in the Municipality of Mandaon.

1 SEC. 2. *General Mandate.* – The University shall primarily
2 provide advance education, higher technological, professional
3 vocational instruction and training in the fields of arts and
4 sciences, education, agriculture, industrial technology and
5 engineering, information technology, business management and
6 accountancy, tourism and hospitality management, criminology,
7 maritime, medical education, legal education, nontraditional
8 courses and other related fields of study. It shall also undertake
9 research, extension services and production activities in support
10 of the development of the Province of Masbate and provide
11 progressive leadership in its areas of specialization.

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

16 SEC. 4. *Curricular Offerings.* – The University shall offer
17 undergraduate and graduate courses in the fields of arts and
18 sciences, teacher education, agriculture, industrial technology and
19 engineering, information technology, business management and
20 accountancy, medical education, legal education, tourism and
21 hospitality management, maritime education, criminology, as well
22 as technical-vocational programs and nontraditional courses within
23 its areas of specialization and according to its capabilities
24 as the Board of Regents may deem necessary to carry out its
25 objectives, particularly in meeting the needs of the Province of
26 Masbate, Region V.

27 The University may operate reasonably-sized laboratory
28 school under its college of education.

1 SEC. 5. *Administration.* – The University shall have the
2 general powers of a corporation set forth in Batas Pambansa
3 Bilang 68, as amended, otherwise known as “The Corporation Code
4 of The Philippines”. The administration of the University and the
5 exercise of its corporate powers shall be vested exclusively in the
6 Board of Regents and the President of the University.

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

10 (a) The Chairperson of the Commission on Higher Education
11 (CHED), Chairperson;

12 (b) The President of the University, Vice Chairperson;

13 (c) The Chairperson of the Committee on Education, Arts and
14 Culture of the Senate, Member;

15 (d) The Chairperson of the Committee on Higher and
16 Technical Education of the House of Representatives, Member;

17 (e) The Regional Director of the National Economic and
18 Development Authority (NEDA) Region V, Member;

19 (f) The Regional Director of the Department of Agriculture
20 (DA) Region V, Member;

21 (g) The Regional Director of the Department of Science and
22 Technology (DOST) Region V, Member;

23 (h) The President of the federation of faculty associations of
24 the University, Member;

25 (i) The President of the federation of student councils of the
26 University, Member;

27 (j) The President of the federation of alumni associations of
28 the University, Member; and

1 (k) Two (2) prominent citizens from the private sector who
2 have distinguished themselves in their professions or fields of
3 specialization of the University, Members.

4 The Board shall appoint the two (2) prominent citizens from
5 among a list of at least five (5) qualified persons in the Province of
6 Masbate, as recommended by the search committee constituted by
7 the University President, in consultation with the Chairperson of the
8 CHED and the other members of the Board, based on the normal
9 standards and qualifications for the position.

10 The term of office of the President of the federation of faculty
11 associations, the President of the federation of student councils and
12 the President of the federation of alumni associations shall be
13 coterminous with their respective constitution and bylaws.

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

16 SEC. 7. *Powers and Duties of the Board of Regents.* – The
17 Board shall have the following specific powers and duties, in
18 addition to its general powers of administration and the exercise of
19 all the powers granted to the Board of Directors of a corporation
20 under existing laws:

21 (a) To promulgate and implement policies in accordance with
22 the declared State policies and the provisions of the Philippine
23 Constitution on education, agriculture, science and technology, as
24 well as the policies, standards and thrusts of the CHED under
25 Republic Act No. 7722, otherwise known as the "Higher Education
26 Act of 1994";

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

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

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

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

12 (f) To fix the tuition fees and other necessary school charges,
13 including matriculation fees, graduation fees and laboratory fees, as
14 the Board may deem proper to impose, after due consultations with
15 the involved sectors. Such fees and charges, including government
16 subsidies and other income generated by the University, shall
17 constitute special trust funds and shall be deposited in any
18 authorized government depository bank: *Provided*, That all interests
19 that shall accrue therefrom shall form part of the same funds for the
20 use of the University.

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

1 If, for reasons beyond its control, the University shall
2 not be able to pursue any project for which the funds have
3 been appropriated and allocated under its approved program
4 of expenditures, the Board may authorize the use of said
5 funds for any reasonable purpose which, in its discretion,
6 may be necessary and urgent for the attainment of the
7 objectives and goals of the University.

