

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 905



Introduced by **HON. JOHN TRACY F. CAGAS**

AN ACT
CONVERTING THE DAVAO DEL SUR STATE COLLEGE IN THE CITY OF
DIGOS, PROVINCE OF DAVAO DEL SUR INTO A STATE UNIVERSITY AND
APPROPRIATING FUNDS THEREFOR

The State recognizes the role of the youth in nation-building by promoting their physical, moral, spiritual, intellectual and social well-being.¹ It is also the policy of the State to give priority to education, science and technology, arts, culture, and sports to foster patriotism, nationalism, accelerate social progress, and promote total human liberation and development.²

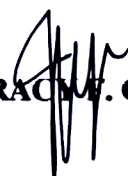
Unfortunately, despite the technologies available today, there is still an inherent inequality in the access to affordable and quality education. During the pandemic, one of the most affected sectors in the country is education. Online and distant learning proved to be a challenge to educators and students alike. However, it also showed the areas for improvement and magnified the needs of the community.

In 2019, Republic Act No. 1220 was signed into law, making Davao del Sur State College the 112th Public Higher Education Institution in the country. Since then, it has offered various undergraduate and graduate programs in education, public administration, information technology, agriculture, forestry and developmental studies.

This bill seeks to convert the Davao del Sur State College (DSSC) into a state university to be known as the Davao del Sur State University, ensuring that the demand for accessible quality education shall be met not only in the province of Davao del Sur, but in the nearby provinces as well. This measure has been approved on third reading during the 19th Congress at the lower house and was transmitted to the Senate.

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

JOHN TRACY F. CAGAS



¹ Art. II, Sec. 13 of the 1987 Philippine Constitution

² Art. II, Sec. 17 of the 1987 Philippine Constitution

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 905

Introduced by **HON. JOHN TRACY F. CAGAS**

AN ACT
CONVERTING THE DAVAO DEL SUR STATE COLLEGE IN THE CITY OF
DIGOS, PROVINCE OF DAVAO DEL SUR INTO A STATE UNIVERSITY AND
APPROPRIATING FUNDS THEREFOR

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

SECTION 1. *Conversion.* – The Davao del Sur State College (DSSC) in the city of Digos, Province of Davao del Sur, including its extension campuses in the Municipalities of Sulop, Matanao, Kapatagan, and Malalag, all located in the Province of Davao del Sur, is converted into a state university to be known as the Davao del Sur State University (DSSU).

SEC. 2. *General Mandate.* – The DSSU shall primarily provide advanced instruction and professional training in agriculture, education, engineering and technology, arts and science, and other related fields of study. It shall promote research and extension services and shall provide progressive leadership in its areas of specialization.

SEC. 3. *Curricular Offerings.* - The DSSU shall offer short-term technical-vocational, undergraduate, and graduate courses in the fields of agriculture, education, engineering and technology, arts and science, 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 del Sur and Region XI.

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

SEC. 5. *The Board of Regents.* - The governing body of the DSSU 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). The President of the DSSU shall be the vice-chairperson of the Board 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) Regional Director of the Department of Agriculture

(f) President of the federation of faculty associations of the DSSU;

(g) President of the federation of student councils of the DSSU;

(h) President of the federation of alumni associations the DSSU;

(i) Representative of the nonteaching or personnel association of the DSSU; and

(j) Two (2) prominent citizens from the private sector who have distinguished themselves in their profession or fields of specialization.

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

The terms 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 by-laws.

In case of vacancy among appointive positions in the Board, the vacancy shall be filled by the Board following the guidelines set by it and the appointee shall hold office only for the unexpired portion of the term.

SEC. 6. Powers and Duties of the Board. – 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 RA No. 11232, and other existing laws, the Board shall have the following specific powers and duties:

- (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 RA 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 DSSU, the vice presidents, chancellors, deans, directors, heads of the campuses, faculty members, and other officials and employees of the DSSU;
- (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 DSSU, 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 DSSU;

Any provision of existing law, rule or regulation to the contrary notwithstanding, any income generated by the DSSU from tuition fees and other charges, as well as from the operation of auxiliary services and land grants, shall be retained by the DSSU and may be disbursed by the Board for instruction, research, extension services, and other programs or projects of the DSSU: 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 DSSU 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 DSSU;

- (f) Adopt and implement a socialized scheme of tuition and other school fees for greater access of poor but deserving students in accordance with RA No. 10931, otherwise known as the "Universal Access to Quality Tertiary Education Act";
- (g) Establish professorial chairs in the DSSU 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 DSSU, and all other sums in the manner it may, in its discretion, determine to carry out the purposes and functions of the DSSU;
- (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 DSSU, 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 Davao del Sur and Region XI as branches, extension campuses, and external centers, in coordination with the CHED and in consultation with the Department of Budget and Management (DBM), and offer therein programs or courses to carry out the constitutional mandate of providing equal access to educational opportunities;
- (n) Authorize an external management audit of the DSSU, to be financed by the CHED, subject to the rules and regulations of the Commission on Audit, and institute reforms, including academic and structural changes, on the basis of the audit results and recommendations;
- (o) Create, organize, reorganize, merge or abolish satellite and extension campuses, colleges, institutes, and other academic and administrative units of the DSSU;
- (p) Develop consortia and other economic forms of linkages with local government units, as well as public, private, local or foreign institutions and agencies for the furtherance of the purposes and objectives of the DSSU;
- (q) Import economic, technical, and cultural books and publications;
- (r) Enter into joint ventures with business industry for the profitable growth and management of economic assets, the proceeds of which shall be used for the development and strengthening of the DSSU;
- (s) Receive, in trust, all legacies, gifts, and donations of real and personal properties of all kinds and administer and dispose of the same, when necessary, for the benefit of the DSSU and subject to the limitations, directions, and instructions of the donor, if any;
- (t) Delegate any of its powers and duties to the President and other officials of the DSSU, as it may deem appropriate, so as to expedite the administration of the affairs of the DSSU;
- (u) Establish policy guidelines and procedures for participative and transparent decision making within the DSSU;
- (v) Where most advantageous to the DSSU, privatize the management of nonacademic services such as health, food, building or grounds or property maintenance, and such other similar activities;
- (w) Authorize the construction or repair of its buildings, machinery, equipment and other facilities, and the purchase and acquisition of real property, including the necessary supplies, materials, and equipment; and
- (x) Promulgate rules and regulations, as may be necessary, to carry out the purposes and functions of the DSSU.

