

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila  
**NINETEENTH CONGRESS**  
Second Regular Session  
House Bill No. **9023**



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Introduced by Representative Claude P. Bautista

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**EXPLANATORY NOTE**

This Bill seeks to convert SPAMAST College into Davao Occidental State University (DOSU) to provide higher education and advanced professional learning in agriculture, fisheries, social and natural sciences, and other field of studies greatly needed to keep abreast of development that will forge the Philippines into becoming a middle-income country and meet the challenges of globalization.

In the 1987 Constitution is enshrined the importance of education in improving the quality of lives and in building a citizenry imbued with reverence to the Almighty, love of country, respect for fellowmen, and care for the environment.

Sections 1 and 2 of Article XIV of the 1987 Constitution provides that:

*"Section 1. The State shall 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."*

*"Section 2. The State shall:*

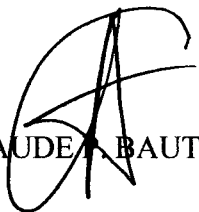
*Establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of people and society."*

The burgeoning population of Davao Occidental, with some 59% belonging to a younger group necessitates the provision of quality education that will equip them for a better future not only for their families and community in particular, but of the country in general. Education is the best weapon to combat ignorance, helplessness, indifference, and vices. It is not enough that our youth should be schooled only in the rudiments of elementary subjects like reading and arithmetic. They should be given education above the fundamentals so they can think critically and strategically, two important methods that could propel our people and country into better understanding on how to cope with the demands of a global environment.

By converting SPAMAST College into a State University, present curricula will be further strengthened, and as a university, SPAMAST can be a vehicle towards more advanced knowledge in technology, help students to ably respond to the problems posed by geopolitics and

geoeconomics, and contribute to the creation of a more progressive environment for the constituencies in the province. Knowledge of self-governance will stimulate discussion that could lead to the promotion of values, norms, and culture that could enhance better relationships with other peoples in and beyond the region. This could aid in the promotion of peace and security.

For the abovementioned reasons, the passage of this Bill is earnestly sought.



CLAUDE A. BAUTISTA

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**AN ACT**  
**CONVERTING THE SOUTHERN PHILIPPINES AGRI-BUSINESS AND MARINE**  
**AND AQUATIC SCHOOL OF TECHNOLOGY IN THE MUNICIPALITY OF**  
**MALITA, PROVINCE OF DAVAO OCCIDENTAL, INTO A STATE UNIVERSITY**  
**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 or SPAMAST in the Municipality of Malita, Province of Davao Occidental, is converted into a state university to be known as the Davao Occidental State University or DOSU in the Municipality of Malita.

**SEC. 2. *General Mandate.*** – The DOSU shall primarily provide advanced instruction and professional training in education, law, art and science, public administration, information technology, accountancy, business and industry, agriculture, forestry, maritime education, engineering, nursing and health allied courses, and other fields of study. It shall promote research, extension, income generating services, and production activities and shall provide progressive leadership in its areas of specialization.

**SEC. 3. *Curricular Offerings.*** – The DOSU shall offer short-term technical-vocational, undergraduate, and graduate courses in the fields of education, law, art and science, public administration, information technology, accountancy, business and industry, agriculture, forestry, maritime education, engineering, nursing and health allied courses, and other degree courses, as the Board of Regents may deem necessary to carry out its objectives, and those which respond to the human resource development needs of the Province of Davao Occidental and Region XI.

**SEC. 4. *Administration.*** – The DOSU shall have the general powers of a corporation as set forth in the Republic Act No. 11232, otherwise known as the “Revised Corporation Code of the Philippines”. The administration of the DOSU and the exercise of its corporate powers shall be vested exclusively in the Board of Regents and the President of the DOSU.

