

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

House Bill No. 4834



Introduced by Representative LORENZ R. DEFENSOR

EXPLANATORY NOTE

This bill seeks to strengthen the West Visayas State University by declaring it a national university dedicated to provide quality and affordable education accessible to students nationwide.

The State has the duty to protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all as enshrined in Section 1, Article XIV of the 1987 Constitution. Towards this end, the State shall enact laws that will allow access to quality and affordable education to all Filipinos in all regions nationwide.

The West Visayas State University was established in 1924 under Republic Act No. 4189, as amended, but dates back in 1902 as a part of the Philippine normal school system established by the American colonial government. It has dedicated itself to the achievement of educational goals as an institution of higher learning in the Philippines, particularly in instruction, research, and extension. The West Visayas State University maintains active and innovative research activities with local and international collaborations pioneering studies in endangered wildlife species, Philippine native chicken, Philippine buffalo breeding and medical and nursing technologies and practices. As the center of academic excellence in the Visayas region, communities, schools and other institutions benefit from the expertise of the University's faculty members and staff promoting linkages and collaborations in the Region.¹

For more than a century, the West Visayas State University has committed itself to growth and development of the educational system in the Philippines and in the Visayas Region, consistently producing outstanding members of the society and distinguished professionals such as Hon. Ferjenel G. Biron, Representative, 4th

¹ <https://www.topuniversities.com/universities/west-visayas-state-university>

district Iloilo², Atty. Irene Mae B. Alcobilla, 2015 Philippine Bar Top Notcher³, and Dr. Vicente Handa a multi-awarded scientist.⁴

Currently, the West Visayas State University has more than 6,000 students, offering a wide range of university courses such as dentistry, law, medicine, nursing, music and arts, business management, education, graduate and post-graduate courses and research programs, maintaining its status as the center of academic excellence in the Western Visayas region. The University's College of Medicine is recognized as the pioneer medical school in Western Visayas and the 2nd State-owned medical school⁵ in the country continuing to produce top notchers in the Physician Licensure Exam every year.

The declaration of the West Visayas State as a national university will give the University fiscal and institutional autonomy allowing it more flexibility to determine its teaching, research and extension thrusts, plans, policies, programs, and standards to harness the talents and expertise of the increasing number of students in the Visayas Region. It will also allow equal access to quality education and opportunities for training and learning in leadership, development of democratic values, and innovative research through academic and non-academic programs to students outside Metro Manila.

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



LORENZ R. DEFENSOR
Representative, 3rd District of Iloilo

² <https://festiveiloilo.wordpress.com/2018/12/05/cong-biron-inspires-sk-ilonggo-youth-leaders-with-vision-and-integrity/>

³ https://www.rappler.com/nation/88085-antique-bar-topnotcher-lost-mom-brother-typhoon-frank/?utm_source=facebook&utm_medium=referral&fbclid=IwAR087FNzy3QEFZdtAaMLTyE3qA1G_I_GECMR2t8rozYjE06od2vLGoDpdg

⁴ <https://news.uga.edu/handa-vicente-c/>

⁵ <https://wvsu.edu.ph/colleges-and-campuses/college-of-medicine/>

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AN ACT
STRENGTHENING THE WEST VISAYAS STATE UNIVERSITY
AS A NATIONAL UNIVERSITY TO BE KNOWN AS THE WEST VISAYAS
UNIVERSITY, AND APPROPRIATING FUNDS THEREFOR

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

1
2 **Section 1. Title.** – This Act shall be known as the “*West Visayas University*
3 *Charter of 2022*”.

4
5 **Sec. 2. Declaration of Policy.** – The West Visayas State University is hereby
6 declared as a national university and shall be known as the “West Visayas
7 University”.

8
9 The State shall promote, foster, nurture and protect the rights of all Filipino
10 citizens to accessible quality education. Towards this end, it is the policy of the State
11 to strengthen the West Visayas University as a national university.

