

HOUSE OF REPRESENTATIVES

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CLERK OF THE HOUSE

House Bill No: **5243**

Introduced by REP. MERCEDES C. CAGAS

EXPLANATORY NOTE

Southern Philippines Agri-business and Marine and Aquatic School of Technology (SPAMAST) plays an important role in the development of higher education in the country by providing advanced instruction and professional training in education, agriculture, engineering and technology, agri-business, information technology and other relevant fields of study. It is also known as an active human resource development advocate through its active participation in various research and extension undertakings.

Prior to July 23, 2013, the four (4) campuses of SPAMAST and the two (2) extension classes are all located in the province of Davao del Sur. The main campus is in Malita and other satellite campuses are located in Buhangin, Matanao, Sulop, and Digos City. On July 23, 2013, Republic Act 10360 was enacted, creating the new Province of Davao Occidental. As consequence thereof, the Manila and Buhangin campuses are now under the Province of Davao Occidental while the Digos City campus remains in the Province of Davao del Sur.

Following the creation of the Province of Davao Occidental, House Bill No. 3927 was submitted before the Congress to remove the SPMAST Davao del Sur campuses as annex to the main campus of SPMAST in Davao Occidental. Hence, this bill.

This bill seeks to convert the SPAMAST Davao del Sur campuses into a state college to be known as the Davao del Sur State College, integrating therewith the laboratory and production campus in Matanao and the extension classes in Kapatagan and Sulop, all located in Davao del Sur. The main campus of the College shall be in Digos City.

The conversion will allow the Province of Davao del Sur to have its own state college, thus helping the less fortunate but deserving students who cannot afford private higher education in the province and neighboring municipalities. It addresses the needs of the growing student population to have easier access to quality and affordable education.

In view of the foregoing, early passage of this bill is earnestly sought.

Republic of the Philippines
HOUSE OF REPRESENTATIVES

Quezon City

Seventeenth Congress

First Regular Session

House Bill No: **5243**

Introduced by REP. MERCEDES C. CAGAS

AN ACT CONVERTING THE SOUTHERN PHILIPPINES AGRI-BUSINESS AND MARINE AND AQUATIC SCHOOL OF TECHNOLOGY (SPAMAST) DAVAO DEL SUR CAMPUSES INTO A STATE COLLEGE TO BE KNOWN AS DAVAO DEL SUR STATE COLLEGE AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. Conversion. – The Southern Philippines Agri-business and Marine and Aquatic School of Technology (SPAMAST) Davao del Sur campuses are hereby converted into a state college to be known as the Davao del Sur State College, hereinafter referred to as the College, integrating therewith the laboratory and production campus in Matanao, and the extension classes in Kapatagan and Sulop, all located in the province of Davao del Sur. The main campus of the College shall be in Digos City.

SECTION 2. General Mandate. – The College shall primarily provide advanced instruction and professional training in education, agriculture, engineering and technology, agri-business, information technology and other relevant fields of study. It shall also undertake research, extension services and production activities in support of the socio-economic development of Davao del Sur and provide progressive leadership in the areas of specialization.

SECTION 3. Curricular Offerings. – The College shall offer undergraduate and graduate courses in the fields of education, agriculture, engineering and technology, agri-business, information technology and other degree courses within its areas of specialization and according to its capabilities, as the Board of Trustees may deem necessary to carry out its objectives and in order to meet the needs of the Province of Davao del Sur and Region XI.

SECTION 4. Administration. – The College shall have the general power of corporation set forth in Batas Pambansa Blg. 68, as amended, otherwise known as “The Corporation Code of the Philippines.” The Administration of the College and the exercise of its corporate powers shall be vested exclusively in the Board of trustees and the President of the College.

SECTION 5. The Governing Board. – The governing board of the College shall be the Board of Trustees, hereinafter referred to as the Board, which shall be composed of the following:

- (a) The Chairperson of the Commission on Higher Education (CHED),
Chairperson;
- (b) The President of the College, Vice Chairperson;
- (c) The Chairperson of the Committee on Education, Arts and Culture of the Senate,
member;
- (d) The Chairperson of the Committee on Higher and Technical Education of the House
of Representatives, member;
- (e) The Regional Director of the National Economic and Development
Authority(NEDA), member;
- (f) The Regional Director of the Department of Science and Technology;
- (g) The Regional Director of the Department of Agriculture;
- (h) The President of the faculty associations of the College if on campus, member
- (i) The President of the student council of the College if one campus, member;
- (j) The President of the alumni associations of the College if one campus, member;
- (k) Two (2) prominent citizens from the private sector who have distinguished
themselves in their profession or fields of specialization, members.