8 (g) To adopt and implement a socialized scheme of tuition
9 and school fees for greater access to poor but deserving students
10 in accordance with the existing provisions of Republic Act No. 10931;

11 (h) To authorize the construction or repair of its buildings,
12 machinery, equipment and other facilities, and the purchase and
13 acquisition of real property, including necessary supplies, materials
14 and equipment;

15 (i) To appoint upon recommendation of the President
16 of the University, Vice Presidents, Deans, Directors, Heads of
17 Campuses, faculty members and other officials and employees
18 of the University;

19 (j) To fix and adjust salaries of faculty members and
20 administrative officials and employees, subject to the provisions
21 and other pertinent budget and compensation laws governing hours
22 of service, and such other duties and conditions as it may deem
23 proper; to grant them, at its discretion, leaves of absence under such
24 regulations as it may promulgate, any provision of existing law to
25 the contrary notwithstanding; and to remove them for cause in
26 accordance with the requirements of due process of law;

27 (k) To approve the curricula, instructional programs and
28 rules of discipline drawn by the administrative and academic
29 councils herein provided;

- 1 (l) To set policies on admission and graduation of students;
- 2 (m) To award honorary degrees upon persons in recognition
3 of their outstanding contribution in the fields of education, public
4 service, arts, science and technology, agriculture or in any field of
5 specialization within the academic competence of the University;
6 and to authorize the awarding of certificates of completion of
7 nondegree and nontraditional courses;
- 8 (n) To absorb non-chartered tertiary institutions within
9 the Province of Masbate as branches in coordination with the
10 CHED, and in consultation with the Department of Budget and
11 Management (DBM), and to offer therein programs or courses, to
12 promote and carry out equal access to educational opportunities
13 as mandated by the Constitution;
- 14 (o) To establish research and extension centers for
15 instructional, research, and community service purposes;
- 16 (p) To establish professorial chairs in the University and to
17 provide fellowships for qualified faculty members and scholarships
18 to deserving students;
- 19 (q) To delegate any of its powers and duties provided
20 for hereinabove to the President and/or other officials of the
21 University as it may deem appropriate, so as to expedite the
22 administration of the affairs of the University;
- 23 (r) To authorize an external management audit of the
24 University, to be financed by the CHED, subject to the rules and
25 regulations of the Commission on Audit (COA); and to institute
26 reforms, including academic and structural changes, on the basis of
27 the audit results and recommendations;
- 28 (s) To collaborate with other governing boards of the state
29 colleges and universities within the Province of Masbate or

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

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

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

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

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

21 (x) To establish policy guidelines and procedures for
22 participative decision making and transparency within the
23 University;

24 (y) To privatize, where most advantageous to the University,
25 the management of nonacademic services such as health, food,
26 building or grounds or property maintenance and such other similar
27 activities; and

28 (z) To extend the term of the President of the University
29 beyond the age of retirement but not beyond the age of seventy (70),

1 whose performance has been unanimously rated by the Board as
2 outstanding based on the guidelines, qualifications and/or standards
3 set by the Board, after unanimous recommendation by the search
4 committee.

5 SEC. 8. *Meetings of the Board.* - The Board shall regularly
6 convene once every three (3) months. Whenever necessary, the
7 Chairperson of the Board may call, upon a three (3)-day prior
8 written notice, a maximum of two (2) special meetings within
9 the same period.

10 A quorum of the Board shall consist of majority of all
11 its members holding office at the time of the meeting: *Provided,*
12 *however,* That the Chairperson of the Board or the President of
13 the University is among those present in the meeting.

14 The Chairperson of the CHED shall designate a
15 Commissioner as representative in the meeting with all the rights
16 and responsibilities of a regular member: *Provided, however,*
17 That during the meeting, the President of the University as the
18 Vice Chairperson shall be the Presiding Officer: *Provided, further,*
19 That this proviso notwithstanding, the Chairperson of the
20 CHED is hereby authorized to designate a CHED Commissioner
21 as the regular chair of the Board, in which case said CHED
22 Commissioner shall act as the presiding officer.

23 In case the Chairpersons of the Congressional Committee
24 on Education shall not be able to attend the board meeting, they
25 may designate their respective representatives to attend the said
26 meeting, who shall have the same rights and responsibilities as a
27 regular member of the Board.

28 The members of the Board shall not receive any salary but
29 shall be entitled to reimbursements for actual and necessary

1 expenses incurred, either in their attendance to the meetings of the
2 Board or in connection with other official business authorized by
3 resolution of the Board, subject to existing laws and regulations.

4 SEC. 9. *The University President.* – The University shall be
5 headed by a President, who shall render full-time service and be
6 appointed by the Board, subject to the guidelines, qualifications and
7 standards set by the Board, upon the recommendation of a duly
8 constituted search committee. The University President shall have a
9 term of four (4) years and shall be eligible for reappointment for
10 another term: *Provided*, That in order to effect a smooth transition to
11 a university, the incumbent President of the DEBESMSCAT shall
12 serve as the first President of the University.

13 Within six (6) months before the expiration of the term of
14 office of the incumbent President of the University, the Board shall
15 constitute a Search Committee for the Presidency (SCP).