**SEC. 5. *The Board of Regents.*** – The governing body of the DOSU shall be the Board of Regents, hereinafter referred to as the Board, which shall be chaired by the Chairperson of the Commission on Higher Education (CHED) and vice-chaired by the President of the DOSU, and with the following as members:

- a. Chairperson of the Committee on Higher, Technical and Vocational Education of the Senate;
- b. Chairperson of the Committee on Higher and Technical Education of the House of Representatives;
- c. Regional Director of the National Economic and Development Authority;
- d. Regional Director of the Department of Science and Technology;
- e. President of the federation of faculty associations of the DOSU;
- f. President of the federation of student councils of the DOSU;
- g. President of the federation of alumni associations of the DOSU;
- h. Representative of the nonteaching or personnel association of the DOSU; and
- i. Two (2) prominent citizens from the private sector who have distinguished themselves in their professions or fields of specialization.

The Board shall appoint two (2) prominent citizens who shall be selected from a list of at least five (5) qualified persons from the Province of Davao Occidental, as recommended by a Search Committee constituted by the President of the DOSU, in consultation with the Chairperson of the CHED and other members of the Board, based on the standards and qualifications for the position set by the Board. They shall serve for a term of two (2) years from the date of appointment.

The term of office of the presidents of the federation of faculty associations, federation of student councils, federation of alumni associations, and the representative of the nonteaching personnel shall be coterminous with their terms of office, as provided under their respective constitutions and bylaws.

**SEC. 6. Powers and Duties of the Board.** –The administration of the DOSU and the exercise of its corporate powers are vested in the Board, which 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 Section 35 of Republic Act No. 11232:

- a. Promulgate and implement policies in accordance with the declared State policies on education, other pertinent provisions of the Constitution on education, agriculture, science and technology, and the policies, standards and thrusts of the CHED under Republic Act No. 7722, otherwise known as the "Higher Education Act of 1994";
- b. Approve the curricula, instructional programs, and rules on student discipline drawn by the Administrative and Academic Councils, as herein provided;
- c. Appoint, upon the recommendation of the President of the DOSU, the vice presidents, chancellors, deans, directors, heads of the campuses, faculty members, and other officials and employees of the DOSU;
- d. Fix and adjust the salaries of faculty members, administrative officials, and employees, subject to the provisions of the Revised Compensation and Position Classification System and other pertinent budget and compensation laws governing hours of service, and such other duties and conditions as it may deem proper; 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 remove them for cause in accordance with the requirements of the civil service rules and regulations and due process of law;

e. Fix the tuition fees and other necessary school charges, such as matriculation fees, graduation fees, and laboratory fees, as the Board may deem proper to impose, after due consultation with the concerned sectors. The fees and charges, including government subsidies and other income generated by the SUS, shall constitute its special trust funds and shall be deposited in any authorized government depository bank. All interests that shall accrue therefrom shall form part of the same funds for the use of the DOSU;

Any provision of existing law, rule or regulation to the contrary notwithstanding, any income generated by the DOSU from tuition fees and other charges, as well as from the operation of auxiliary services and land grants, shall be retained by the DOSU and may be disbursed by the Board for instruction, research, extension services, and other programs or projects of the DOSU: *Provided*, That all fiduciary fees shall be disbursed for the specific purposes for which these are collected: *Provided however*, That if, for reasons beyond its control, the DOSU 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 authorize 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 DOSU;

f. Adopt and implement a socialized scheme of tuition and other school fees for greater access of poor but deserving students in accordance with Republic Act No. 10931, otherwise known as the “Universal Access to Quality Tertiary Education Act”;

g. Establish professorial chairs in the DOSU and provide fellowships for qualified faculty members, and scholarships to deserving students;

h. Receive and appropriate sums as may be provided for by law for the support of the DOSU, and all other sums in the manner it may, in its discretion, determine to carry out the purposes and functions of the DOSU;

i. Set the policies on admission and graduation of students;