12
13 **Sec. 3. Purpose of the University.** – As a national university, a public and
14 secular institution of higher learning and a community of scholars dedicated for the
15 search of truth and knowledge as well as the development of future leaders, the
16 West Visayas University shall perform its unique and distinctive leadership in
17 higher education and development. The University shall:

- 18
19 (a) Lead in setting academic standards and initiating innovations in teaching,
20 research and faculty development in philosophy, the arts of humanities, the
21 social sciences, the professions and engineering, natural sciences,
22 mathematics and technology and maintain centers of excellence in such
23 disciplines and professions in the Visayas Region;
24 (b) Serve as a graduate university by providing advanced studies and
25 specialization for scholars, scientists, writers, artists and professionals,

- 26 especially those who serve on the faculty of the state and private colleges and
27 universities;
- 28 (c) Serve as a research university in various fields of expertise and specialization
29 by conducting basic and applied research and development, and promoting
30 research in various colleges and universities, and contributing to the
31 dissemination and application of knowledge;
- 32 (d) Lead as a public service university by providing various forms of community,
33 public, and volunteer service, as well as scholarly and technical assistance to
34 the government, private sector, and civil society while maintaining its
35 standards of excellence;
- 36 (e) Protect and promote the professional and economic rights and welfare of its
37 academic and non-academic personnel;
- 38 (f) Provide opportunities for training and learning in leadership, responsible
39 citizenship, and the development of democratic values, institutions, and
40 practice through academic and non-academic programs, including sports and
41 the enhancement of nationalism and national identity;
- 42 (g) Serve as a regional and global university in cooperation with international
43 and scientific unions, networks of universities, scholarly and professional
44 associations in the Asia Pacific region and around the world; and
- 45 (h) Provide democratic governance in the university based on the collegiality,
46 representation, accountability, transparency and active participation of its
47 constituents and promote the holding of fora for students, faculty, research,
48 extension and professional staff (REPS), staff, and alumni to discuss non-
49 academic issues affecting the University.

50
51 **Sec. 4. *The West Visayas University System.*** – The West Visayas University
52 System is a university system and shall be composed of constituent universities
53 established solely by its Board of Regents upon the recommendation of the President
54 of the University. The West Visayas University System is composed of its existing
55 constituent universities, as follows: West Visayas University – La Paz, West Visayas
56 University – Lambunao, West Visayas University – Calinog, West Visayas University
57 – Janiway, West Visayas University – Pototan, West Visayas University –
58 Himamaylan City and those which may be created in the future. They are referred to
59 in this law collectively as the “National University”.

60
61 **Sec. 5. *Academic Freedom.*** – The national university has the right and
62 responsibility to exercise academic freedom.

63
64 **Sec. 6. *Academic Excellence.*** – The national university has the responsibility to
65 maintain and enhance its high academic standards in the performance of its
66 functions of instruction, research and extension and public service.

67
68 **Sec. 7. *Commitment to the National Development.*** – The national university
69 shall harness the expertise of the members of its community in the Visayas Region
70 and other individuals to regularly study the state of the nation in relation to its quest
71 for national development in the primary areas of politics and economics, among

72 others, identify key concerns, formulate responsive policies regarding these
73 concerns, and give advice and recommendations to Congress and the President of
74 the Philippines.

75
76 The Congress of the Philippines, the Supreme Court and other lower courts,
77 other government agencies and instrumentalities as well as any constitutional body
78 may request the national university to conduct research or provide advice on any
79 matter involving public policy. The budget for such research or request for advice
80 shall come from the appropriation of these public agencies.

81
82 **Sec. 8. *Social Responsibility.*** – The national university is committed to serve
83 the Filipino nation and humanity. While it carries out the obligation to pursue
84 universal principles, it must relate its activities to the needs of Filipino people and
85 their aspirations for social progress and transformation. The national university may
86 provide venues for student volunteerism.

87
88 **Sec. 9. *Democratic Access.*** – The national university shall take affirmative
89 steps which may take the form of an alternative and equitable admissions process to
90 enhance the access of disadvantaged students especially in the Visayas Region, such
91 as indigenous peoples, poor and deserving students, including but not limited to
92 valedictorians and salutatorians of public high schools, and students from depressed
93 areas, to its programs and services.

94
95 No student shall be denied admission to the national university by reason
96 solely of age, gender, nationality, religious belief, economic status, ethnicity, physical
97 disability or political opinion or affiliation.

98
99 The national university recognizes the separation of Church and State. It shall
100 guarantee religious freedom and shall not discriminate on the basis of religion.

101
102 **Sec. 10. *Sports.*** – The national university shall undertake and support
103 comprehensive sports programs that promote physical education, uphold excellence
104 and encourage competitive participation in sports activities, instill school identity
105 and solidarity, cultivate pride, self-discipline, and teamwork which serve as a
106 foundation for fostering active participation in the national university, as well as in
107 nation building.