The Board shall appoint the prominent citizens from among a list of at least five (5) qualified persons in the Province of Davao del Sur, as recommended by the search committee constituted by the College President, in consultation with the Chairperson of the CHED and other members of the Board, based on the normal standards and qualifications for the position set by the Board.

The President of the faculty association, the President of the student council and the President of the alumni association shall serve in the Board only for the duration of their terms of office, as set forth in their respective constitutions and by-laws.

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

SECTION 6. Promulgation and Implementation of Policies. – The Board shall promulgate and implement policies in accordance with the declared State policies on education and other pertinent provisions of the Philippine Constitution on education, agriculture, science and technology, as well as the policies, standards and thrusts of the CHED under Republic Act No. 7722, otherwise known as the “High Education Act of 1994”.

SECTION 7. Powers and Duties of the Board of Regents.– The Board shall have the following specific powers and duties, in addition to its general powers of administration and the exercise of all the powers granted to the board of directors of a corporation under existing laws:

- (a) To promulgate rules and regulations not contrary to law as may be necessary to carry out the purposes and functions of the College;

- (b) To receive and appropriate all sums as may be provided for the support of the College in the manner it may determine in its discretion, in order to carry out the purpose and functions of the College;
- (c) To import duty-free economic, technical and cultural books and/or publications, machineries and equipment, upon certification by the CHED that such imported books and/or publications, machineries and equipment are for economic, technical, vocational, scientific, philosophical, historical or cultural purposes, in accordance with the provisions of the Tariff and Customs Code of the Philippines, as amended;
- (d) To receive in trust legacies, gifts and donations of real and personal properties of all kinds and to administer and dispose of the same when necessary for the benefit of the College, and subject to the limitations, directions and instructions of the donor, if any.

Such donations shall be exempt from the donor's tax and the same shall be considered as allowable deductions from the gross income in the computations of the 3 income tax of the donor, in accordance with the provisions of the National Internal Revenue Code (NIRC) of 1997, as amended: Provided, That such donations shall not be disposed of, transferred or sold;

- (e) To fix the tuition fees and other necessary school charges such as, but not limited to, matriculation fees, graduation fees and laboratory fees, as the Board 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 College, shall be 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 funds for the use of the College.

Any provision of existing laws, rules and regulations to the contrary notwithstanding, any income generated by the College from tuition fees and other charges, as well as from the operation of auxiliary services and land grants, shall be retained by the College, and may be disbursed by the Board for instruction, research, extension or other programs/projects of the College: Provided, That all fiduciary fees shall be disbursed for the specific purposes for which these are collected. If, for reasons beyond its control, the College shall not be able to pursue any project for which the funds have been appropriated and allocated under its approved program of expenditures, the Board may authorized 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 College;

- (f) To adopt and implement a socialized scheme of tuition and other school fees for greater access to poor but deserving students;

- (g) To authorize the construction or repair of its buildings, machinery, equipment and other facilities, and the purchase and acquisition of real property, including necessary supplies, materials and equipment;
- (h) To appoint upon recommendation of the President of the College, Vice Presidents, deans, directors, heads of departments/ head of campus, faculty members, and other officials and employees of the College;
- (i) To fix and adjust salaries of faculty members and administrative officials and employees, subject to the provisions of the Revised Compensation and Position Classification System and other pertinent budget and compensation laws governing house of service, and such other duties and conditions as it may deem proper; to grant them, at its discretion, leaves of absence under such regulations as it may promulgate, any provision of existing law to the contrary notwithstanding; and to remove them for cause in accordance with the requirements of due process of law;
- (j) To approve the curricula, instructional programs and rules of discipline To set policies on admission and graduation of students; drawn by the Administrative and the Academic Councils herein provided;
- (k) To set policies on admission and graduation of students;
- (l) To award honorary degrees upon persons in recognition of their outstanding contribution in the fields of education, public service, arts, science and technology, or in any field of specialization within the academic competence of the College; and to authorize the awarding of certificates of completion for non-degree and nontraditional courses;
- (m) To establish and absorb non-chartered tertiary institutions within the Province of Davao del Sur as branches and centers in coordination with the CHED, and in consultation with the Department of Budget and Management (DBM), and to other therein programs of courses, to province and carry out equal access to educational opportunities as mandated by the Constitution;
- (n) To establish research and extension centers of the College where such will promote the development of the latter;
- (o) To establish professorial chairs in the College and to provide fellowships for qualified faculty members and scholarships to deserving students;
- (p) To delegate any of its powers and duties provided for hereinabove to the President and/or other officials of the College as it may deem appropriate, so as to expedite the administration of the affairs of the College;