j. Award honorary degrees upon persons in recognition of their outstanding contributions in the fields of education, public service, arts, science and technology, sports and human kinetics or any field of specialization within the academic competency of the DOSU, and authorize the awarding of certificates of completion of nondegree and nontraditional courses;

k. Develop academic arrangements for institutional capability building with appropriate institutions and agencies, whether public, private, local or foreign, and appoint experts or specialists as consultants, part-time, visiting or exchange professors, scholars or researchers, as the case may be;

l. Adopt modern and innovative modes of transferring knowledge to allow greater access to education such as the use of information technology, online programs, the dual training system, open distance learning, and community laboratory;

m. Absorb non-chartered tertiary education institutions within the Province of Siquijor and Region VII as branches, extension campuses, and external centers, in coordination with the CHED and in consultation with the Department of Budget and Management (DBM), and

1 offer therein programs or courses to carry out the constitutional mandate of providing equal  
2 access to educational opportunities;

3  
4 n. Authorize an external management audit of the DOSU, to be financed by the CHED,  
5 subject to the rules and regulations of the Commission on Audit, and institute reforms,  
6 including academic and structural changes, on the basis of the audit results and  
7 recommendations;

8  
9 o. Develop consortia and other economic forms of linkages with local government units, as  
10 well as public, private, local or foreign institutions and agencies for the furtherance of the  
11 purposes and objectives of the DOSU;

12  
13 p. Import economic, technical, and cultural books and publications;

14  
15 q. Enter into joint ventures with business industry for the profitable growth and  
16 management of economic assets, the proceeds of which shall be used for the development  
17 and strengthening of the DOSU;

18  
19 r. Receive, in trust, all legacies, gifts, and donations of real and personal properties of all  
20 kinds and administer and dispose of the same, when necessary, for the benefit of the DOSU  
21 and subject to the limitations, directions, and instructions of the donor, if any;

22  
23 s. Extend the term of the President of the DOSU beyond the age of retirement, but not  
24 beyond the age of seventy (70), based on the guidelines on qualification standards set by  
25 the Board: *Provided*, That the President's performance has been rated by the Board as  
26 outstanding and a unanimous recommendation for such extension has been decided upon  
27 by the search committee;

28  
29 t. Delegate any of its powers and duties to the President and other officials of the DOSU, as  
30 it may deem appropriate, so as to expedite the administration of the affairs of the DOSU;

31  
32 u. Establish policy guidelines and procedures for participative and transparent decision-  
33 making within the DOSU;

34  
35 v. Where most advantageous to the DOSU, privatize the management of nonacademic  
36 services such as health, food, building or grounds or property maintenance, and such other  
37 similar activities;

38  
39 w. Authorize the construction or repair of its buildings, machinery, equipment and other  
40 facilities, and the purchase and acquisition of real property, including the necessary  
41 supplies, materials, and equipment; and

42  
43 x. Promulgate rules and regulations, as may be necessary, to carry out the purposes and  
44 functions of the DOSU.

45  
46 **SEC. 7. *Meetings of the Board.*** – The Board shall regularly convene once every  
47 three (3) months. The Chairperson of the Board may, however, call a special meeting  
48 whenever necessary: *Provided*, That members are notified in writing at least three (3) days  
49 prior to the conduct of said meeting.

1 A quorum of the Board shall consist of a majority of all its members holding office  
2 at the time of the meeting: *Provided however*, That the Chairperson of the Board or the  
3 President of the DOSU is among those present in the meeting.  
4

5 In case the Chairperson of the CHED cannot attend a meeting of the Board, a  
6 CHED Commissioner duly designated by Chairperson of the CHED as representative to the  
7 meeting, shall have all the rights and responsibilities of a regular member: *Provided*, That  
8 during the meeting, the President of the DOSU, as Vice Chairperson, shall be the presiding  
9 officer: *Provided further*, That this provision notwithstanding, the Chairperson of the  
10 CHED may designate a CHED Commissioner as the regular Chairperson of the Board, in  
11 which case, the said CHED Commissioner shall act as the presiding officer.  
12