108
109 **Sec. 11. *Institutional Autonomy as the National University.*** – To provide
110 greater flexibility, it shall be treated in a manner consistent with its institutional
111 requirements as a national university by the service-wide agencies in the exercise of
112 their respective jurisdiction. Taking into account national goals and priorities, it shall
113 exclusively determine its teaching, research and extension thrusts, plans, policies,
114 programs and standards, and, on the basis of such determination, the national
115 university shall recommend its annual budget to the President of the Republic of the
116 Philippines and Congress.

118
119
120
121
122 **Sec. 12. *The Board of Regents.* –**
123

124 (1) Composition – The governance of the national university is vested in a
125 board of regents known as the “Board of Regents of the West Visayas University”,
126 hereinafter referred to as the “Board”, composed of:

- 127
- 128 (a) The Chairperson of the Commission on Higher Education as Chairperson;
 - 129 (b) The President of the West Visayas University as Co-Chairperson;
 - 130 (c) The Chairperson of the Senate Committee on Education, Arts and Culture;
 - 131 (d) The Chairperson of the House Committee on Higher and Technical
132 Education;
 - 133 (e) The President of the West Visayas University Alumni Association, to serve as
134 the Alumni Regent during his or her incumbency in that position;
 - 135 (f) One Faculty Regent representing all teaching personnel, chosen in accordance
136 with the rules and qualifications set by the constituent university councils to
137 serve for a term of two (2) years;
 - 138 (g) One Student Regent, to serve for a term of one (1) year chosen by the students
139 from their ranks in accordance with rules and qualifications approved in a
140 referendum by the students;
 - 141 (h) One staff regent representing the full-time permanent research, extension, and
142 professional staff (REPS) and administrative personnel, and chosen by them
143 from their ranks in accordance with the rules and qualifications set by their
144 duly recognized organizations, to serve for a term of two (2) years; and
 - 145 (i) Three other Regents who have distinguished themselves in their professions
146 or fields of specialization, to be appointed by the President of the Philippines,
147 considering the recommendation of the Board. At least two (2) of these
148 Regents should be alumni. All these regents shall each serve for a term of at
149 least two (2) years: Provided, that the regents holding office as members of
150 the Board at the time of the effectivity of this Act shall continue to serve until
151 the expiration of their appointments as provided in Presidential Decree No.
152 1437.
- 153 (2) Vacancy – in case of vacancy in the Board, except for the President of the
154 University, such vacancy shall be filled in the same manner as provided for the
155 predecessor, and such appointee shall hold office for the office of the
156 unexpired portion of the term. In case of a sectoral Regent, membership in the
157 Board ceases upon suspension, separation or recall.
- 158 (3) Compensation – Members of the Board shall serve without compensation
159 other than reimbursement for actual and necessary expenses incurred in
160 attendance to meetings of the Board or other official business authorized by
161 the Board.
- 162 (4) Meetings; Quorum – The Board shall convene regularly. The Chairpersons of
163 the Board may call a special meeting whenever necessary: Provided, that

members are notified in writing at least ten (10) working days prior to the meeting; Provided, further, that the notice shall contain a brief description of the agenda items to be discussed.

A majority of all members of the Board holding office at the time the meeting is called shall constitute a quorum for Board meetings.

In no case shall any and all members of the Board appoint representatives to act on their behalf; Provided, that the *ex-officio* members of the Board coming from Congress may participate and vote through teleconferencing or equivalent verifiable means of communication.

Sec. 13. Powers and Duties of the Board of Regents. - The administration of the national university and the exercise of its corporate powers are vested in the Board of Regents.

The Board shall exercise the following specific powers and duties:

- (a) To define in general terms the thrust of the national university and adopt broad policy guidelines to ensure their implementation;
- (b) To preserve the integrity of the national university;
- (c) To approve the institution, merger or abolition of academic programs, upon recommendation of the University Council of the constituent university concerned through the President of the University;
- (d) To approve the graduation of students and grant of honors, as recommended by their respective University;
- (e) To confer honorary degrees upon persons in recognition of learning, statesmanship or eminence in literature, science or art upon recommendation of a committee created by the President of the University: Provided, that such degrees shall not be conferred in consideration of any payment, gift or other valuable consideration;
- (f) To approve the rules on student discipline recommended by the University Councils through the President of the University, with the Board retaining the power to review and pass final judgment on student disciplinary cases;
- (g) To create, organize, reorganize, merge or abolish constituent universities, colleges, institutes and other academic and administrative units of the national university;
- (h) To establish professional chair awards;
- (i) To provide fellowships, scholarships, and grants including athletic grants and to award the same to faculty, staff and students having special evidence of merit, especially those who are poor and deserving individuals;
- (j) To elect the President of the University for a single term of six (6) years following a process of democratic consultation with the university community based on standards and guidelines set by the Board. In the event of a vacancy, the Board shall elect a President who shall serve a full term. A chancellor chosen by the Board may act as Officer-in-Charge of the national