16 In case of vacancy in the Office of the President by reason
17 of death, compulsory retirement, resignation, removal for cause or
18 incapacity of the President to perform the functions of the office,
19 the Board shall immediately designate an Officer-in-Charge of
20 the University pending the appointment of a new President.
21 Within six (6) months from the date of vacancy, the Board shall
22 constitute an SCP. The appointed President shall serve a new term.

23 The powers and duties of the President of the University,
24 in addition to those specifically provided in this Act, shall be those
25 usually pertaining to the Office of the President of similar state
26 universities, and those delegated by the Board.

27 The salary of the President of the University shall be in
28 accordance with the revised compensation and position classification

1 system and shall be comparable to that being received by the
2 Presidents of similar state educational institutions.

3 The President of the University shall be assisted by the Vice
4 President for Academic Affairs, a Vice President for Administration
5 and a Vice President for Research and Development, Extension
6 Services and Training, who shall be appointed by the Board upon
7 recommendation of the President.

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

13 SEC. 11. *The Treasurer of the University.* – The Treasurer of
14 the Philippines shall be the *ex officio* treasurer of the University.

15 SEC. 12. *The Administrative Council.* – There shall be
16 an Administrative Council consisting of the President as the
17 Chairperson, Vice Presidents, Deans, Directors and other officials of
18 equal rank as members, whose duty shall be to review and
19 recommend to the Board the policies that shall govern the
20 administration, management and development planning of the
21 University.

22 SEC. 13. *The Academic Council.* – There shall be an
23 Academic Council to be composed of the President of the
24 University, who shall act as Chairperson, and all academic staff
25 with the rank of at least an assistant professor, as members.

26 The Academic Council shall have the power to review and
27 recommend the curricular offerings and rules of discipline of the
28 University, subject to the approval of the Board. It shall fix the
29 requirements for the admission of students, as well as for their

1 graduation and conferment of degrees, subject to review and
2 approval by the Board through the President of the University.
3 It shall exercise disciplinary power over students of the
4 University and shall formulate academic policies and rules and
5 regulations on discipline, subject to the approval of the Board.

6 SEC. 14. *The Faculty.* – No political beliefs, gender
7 preference, cultural or community affiliation or ethnic origin,
8 and religious opinion or affiliation shall be a matter of
9 inquiry in the appointment of faculty members of the
10 University: *Provided*, That said appointment shall be subject
11 to the guidelines, qualifications and standards set by the
12 Board: *Provided, further*, That no member of the faculty shall
13 teach for or against any particular church, faith or religious
14 sector.

15 SEC. 15. *Admission/Scholarship Program.* – No student
16 shall be denied admission to the University by reason of sex,
17 faith, cultural or community affiliation or ethnic origin. The
18 University shall provide a scholarship program and other
19 affirmative action programs to assist poor but deserving students
20 who qualify for admission to the University.

21 SEC. 16. *Authority to Loan or Transfer Apparatus/
22 Equipment/Supplies and Detail of Personnel.* – The heads of the
23 bureaus and offices of the national government are hereby
24 authorized to loan or transfer, upon the request of the President
25 of the University, such apparatus, equipment or supplies as may
26 be needed by the University, and to detail employees for duty
27 therein when, in the judgement of the head of the bureau or
28 office, such apparatus, equipment or supplies or services of

1 such employees can be spared without serious detriment to
2 public service.

3 The employees so detailed shall perform such duties as
4 required of them by the President of the University, and the
5 time thus served shall be counted as part of their regular
6 services.

7 SEC. 17. *Assets, Liabilities and Personnel.* – All assets, real
8 and personal and records of the DEBESMSCAT, as well as liabilities
9 and obligations, are hereby transferred to the University. The
10 positions, rights and security of tenure of faculty members and
11 personnel therein employed under existing laws prior to the
12 conversion into a University shall be respected.

13 All parcels of land belonging to the government occupied
14 by the DEBESMSCAT are hereby declared to be property of the
15 University and shall be titled under its name: *Provided*, That
16 should the University cease to exist or be abolished or should such
17 parcels of land aforementioned be no longer needed by the
18 University, the same shall revert to the Province of Masbate or the
19 Republic of the Philippines, as the case may be.

20 SEC. 18. *Tax Exemption on Importation and Donations.* –
21 The importation of economic, technical and cultural books or
22 publications, which is for economic, technical or vocational, scientific,
23 philosophical, historical or cultural purposes, made by the University
24 upon certification by the CHED, shall be exempt from customs
25 duties in accordance with the provisions of Republic Act No. 10863,
26 otherwise known as the "Customs Modernization and Tariff Act
27 (CMTA)".