13 In case the Chairpersons of the Senate Committee on Higher, Technical and  
14 Vocational Education and the House Committee on Higher and Technical Education shall  
15 not be able to attend the Board meeting, they may designate their respective representatives  
16 who shall have the same rights and responsibilities as regular members of the Board.  
17

18 The members of the Board shall serve without compensation other than  
19 reimbursements for actual and necessary expenses incurred, either for their attendance to  
20 the meetings of the Board or in connection with other official business authorized by  
21 resolutions of the Board, subject to existing laws and regulations.  
22

23 **SEC. 8. The University President.** – The DOSU shall be headed by a President  
24 who shall be appointed by the Board, subject to its guidelines on qualification standards,  
25 and based on the recommendation of a Search Committee duly constituted for the purpose  
26 of selecting the President. The President of the DOSU shall render full-time service for a  
27 term of four (4) years, and may be reappointed to another term.  
28

29 Within six (6) months before the expiration of the term of office of the incumbent  
30 President of the DOSU, the Board shall constitute the Search Committee for the  
31 Presidency.  
32

33 The powers and duties of the President of the DOSU, in addition to those  
34 specifically provided in this Act, shall be those usually pertaining to the Office of the  
35 President of universities and those delegated by the Board.  
36

37 The salary of the President of the DOSU shall be in accordance with Republic Act  
38 No. 11466, otherwise known as the “Salary Standardization Law of 2019”, and such other  
39 laws amendatory thereto, which may hereinafter be enacted, and on the joint circular for  
40 state universities and colleges’ leveling instruments, and guidelines of the CHED and the  
41 DBM.  
42

43 In case of vacancy in the Office of the President by reason of death, compulsory  
44 retirement, resignation, removal for cause, or incapacity of the President to perform the  
45 functions of the office, the Board shall designate an Officer-in-Charge (OIC) of the DOSU,  
46 pending the appointment of a new President: *Provided*, That the OIC shall serve only  
47 during the unexpired portion of the term.  
48

49 The President of the DOSU shall be assisted by the following officials: Vice  
50 President for Academic Affairs; Vice President for Administration, Planning, and Finance;  
51 and Vice President for Research, Development, and Extension. They shall all be appointed

1 by the Board upon the recommendation of the President of the DOSU from a list submitted  
2 by the search committee.

3  
4 **SEC. 9. *The Secretary of the DOSU.*** – The Board shall appoint a Secretary who  
5 shall serve as such for both the Board and the DOSU and shall keep all records and  
6 proceedings of the Board in addition to other duties and responsibilities. The Secretary of  
7 the DOSU shall serve upon each member of the Board the appropriate notice of Board  
8 meetings.

9  
10 **SEC. 10. *The Treasurer of the DOSU.*** – The Treasurer of the Philippines shall be  
11 the *ex officio* Treasurer of the DOSU.

12  
13 **SEC. 11. *The Administrative Council.*** – There shall be an Administrative Council  
14 consisting of the President of the DOSU, as chairperson, and the vice-president, deans,  
15 director, and other officials of equal rank, as members, whose duty is to review and  
16 recommend to the Board such policies governing the administration, management, and  
17 development planning of the DOSU.

18  
19 **SEC. 12. *The Academic Council.*** – There shall be an Academic Council  
20 consisting of the President of the DOSU, as chairperson, and all academic staff with the  
21 rank of at least an assistant professor, as members, which shall formulate academic  
22 policies.

23  
24 The Academic Council shall review and recommend the curricular offerings and  
25 rules on student discipline, fix the requirements for the admission of students, as well as for  
26 their graduation and conferment of degrees, exercise disciplinary power over the students  
27 and formulate rules and regulations on student discipline, subject to the review and  
28 approval of the Board through the President of the DOSU.

29  
30 It shall have disciplinary power over the students of the DOSU and shall formulate  
31 rules and regulations on student discipline, subject to the approval of the Board.