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

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

In case the Chairperson of the CHED cannot attend a meeting of the Board, a CHED Commissioner duly designated by the Chairperson of the CHED as representative to the

meeting, shall have all the rights and responsibilities of a regular member: *Provided*, that during the meeting, the President of the DSSU, as Vice Chairperson shall be the Presiding Officer: *Provided, further*, That this provision notwithstanding, the Chairperson of the CHED may designate a CHED Commissioner as the regular Chairperson of the Board, in which case, the said CHED Commissioner shall act as the presiding officer.

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

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

SEC. 8. *The University President.* – The DSSU shall be headed by a President who shall be appointed by the Board, subject to its guidelines on qualification standards, and based on the recommendation of a Search Committee duly constituted for the purpose of selecting the President. The DSSU President shall render full-time service for a term of four (4) years, and may be reappointed to another term: *Provided*, That this provision shall not adversely affect the term of the incumbent President.

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

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

The salary of the president of the DSSU shall be in accordance with RA No. 11466, otherwise known as the “Salary Standardization Law of 2019”, and such other laws amendatory thereto, which may hereinafter be enacted, and on the joint circular for state universities and colleges’ leveling instruments, and guidelines of the CHED and the DBM.

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

The President of the DSSU shall be assisted by the following officials: Vice President for Academic Affairs; Vice President for Administration, Planning and Finance; and Vice President for Research, Development, and Extension. They shall be appointed by the Board upon the recommendation of the President of the DSSU from a list submitted by the Search Committee.

SEC. 9. *The Secretary.* – The Board shall appoint a Secretary who shall serve as such for both the Board and the DSSU and shall keep all records and proceedings of the board in addition to

other duties and responsibilities. The Secretary of the DSSU shall serve upon each member of the Board the appropriate notice of Board meetings.

SEC. 10. *The Treasurer.* – The Treasurer of the Philippines shall be the ex officio Treasurer of the DSSU.

SEC. 11. *The Administrative Council.* - There shall be an Administrative Council consisting of the President of the DSSU, as Chairperson, and the vice-president, deans, directors and other officials of equal rank, as members, whose duty is to review and recommend to the Board such policies governing the administration, management, and development planning of the DSSU.

SEC. 12. *The Academic Council.* -There shall be an academic council to be consisting of the President of the DSSU, as Chairperson, and all academic staff with the rank of at least assistant professor, as members, which shall formulate academic policies.

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

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

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

SEC. 15. *Heads of Campuses.* – The campus shall be headed by a Campus Director who shall render full-time service. All Campus Directors shall be appointed by the Board, upon the recommendation of the DSSU President, subject to the guidelines on qualification standards set by the Board. The Campus Directors shall serve a term of two (2) years without reappointment.

SEC. 16. *Scholarship Program and Admission.* - The DSSU shall provide scholarship programs and other affirmative action programs to assist poor but deserving students who qualify for admission to the DSSU. No student shall be denied admission to the University by reason of sex, religion, political, cultural or community affiliation, and ethnic origin.

SEC. 17. *Authority to Loan or Transfer of Apparatus, Equipment or 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 DSSU, such apparatus, equipment or supplies as may be needed by the DSSU and to detail employees for duty therein when, in the judgment of the head of the bureau or office, the 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 DSSU and the time so employed shall be counted as part of their regular service.

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

All parcels of land belonging to the government occupied by the DSSC and all its satellite campuses are declared as property of the DSSU, and shall be titled under its name: *Provided*, That should the DSSU cease to exist or be abolished or should such aforementioned parcels of land be no longer needed by the DSSU, the same shall revert to the City of Digos or to the Republic of the Philippines, as the case may be.

SEC. 19. *Duty and Tax Exemptions.* – The importation of books or publications, which are for economic, technical-vocational, scientific, philosophical, historical, legal or cultural purposes made by the DSSU, upon certification by the CHED, shall be exempt from customs duties in accordance with the provisions of RA No. 10863, otherwise known as the “Customs Modernization and Tariff Act (CMTA)”.

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

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

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

(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 post-secondary to doctoral 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 DSSU 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 shall, through its regional office, regularly provide technical assistance to the DSSU and monitor its compliance with the requirements of the CHED.

The DSSC 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 DSSU 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 in accordance with RA No. 11396, otherwise known as the “SUCs Land Use Development and Infrastructure Plan (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 DSSU.

SEC. 22. *Filing of Report.* – On or before the fifteenth (15th) day of the second (2nd) 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.

SEC. 23. *Appropriations.* – The amount necessary to carry out the initial implementation of this Act shall be charged against the current year’s appropriation of the DSSC. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

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

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

SEC. 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 are in full force and effect.

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

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

Approved,