210 university when the search process is in progress. In no case shall the search
211 and election of the next President be longer than ninety (90) calendar days
212 from the date when the vacancy occurs;

213 (k) To appoint faculty members and other officials and employees, to draw up a
214 position classification and compensation plan for its faculty and staff, and,
215 any law to the contrary notwithstanding, to fix and adjust salaries and
216 benefits of the faculty members and other employees: Provided, that salaries
217 and other benefits of the faculty shall be equivalent to those being received by
218 their counterparts in the private sector, to determine the hours of service of
219 faculty and staff, and such other terms and conditions of employment as it
220 may deem proper; to grant leave of absence under such regulations as it may
221 promulgate, any other provisions of law to the contrary notwithstanding; and
222 to remove them for cause as provided by law after due investigation and
223 proper hearing;

224 (l) To extend, with their consent the tenure of faculty members of the national
225 university beyond the compulsory retirement age, any other provision of law
226 to the contrary notwithstanding, on the recommendation of the units upon
227 endorsement of the President of the national university, whenever their
228 services are especially needed: Provided, however, that no such extension of
229 tenure shall be made beyond the age of seventy (70);

230 (m) To fix the tuition fees and other necessary school charges, as the Board may
231 deem proper to impose, after due and comprehensive consultation with the
232 students concerned. Such fees and charges, including government support
233 and other income generated by the national university, shall constitute special
234 trust funds and shall be deposited in an authorized government depository
235 bank. Any and all interest that shall accrue therefrom shall form part of the
236 same funds for the use of national university.

237
238 Notwithstanding any provision of law to the contrary, all incomes generated
239 by the national university or by its subsidiaries shall, upon their collection, be
240 retained by the national university and disbursed at the discretion of the
241 Board for the professional growth and development, health, welfare, and
242 other benefits of the students, faculty members and other personnel; for the
243 acquisition, construction maintenance and repair of urgently needed
244 instructional and auxiliary facilities, equipment, buildings and other
245 infrastructure; and for expenses necessary for the attainment of its purposes
246 under its approved program of expenditures.

247
248 If the national university, for reasons beyond its control, shall not be able to
249 pursue any project for which funds have been appropriated and allocated
250 under its approved program of expenditures, the Board may authorize the use
251 of said fund for any reasonable purpose for which it deems necessary and
252 urgent for the attainment of the objectives of the national university:
253 Provided, That funds collected from students for a specific purpose shall not
254 be reprogrammed to other expenditures;

- (n) To receive and appropriate all sums as may be provided by law for the support of the national university to the ends specified by law, and all other sums in the manner it may, in its discretion, determine to carry out the purposes and functions of the national university;
- (o) To authorize the construction, maintenance or repair of its buildings, machinery, equipment and other facilities, and the purchase and acquisition of real and personal properties, including necessary supplies, materials and equipment;
- (p) To receive in trust legacies, gifts and donations of real and personal property of all kinds and to administer and dispose the same when necessary for the benefit of the national university and subject to the instructions of the donor, if any;
- (q) Notwithstanding any provisions of law to the contrary, to authorize its faculty and staff to travel abroad to study, deliver papers, attend conferences and disseminate research: Provided, That the fellowship, scholarship or grant is authorized by the Board: Provided, finally, That research and other activities funded by the national university shall likewise undertake research in fields or topics that the promising commercial applications, and that the faculty and staff involved in said research be allowed to participate in its financial or economic benefits;
- (r) To exercise the general powers set out in the Corporation Code;
- (s) To delegate any of its powers to the President of the University or other officials or officers as it may deem necessary;
- (t) To prescribe rules for its own government and discipline of the faculty and other personnel and to enact for the government of the national university such general policies, rules and regulations, not contrary to law, as are consistent with its purposes; and
- (u) To exercise such powers as may be proper and necessary to carry out the objectives of this Act.