32  
33 **SEC. 13. *Academic Freedom and Institutional Autonomy.*** – The DOSU shall  
34 enjoy academic freedom and institutional autonomy pursuant to Paragraph 2, Section 5 of  
35 Article XIV of the Constitution.

36  
37 **SEC. 14. *The Faculty.*** – No political belief, gender preference, cultural or  
38 community affiliation, ethnic origin, nor religious opinion or affiliation shall be a matter of  
39 inquiry in the appointment of faculty members of the DOSU: *Provided*, That the  
40 appointment shall be subject to the guidelines on qualification standards set by the Board:  
41 *Provided further*, That a member of the faculty shall not criticize, vouch for, recruit  
42 members in behalf of, or preach about any particular church or religious sect.

43  
44 **SEC. 15. *Head of the Campus.*** – A campus shall be headed by a campus director  
45 who shall render full-time service. The campus director shall be appointed by the Board,  
46 upon the recommendation of the President of the DOSU, subject to the guidelines on  
47 qualification standards set by the Board. The Campus Director shall serve a term of two (2)  
48 years without reappointment.

49  
50 **SEC. 16. *Scholarship Programs and Admission.*** – The DOSU shall provide  
51 scholarship programs and other affirmative action programs to assist poor but deserving

1 students who qualify for admission to the DOSU. No student shall be denied admission to  
 2 the University by reason of sex, religion, political, cultural or community affiliation, and  
 3 ethnic origin.

4  
 5 **SEC. 17. *Authority to Loan or Transfer of Apparatus, Equipment or Supplies,***  
 6 ***and Detail of Personnel.*** – The heads of the bureaus and offices of the national  
 7 government are authorized to loan or transfer, upon the request of the President of the  
 8 DOSU, such apparatus, equipment or supplies as may be needed by the DOSU and to detail  
 9 employees for duty therein when, in the judgement of the head of the bureau of office, the  
 10 apparatus, equipment, supplies or service of such employees can be spared without serious  
 11 detriment to public service. The employees so detailed shall perform such duties as  
 12 required of them by the President of the DOSU and the time so employed shall be counted  
 13 as part of their regular service.

14  
 15 **SEC. 18. *Assets, Liabilities, and Personnel.*** – All assets, both real and personal,  
 16 personnel and records of the SPAMAST, as well as its liabilities or obligations, shall be  
 17 transferred to the DOSU: *Provided*, That the positions, rights, and security of tenure of  
 18 faculty members and personnel therein employed under existing laws prior to the  
 19 conversion into a University shall be respected.

20  
 21 All parcels of land belonging to the government occupied by the SPAMAST are  
 22 declared as property of the DOSU, and titled under its name: *Provided*, That should the  
 23 DOSU cease to exist or be abolished or should such aforementioned parcels of land be no  
 24 longer needed by the DOSU, the same shall revert to the Municipality of Malita or to the  
 25 Republic of the Philippines, as the case may be.

26  
 27 **SEC. 19. *Duty and Tax Exemptions.*** - The importation of books or  
 28 publications, which are for economic, technical-vocational, scientific, philosophical,  
 29 historical, legal or cultural purposes made by the DOSU, upon certification by the CHED,  
 30 shall be exempt from customs duties in accordance with the provisions of Republic Act No.  
 31 10863, otherwise known as the “Customs Modernization and Tariff Act”.

32  
 33 All grants, bequests, endowments, donations, and contributions made to and used  
 34 actually, directly, and exclusively for educational purposes by the SUS, shall be exempt  
 35 from donor’s tax and the same shall be considered as allowable deductions from gross  
 36 income for purposes of computing the taxable income of the donor in accordance with the  
 37 provisions of the National Internal Revenue Code of 1997, as amended.