28 All grants, bequests, endowments, donations and
29 contributions made to be used actually, exclusively and directly

1 by the University shall be exempt from donor's tax and the
2 same shall be considered as allowable deduction from the
3 gross income in the computation of the income tax of the
4 donor, in accordance with the provisions of the National
5 Internal Revenue Code of 1997, as amended.

6 SEC. 19. *Development Plan, Management Audit,*
7 *Organizational/Administrative Structure.* – Within the period
8 of one hundred twenty (120) days after the approval of this Act,
9 the University shall accomplish the following:

10 (a) Submit a five (5)-year development plan, including its
11 corresponding program budget to the CHED, for the corresponding
12 recommendation to the DBM;

13 (b) Undergo a management audit in cooperation with the
14 CHED; and

15 (c) Set up the organizational, administrative, as well as
16 academic structure, including the appointment of key officials
17 of the University.

18 SEC. 20. *Filing of Report.* – On or before the fifteenth (15th)
19 day of the second (2nd) month after the opening of the regular
20 classes each year, the Board shall file with the Office of the
21 President of the Philippines, through the Chairperson of the
22 CHED, and with both houses of Congress, a detailed report
23 on the progress, conditions and needs of the University.

24 SEC. 21. *Suppletory Application.* – The provisions of
25 Republic Act No. 8292, otherwise known as the "Higher
26 Education Modernization Act of 1997", shall be an integral part
27 of this Act and shall serve as part of the governing Charter
28 of the University.

1 SEC. 22. *Compliance With CHED Requirements.* – The
2 provisions of this Act notwithstanding, the conversion of the
3 institution into a state university shall become effective only
4 upon the determination and declaration by the CHED, based
5 on the recommendation of a panel of experts it shall constitute
6 for the purpose, that the institution has complied with the
7 requirements for a university status based on CHED
8 Memorandum Order No. 46, series of 2012 (Policy Standards
9 to Enhance Quality Assurance (QA) in Philippine Higher
10 Education, through the Outcomes-Based and Typology-Based QA):
11 *Provided, That* the panel may issue such a recommendation
12 when the institution has substantially complied with the
13 requirements for the grant of university status.

14 The following operational requirements for a university, as
15 established by the CHED, shall be complied with:

16 (a) Faculty members who possess relevant degrees in their
17 areas of specialization, as required by the CHED, and shall have
18 participated in research and development activities in their
19 respective disciplines, as evidenced by refereed publications and
20 other scholarly outputs;

21 (b) A comprehensive range of degree programs in all levels,
22 from basic post-secondary to doctoral programs;

23 (c) Viable research programs in specific (disciplinal and
24 multidisciplinary) areas of study that produce new knowledge, as
25 evidenced by refereed publications, citations, inventions, and
26 patents, among others;

27 (d) Comprehensive learning resources and support structures,
28 to include libraries, practicum laboratories, relevant educational
29 resources, and linkages with the relevant disciplinal and

1 professional sectors, to allow students to explore basic, advance,
2 and even cutting edge knowledge in a wide range of disciplines
3 or professions;

4 (e) Active and ongoing linkages and affiliation with other
5 research institutions in various parts of the world that would
6 ensure that the research activities of the university are functioning
7 at current global standards; and

8 (f) Outreach activities that allow the students, faculty, and
9 research staff to apply the new knowledge they generate to
10 address specific social development problems broadly defined.

11 The institution shall retain its status prior to the effectivity
12 of this Act, until it is able to comply with the requirements provided
13 herein.

14 SEC. 23. *Parity Clause.* – All other powers, functions and
15 privileges, responsibilities and limitations to state universities
16 and their officials under existing laws shall be deemed granted
17 to or imposed upon the University and its officials, whenever
18 appropriate.

19 SEC. 24. *Appropriations.* – The amount necessary to carry
20 out the provisions of this Act shall be charged against the
21 current year's appropriations of the DEBESMSCAT. Thereafter,
22 such sums as may be necessary for the continued operation and
23 maintenance of the University shall be included in the annual
24 General Appropriations Act.

25 SEC. 25. *Implementing Rules and Regulations.* – Within
26 sixty (60) days from the effectivity of this Act, the Board, in
27 consultation with the CHED, shall formulate the rules and
28 regulations to fully implement the provisions of this Act.

1 SEC. 26. *Separability Clause.* – If, for any reason, any part
2 or provision of this Act is declared invalid or unconstitutional, the
3 remaining parts or provisions not affected thereby shall remain in
4 full force and effect.

5 SEC. 27. *Repealing Clause.* – All laws, presidential decrees,
6 executive orders, rules and regulations contrary to or inconsistent
7 with the provisions of this Act are hereby repealed or modified
8 accordingly.

9 SEC. 28. *Effectivity.* – This Act shall take effect fifteen (15)
10 days after its publication in the *Official Gazette* or in any newspaper
11 of general circulation.

Approved,

O