Sec. 14. *The President of the University.* – The President of the University is the chief academic officer, the head of the university faculty, and the chief executive officer of the University. The President of the University shall exercise the powers specifically provided for in this Act, those determined by the Board, those which pertain to the office of the president of a university, and those which are related or necessary to its functions. The Board shall determine the compensation of the President of the University.

301 The President of the University shall be appointed by the Board and shall serve for a
302 single term of six (6) years.

303
304 **Sec.15. *The Secretary of the University and the Board of Regents.*** – There
305 shall be a Secretary of the University appointed by the Board, who shall also be the
306 Secretary of the Board, and who shall keep such records of the University as may be
307 designated by the Board.

308
309 **Sec. 16. *The University Council.*** – There shall be in each constituent
310 university a University Council consisting of the Chancellor as Chairperson, and all
311 faculty members in the constituent university holding the rank of assistant professor
312 and higher as members.

313
314 **Sec. 17. *Powers of the University Council.*** – The University Council shall be
315 the highest academic body of each constituent university and shall exercise the
316 following powers:

- 317
318 (a) Fix the requirements for admission to any college or unit, graduation, and the
319 grant of honors subject to the minimum system-wide requirements;
320
321 (b) Prescribe the academic programs including their institution, revision,
322 abolition and merger, subject to the approval of the Board;
323
324 (c) Recommend to the Board the graduation of students and the grant of honors;
325
326 (d) Exercise disciplinary power over the students, through the Chancellors or
327 their appropriate committees, subject to review by the President of the
328 University according to the limits prescribed by system-wide rules on student
329 discipline;
330
331 (e) Undertake the periodic review of academic courses, programs, standards,
332 thrust and policies; and
333
334 (f) Adopt internal rules of procedure consistent with the provisions of this Act.

335
336 **Sec. 18. *The Chancellor of the Constituent University.*** – The Administration
337 of each constituent university is vested in the Chancellor insofar as authorized by the
338 Board and the President of the University. The Chancellor of the constituent
339 university shall be elected by the Board upon nomination of the President of the
340 University, following a process of consultation with the constituents of the
341 constituent university based on standards and guidelines set by the Board. The
342 Chancellor shall report to the President of the University, and shall perform the
343 duties and functions elsewhere stated in this Act, and all the usual, necessary and
344 related functions of the Office of the Chancellor subject to the policies and rules
345 prescribed by the Board. The Board shall determine the term and compensation of
346 the Chancellor. If a Chancellor fails to complete his/her term, the President shall

347 appoint an acting Chancellor while a search process is in progress. In no case shall
348 the search and election of the next Chancellor be longer than sixty (60) calendar days
349 from the date when the vacancy occurs.

350
351 **Sec. 19. *The Faculty.*** —The teaching staff of each college shall constitute its
352 faculty. The College Faculty shall be presided over by a Dean. The Dean shall be
353 elected by the Board upon nomination of the President of the University and
354 recommendation of the Chancellor of the constituent university, following a process
355 of consultation with the constituents of the college based on standards and
356 guidelines set by the Board.

357
358 If a Dean fails to complete his/her term, the Chancellor shall appoint an acting Dean
359 while a search process is in progress. In no case shall the search and election of the
360 next Dean be longer than sixty (60) calendar days from the date when the vacancy
361 occurs.

362
363 **Sec. 20. *Appointment Requisites and Practice of Profession.*** —Faculty
364 members, as well as research, extension and professional staff (REPS) of the national
365 university, shall be exempt as such from any civil service examination or regulation
366 as a requisite to appointment. The provisions of existing laws to the contrary
367 notwithstanding, licensing requirements for professional regulatory boards shall not
368 affect appointments to faculty positions. In the appointment of faculty members, no
369 religious test shall be applied, nor shall the religious or political opinions or
370 affiliations of the faculty members of the national university be made subject of
371 examination or inquiry.

372
373 **Sec. 21. *Student Affairs.*** —(a) There shall be established in the national
374 university the following student councils: for every college and degree-granting
375 institute, a college or institute student council; and for every constituent university, a
376 university student council; and for the University System, a general assembly of all
377 student councils.

378
379 The student council shall be composed of elected students of a definite academic
380 unit of the national university. Each member of the student council shall serve for a
381 term of one (1) year, without prejudice to reelection.