38  
 39 **SEC. 20. *Compliance with the CHED Requirements.*** – Notwithstanding the  
 40 provisions of this Act, the conversion of the SPAMAST to a state university shall become  
 41 effective only upon the determination and declaration by the CHED, based on the  
 42 recommendation of a panel of experts constituted for the purpose, that the SPAMAST has  
 43 complied with the requirements for a university status based on the CHED Memorandum  
 44 Order No. 46, series of 2012 or the Policy Standard to Enhance Quality Assurance in  
 45 Philippine Higher Education Through an Outcomes-Based and Typology-Based Quality  
 46 Assurance: *Provided*, That the panel may issue such recommendation when the SPAMAST  
 47 has substantially complied with the requirements for the grant of university status.

48  
 49 The following operational requirements for a university, as established by the  
 50 CHED, shall be complied with:  
 51

a. Employment of full-time, permanent faculty members who possess relevant degrees in their areas of specialization, as required by the CHED, and shall have participated in research and development activities in their respective disciplines, as evidenced by refereed publications and other scholarly outputs;

b. Offering of a comprehensive range of degree programs in all levels, from basic postsecondary to doctorate programs;

c. Conduct of viable research programs in specific disciplinal and multidisciplinary areas of study that produce new knowledge, as evidenced by refereed publications, citations, inventions, and patents, among others;

d. Establishment of comprehensive learning resources and support structures, to include libraries, practicum laboratories, relevant educational resources, and linkages with relevant disciplinal and professional sectors, so as to allow students to explore basic, advance, and even cutting-edge knowledge in a wide range of disciplines or professions;

e. Maintenance of linkages and affiliation with other research institutions in various parts of the world to ensure that the research activities of the DOSU are functioning at current global standards; and

f. Conduct of outreach activities to allow the students, faculty, and research staff to apply the new knowledge they generate to address specific social development problems.

The CHED, through its regional office, shall regularly provide technical assistance to the DOSU and monitor its compliance with the requirements of the CHED.

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

**SEC. 21. *Development Plan and Organizational Structure.*** - Within one hundred twenty (120) days after the approval of this Act, the DOSU shall accomplish the following:

a) Submit a five (5)-year development plan, including its corresponding program budget to the CHED and the DBM;

b) Submit the revised Land Use Development and Infrastructure Plan (LUDIP) in accordance with Republic Act No. 11396, otherwise known as the "SUCs LUDIP Act";

c) Undergo a management audit in cooperation with the CHED; and

d) Set up its organizational, administrative as well as academic structure, including the designation of the key officials and other administrative personnel of the DOSU.

**SEC. 22. *Filing of Report.*** – On or before the fifteenth (15<sup>th</sup>) day of the second (2<sup>nd</sup>) month after the opening of regular classes each year, the Board shall file a detailed report on its compliance with the requirements for a university status with the Office of the President of the Philippines and both Houses of Congress, through the Chairperson of the CHED.

1       **SEC. 23. *Appropriations.*** – The amount necessary to carry out the provisions of  
2 this Act shall be included in the annual General Appropriations Act (GAA)  
3

4       The municipality of Malita shall provide the same assistance to the SPAMAST,  
5 until such time that the amount necessary for the continued operation and maintenance of  
6 the DOSU shall be included in the annual GAA.  
7

8       **SEC. 24. *Suppletory Application.*** – The provisions of Republic Act No. 8292,  
9 otherwise known as the “Higher Education Modernization Act of 1997”, shall form part of  
10 this Act.  
11

12       **SEC. 25. *Implementing Rules and Regulations.*** – Within sixty (60) days of the  
13 approval of this Act, the Board shall, in consultation with the CHED, issue rules and  
14 regulations to implement its provisions.  
15

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

20       **SEC. 27. *Repealing Clause.*** - All other laws, presidential decrees, executive  
21 orders, and rules and regulations contrary to or inconsistent with the provisions of this Act  
22 are amended, repealed, or modified accordingly.  
23

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

*Approved,*