- (q) To authorize an external management audit of the College, subject to the rules and regulations of the Commission on Audit (COA); and to institute reforms, including academic and structural changes, on the basis of the audit results and recommendations;
- (r) To collaborate with other governing boards of the state colleges and universities within the Province of Davao del Sur of Region 11, under the supervision of the CHED and in consultation with the DBM, and work towards the restructuring of the College to become more efficient, relevant, productive and competitive;
- (s) To enter into joint ventures with business and industry for the profitable development and management of the economic assets of the College, the proceeds from which shall be used for the development and strengthening of the College;
- (t) To 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 College;
- (u) To 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;
- (v) To set up the adoption of modern and innovative modes of transmitting knowledge such as the use of information technology, the dual learning system, open learning or distance education and community laboratory for the promotion of greater access to education.;
- (w) To establish policy guidelines and procedures for participative decision-making and transparency within the College;
- (x) To privatize, where most advantageous to the College, the management of nonacademic services such as health food, building or grounds or property maintenance and such other similar activities; and
- (y) To extend the term of the President of the College 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.

SECTION 8. Meetings of the Board. –The Board shall regularly convene at least once every quarter. However, the Chairperson of the Board may, upon three (3) days' prior written notice, call a maximum of two (2) special meetings whenever necessary.

A quorum of the Board shall consists of majority of all its members holding office at the time of the meeting: Provided, however, That the Chairperson of the Board of the President of the College is among those present in the meeting.

In the absence of the Chairperson of the CHED, a Commissioner of the CHED, duly designated by him/her, shall represent him/her in the meeting with all the rights and responsibilities of a regular member: Provided, however, That during this meeting, the President of the College as Vice Chairperson shall be the Presiding Officer: Provided, further, That this proviso notwithstanding, the Chairperson of the CHED is hereby authorized to designate a CHED Commissioner shall act as the Presiding Officer.

In case the Chairpersons of the Congressional Committees on Education shall not be able to attend the Board meeting, they may duly designate their respective representatives to attend the said meeting, who shall have the same rights and responsibilities as a regular member of the Board.

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

SECTION 9. The College President. - The College shall be headed by a President, who shall render full-time service. He/She shall be appointed by the Board, subject to the guidelines, qualifications and/or standards set by the Board, upon recommendation of a duly constituted search committee. He/She shall have a term of four (4) years and shall be eligible for reappointment for another term: Provided, That in order to effect a smooth transition into a state college, the incumbent President of the SPAMAST, if qualified, shall serve as the first President of the College. Within six (6) months before the expiration of the term of office of the incumbent President of the College, the Board shall constitute the Search Committee for the Presidency (SCP).

In case of vacancy in the Office of the President by the reason of death, compulsory retirement, resignation, removal for & use or incapacity of the President to perform the functions of his/her office, the Board shall designate an Officer-in-Charge of the College within six (6) months from the date of vacancy, pending the appointment of a new President.

In case of vacancy in the Office of the President as mentioned in the immediately preceding paragraph, his/her successor or the Officer-in-Charge shall serve only the unexpired portion of the term.

The powers and duties of the President of the College, in addition to those specifically provided in this Act, shall be those usually pertaining to the Office of the President of similar universities, and those delegated by the Board.

The Salary of the President of the College shall be in accordance with the Revised Compensation and Position Classification System and shall be comparable to that being received by the Presidents of similar educational institutions.

The President of the College shall be assisted by a Vice President for Academic Affairs, a Vice President for Administration and a Vice President for Research and Extension, who shall be appointed by the Board upon the recommendation of the President.

SECTION 10. Heads of College Campus. – A Campus Director shall head the College campus and he/she shall render full-time service. He/She shall be appointed by the Board upon the recommendation of the search committee and the President of the College, subject to the guidelines, qualifications and/or standards set by the Board;

SECTION 11. THE ADMINISTRATIVE COUNCIL. – There shall be an Administrative Council consisting of the President of the College as Chairperson, Vice President(s), Deans, Directors and other officials of equal rank as members, whose duty is to review and recommend to the Board the policies governing the administration, management and development planning of the College.

SECTION 12. The Academic Council.– There shall be an Academic Council to be composed of the President of the College, who shall act as Chairperson, and all academic staff with the rank of at least an assistance professor, as members.

The Academic Council shall have the power to review and recommend the curricular offerings and rules of discipline of the College, subject to the approval of the Board. It shall fix the requirements for the admission of students, as well as for their graduation and conferment of degrees, subject to review and/or approval by the Board through the President of the College. It shall have the disciplinary power over students of the College and shall formulate academic policies and rules and regulations on discipline, subject to the approval of the Board.

SECTION 13. The Secretary of the College.– The Board shall appoint a secretary, who shall serve as such for both the Board and the College and shall keep all records and proceedings of the Board. He/She shall serve upon each member of the Board the appropriate notice of the Board meetings.

SECTION 14. The Treasurer of the College. –The Treasurer of the Philippines shall be the ex-officio treasurer of the College.