382
383 The student council shall serve as the primary student body that shall advance the
384 interests, welfare and aspirations of the students of the national university. It shall
385 have the power to adopt internal rules of procedure consistent with the provisions of
386 this Act.

387
388 (b) Subject to due and comprehensive consultation with the students, there shall be a
389 student publication established in every constituent unit and college to be funded by
390 student fees. Freedom of expression and autonomy in all matters of editorial and
391 fiscal policy shall be guaranteed especially in the selection of its editors and staff.

393 **Sec. 22. *Land Grants and Other Real Properties of the University.*** – (a) The
394 State shall support the West Visayas University as a national university in the form
395 of lump sum amount, through general appropriations and other financial benefits,
396 and in kind, through land grants and donations and use of other real properties. To
397 carry out the intent of these grants, income derived from the development of all land
398 grants and real properties shall be used to further the ends of the national university,
399 as may be decided by the board;

400
401 (b) Such parcels of land ceded by law, decree or presidential issuance to the West
402 Visayas University are hereby declared to be reversed for the purposes intended.
403 The absolute ownership of the national university over these landholdings,
404 including those covered by original and transfer certificates of title in the name of
405 the West Visayas University and their future derivatives, is hereby confirmed.
406 Where the issuance of proper certificates of title is yet pending for these
407 landholdings, the appropriate government office shall expedite the issuance thereof
408 within six (6) months from the date of effectivity of this Act: Provided, That all
409 registration requirements necessary for the issuance of the said titles have been
410 submitted and complied with;

411
412 (c) The Board may plan, design, approve and/or cause the implementation of land
413 leases: Provided, That such mechanisms and arrangements shall sustain and protect
414 the environment in accordance with law, and be exclusive of the academic core zone
415 of the campuses of the West Visayas University: Provided, further, That such
416 mechanisms and arrangements shall not conflict with the academic mission of the
417 national university;

418
419 (d) The Board may allow the use of the income coming from real properties of the
420 national university as security for transactions to generate additional revenues when
421 needed for educational purposes;

422
423 (e) The Board may approve the implementation of joint ventures: Provided, That in
424 the event real properties of the national universities are involved, only the income
425 derived by the University from the use of the real properties shall be the subject of
426 its participation or obligation in the joint ventures: Provided, further, That no joint
427 venture shall result in the alienation of the real properties of the national university;
428 and

429
430 (f) Any plan to generate revenues and other sources from land grants and other real
431 properties entrusted to the national university shall be consistent with the academic
432 mission and orientation of the national university as well as protect it from undue
433 influence and control of commercial interests: Provided, That such programs,
434 projects or mechanisms shall be approved by the Board subject to a transparent and
435 democratic process of consultation with the constituents of the national university:
436 Provided, further, That funds generated from such programs, projects or
437 mechanisms shall not be meant to replace, in part or in whole, the annual
438 appropriations provided by the national government to the national university.

439
440 **Sec. 23. Safeguards on Assets Disposition.** — The preservation of the value of
441 the assets of the national university shall be of primordial consideration.

442
443 The sale of any existing real property of the national university shall be prohibited:
444 Provided, That the Board may alienate real property donated after the effectivity of
445 this Act if the terms of the donation specifically allow it.

446
447 Notwithstanding the provision of this act or any other law to the contrary, the lease
448 of more than five (5) years of the assets of the national university and any transaction
449 referred to in Section 22 shall be subject to the following conditions and procedures:

- 450
451 (a) The transactions shall be discussed with the members of the Board, in any of its
452 formally convened regular or special meeting, at least one (1) month before a
453 decision is to be made;
454
455 (b) The transactions shall be based on a multi-year comprehensive development
456 plan, crafted and developed by qualified urban planning professionals having at
457 least five (5) years of experience, with prior consultations with and concurrence
458 of third-party experts and duly approved by a majority vote of all the members
459 of the Board;
460
461 (c) The transactions shall be subject to competitive and public bidding as provided
462 under Republic Act No. 9184, otherwise known as the “Government
463 Procurement Reform Act”;
464
465 (d) In the case of two (2) failed biddings and negotiated transactions, if undertaken,
466 the Board, when considering the approval of any such transaction, shall secure a
467 fairness opinion report from an independent third-party body. This body shall
468 have five (5) members, three (3) of which shall be nominated by the Bankers
469 Association of the Philippines (BAP), Investment Houses Association of the
470 Philippines (IHAP), Trust Officers Association of the Philippines, or the Financial
471 Executive Institute of the Philippines (FINEX). The members shall be entitled to a
472 reasonable per diem as the Board may specify.

473
474 The fairness opinion report shall contain a statement expressing the opinion of the
475 body as to the fairness to the national university of the terms of the proposed
476 transaction, particularly its financial terms. The report shall include, but not
477 limited to, a review and analysis of the proposed transaction, financial statements,
478 industry information, economic conditions assumptions using management
479 projections and the assumptions used therein and a comparison of similar
480 transactions: Provided, That if the Board differs with the fairness opinion report
481 they shall justify their decision in writing and make this available to the
482 community of the national university.

This provision shall not apply to leases granted to faculty and staff as part of their benefit and those for academic purposes; and

- (e) If the contract or transaction involves an amount more than Fifty Million Pesos (P50,000,000.00), it shall be approved by three-fourths (3/4) of all the members of the Board: Provided, That the splitting of contracts, which is by breaking up a contract into smaller quantities or amounts or dividing contract implementation into artificial or arbitrary phases or subcontracts for the purpose of circumventing this provision, shall not be allowed.

Sec. 24. Management of Funds. – (a) There shall be an independent trust committee to be composed of the President of the University, as Chairperson, one (1) representative each nominated by the Bankers Association of the Philippines (BAP), the Investment Houses Association of the Philippines (IHAP), the Trust Officers Associations of the Philippines (TOAP) and the Financial Executive Institute of the Philippines (FINEX). The members shall be entitled to a reasonable per diem as the Board may specify; (b) The independent trust committee shall recommend to the Board five (5) universal banks selected on a prudent basis which trust departments shall manage the corporate and other funds through trust agreements of the national university a non-directed basis: Provided, That any such agreement shall be for a period of not more than two (2) years; (c) The independent trust committee shall provide the Board with direction on appropriate investments with the view to preserving the value of funds while allowing the University to earn a reasonable return thereon.

Sec. 25. Tax Exemptions. – The provisions of any general or special law to the contrary notwithstanding:

- (a) All revenues and assets of the West Visayas University used for educational purposes or in support 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 the donor's tax and the same shall be considered as allowable deductions from the 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 150 percent to 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 depreciated value of 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 West Visayas University shall only pay 0% value-added tax for all transactions subject to this tax; and

(e) All academic awards shall be exempt from taxes.

Sec. 26. Reportorial Requirements and Auditing of Accounts. – The national university shall submit an annual report to Congress containing the financial statements, statement of assets and liabilities, actual projected income from tuition fees and other revenue sources, contracts and investments entered into pursuant to Section 22 (c) hereof and programs of expenditure. All accounts and disbursements of the national university shall be audited by the Commission on Audit.

Sec. 27. Rules of Construction. – No statutory or other issuances shall diminish the powers, rights, privileges, and benefits accorded to the national university under this Act or enjoyed at present by it under other issuances not otherwise modified or repealed under this Act, unless subsequent legislation expressly provides for their repeal, amendment or modification. Any case of doubt in the interpretation of any of the provisions of this Charter shall be resolved in favor of the academic freedom and fiscal autonomy of the West Visayas University.

Sec. 28. Appropriations. – The amount needed to carry out the implementation of this Act shall be charged against the lump sum appropriation of the current fiscal year and other internal funds of the national university. Thereafter, such lump sum representing the responsibility of the national government for the continued growth, operation maintenance of the national university shall be included in the annual General Appropriations Act (GAA).

The national university may use unexpended balances in any appropriation for purposes that the Board determines.

In addition to the regular appropriations and increases for the university under the annual GAA, a centennial fund shall be appropriated in the amount of One Hundred Million Pesos (P100,000,000.00) per year for a period of five years, which shall likewise be included in the annual GAA.

Sec. 29. Separability Clause. – Should any provision herein be declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.

Sec. 30. Repealing Clause. – Republic Act No. 4189, as amended, Presidential Decree No. 2019 and all laws, decrees, orders, rules and regulations or other issuances or parts inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

573 **Sec. 31. *Effectivity.***—This Act shall take effect fifteen (15) days after its
574 publication in the Official Gazette or in any newspaper of general circulation in the
575 Philippines.

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577 *Approved,*