SECTION 15. The Faculty. – No political beliefs, gender preference, cultural or community affiliation or ethnic origin, and religious opinion or affiliation shall be a matter of inquiry in the appointment of faculty members of the College: Provided, That said appointment shall be subject to the guidelines, qualifications and/or standards set by the Board: Provided further, That no member of the faculty shall teach for or against any particular church or religious sect.

SECTION 16. Scholarship Program/Admission. – The College shall provide a scholarship program and other affirmative action programs to assist poor but deserving students who qualify for admission to the College.

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

SECTION 17. Academic Freedom and Institutional Autonomy. – The College shall enjoy academic freedom and institutional autonomy, pursuant to paragraph 2, Section 5 of Article XIV of the Constitution of the Republic of the Philippines.

SECTION 18. Authority to Loan or Transfer Apparatus/ Equipment / Supplies and Detail of Personnel. – The heads of the bureaus and offices of the national government are hereby authorized to loan or transfer, upon the request of the President of the College, such apparatus, equipment or supplies as may be needed by the College, and to detail employees for duty therein when, in the judgment of the head of bureau or office, such apparatus, equipment, supplies or services of such employees can be spared without serious detriment to public service.

The employees so detailed shall perform such duties as required of them by the President of the College, and the time so employed shall be counted as part of their regular services.

SECTION 19. Tax Exemptions. The provisions of any general or special law to the contrary notwithstanding:

- (a) All revenues and assets of the Davao del Sur State College used exclusively and solely for educational purposes or in furtherance thereof shall be exempt from all taxes and duties;
- (b) Gifts and donations of real and personal properties of all kinds shall be exempt from donor's tax and the same shall be considered as allowable deductions from gross income of the donor, in accordance with the provisions of the National Internal Revenue Code of 1997, as amended: Provided, That the allowable deductions shall be equivalent to one hundred fifty percent (150%) of the value of such donation. Valuation of assistance other than money shall be based on the acquisition cost of the property. Such valuation shall take into consideration the depreciation value of the property in case said property has been used;
- (c) Importation of economic, technical, vocational, scientific, philosophical, historical and cultural books, supplies and materials duly certified by the Board, including scientific and educational computer and software equipment, shall be exempt from customs duties;
- (d) The College shall only pay zero percent (0%) value-added tax for all transactions subject to this tax; and
- (e) All educational monetary awards shall be exempt from taxes.

SECTION 20. Assets, Liabilities and Personnel. – All assets, real and personal, personnel and records of the SPAMAST Digos campus, as well as liabilities or obligations, are hereby transferred to the College. The positions, rights and security of tenure of faculty members and personnel therein employed under existing laws prior to the conversion into a College shall be respected. Faculty members whose expertise are needed in Digos campus shall be retained. Additional personnel shall be determined from the SPAMAST staffing pattern for Digos campus.

All parcels of land belonging to the government and occupied by the SPAMAST Digos campus are hereby declared to the property of the College, and shall be titled under that name: Provided, That should the College cease to exist or be abolished or should such parcels of land aforementioned be no longer needed by the College, the same shall revert to the LGU's concerned.

SECTION 21. Appropriations. - The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the SPAMAST Digos Campus. Thereafter, such sums as may be necessary for the continued operation and maintenance of the SPAMAST Digos Campus shall be included in the annual General Appropriations.

SECTION 22. Development Plan, Management Audit, Organizational/ Administrative/ Academic Structure. - - Within the period of one hundred twenty (120) days after the approval of this Act, the College shall accomplish the following:

- (a) Submit a five (5)-year development plan, including its corresponding program budget to the CHED, for corresponding recommendation to the DBM;
- (b) Undergo a management audit in cooperation with the CHED; and
- (c) Accordingly set up its organizational, administrative, as well as academic structure, including the appointment of the key officials of the College.

SECTION 23. Supplementary Application. – The provisions of Republic Act No. 8292, otherwise known as the “Higher Education Modernization Act of 1997”, shall be an integral part of this act and shall serve as part of the Governing Charter of the College.

SECTION 24. Parity Clause – All other powers, functions and privileges, responsibilities and limitations to state college and/or their officials under existing laws shall be deemed granted to or imposed upon the College and/or its officials, whenever appropriate.

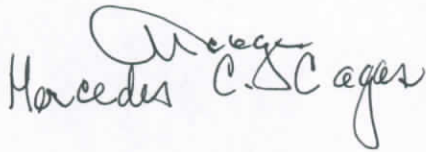
SECTION 25. Implementing Rules and Regulations. – The Board, in consultation with the CHED, shall formulate the guidelines to fully implement the provisions of this Act.

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

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

SECTION 28. Effectivity. – This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulations.

Approved.


Mercedes C. Scaggs