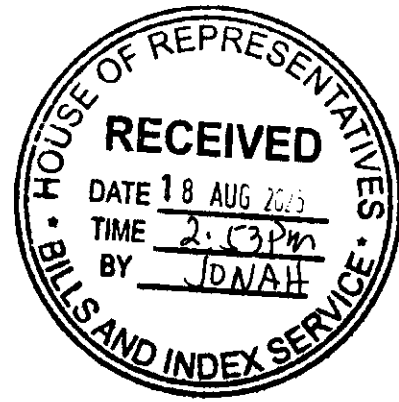


Republic of the Philippines
House of Representatives
Quezon City, Metro Manila



TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO: 3796

Introduced By: **HON. CLAUDE P. BAUTISTA**

EXPLANATORY NOTE

Originally filed during the 19th Congress, this proposed measure seeks to convert the Southern Philippines Agri-Business and Marine and Aquatic School of Technology (SPAMAST) into the Davao Occidental State University (DOSU).

As the lone public higher education institution in the province, SPAMAST plays a crucial role in providing accessible and relevant tertiary education. Elevating it into a state university will not only strengthen its academic and research capacity, but also enable it to offer advanced programs in agriculture, fisheries, social and natural sciences, and other disciplines essential to national development.

Article XIV, Sections 1 and 2 of the 1987 Constitution mandates the State to promote the right of every citizen to quality education and to establish and support an educational system responsive to the needs of the people and society. This legislative initiative is anchored on this Constitutional mandate.

With nearly 59% of Davao Occidental's population composed of youth, there is a pressing need to provide robust and future-ready education. Converting SPAMAST into DOSU would allow for the expansion of curricular offerings, enhancement of faculty and research capabilities, and the development of programs aligned with national and global trends. A state university can produce graduates who are not only skilled in traditional fields but are also equipped with critical and strategic thinking—qualities that are vital in today's highly competitive and interconnected world.

Moreover, the transformation into a university will foster greater civic awareness, encourage innovation, and cultivate leadership rooted in Filipino values and a strong sense of community. It will be instrumental in empowering the youth of Davao Occidental to become active contributors to regional growth and national progress.

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


CLAUDE P. BAUTISTA

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 3796

Introduced by: Hon. Claude P. Bautista

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:

1 **SECTION 1. *Conversion.*** – The Southern Philippines Agri-Business and Marine
2 and Aquatic School of Technology (SPAMAST) in the Municipality of Malita, Province of
3 Davao Occidental, is converted into a State University to be known as the “Davao
4 Occidental State University (DOSU)”. Its main campus shall be located in the
5 Municipality of Malita, Province of Davao Occidental.

6
7 **SEC. 2. *General Mandate.*** – The DOSU shall primarily provide advanced
8 instruction and professional training in education, law, art and science, public
9 administration, information technology, accountancy, business and industry, agriculture,
10 forestry, maritime education, engineering, nursing and health allied courses, and other
11 fields of study. It shall promote research and extension services, and production activities
12 and shall provide progressive leadership in its areas of specialization.

13
14 **SEC. 3. *Curricular Offerings.*** – The DOSU shall offer short-term technical-
15 vocational, undergraduate, and graduate courses in the fields of education, law, art and
16 science, public administration, information technology, accountancy, business and industry,
17 agriculture, forestry, maritime education, engineering, nursing and health allied courses,
18 and other degree courses, pursuant to the mandate of the DOSU, and according to its
19 capability, as the Board of Regents may deem necessary to carry out its objectives, and
20 those which respond to the human resource development needs of the Province of Davao
21 Occidental and Davao Region.

1 **SEC. 4. Administration.** – The DOSU shall have the general powers of a
2 corporation as set forth in the Republic Act (RA) No. 11232, otherwise known as the
3 “Revised Corporation Code of the Philippines”. The administration of the DOSU and the
4 exercise of its corporate powers shall be vested exclusively in the Board of Regents and the
5 President of the DOSU.
6

7 **SEC. 5. The Board of Regents.** – The governing body of the DOSU shall be the
8 Board of Regents, hereinafter referred to as the Board, which shall be chaired by the
9 Chairperson of the Commission on Higher Education (CHED). The President of the
10 DOSU shall be the Vice Chairperson of the Board and with the following as members:
11

- 12 (a) Chairperson of the Committee on Higher, Technical and Vocational Education
13 of the Senate;
- 14 (b) Chairperson of the Committee on Higher and Technical Education of the House
15 of Representatives;
- 16 (c) Regional Director of the National Economic and Development Authority
17 (NEDA);
- 18 (d) Regional Director of the Department of Science and Technology;
- 19 (e) President of the federation of faculty associations of the DOSU;
- 20 (f) President of the federation of student councils of the DOSU;
- 21 (g) President of the federation of alumni associations of the DOSU;
- 22 (h) Representative of the nonteaching or personnel association of the DOSU; and
- 23 (i) Two (2) prominent citizens from the private sector who have distinguished
24 themselves in their professions or fields of specialization.
25

26 The Board shall appoint two (2) prominent citizens who shall be selected from a list
27 of at least five (5) qualified persons from the Province of Davao Occidental, as
28 recommended by a Search Committee constituted by the President of the DOSU, in
29 consultation with the Chairperson of the CHED and other members of the Board, based on
30 the guidelines, qualifications and standards for the position set by the Board. They shall
31 serve for a term of two (2) years from the date of appointment.
32

33 The terms of office of the Presidents of the federation of faculty associations,
34 federation of student councils, federation of alumni associations, and the representative of
35 the nonteaching personnel shall be coterminous with their terms of office, as provided
36 under their respective constitutions and bylaws.
37

38 **SEC. 6. Powers and Duties of the Board.** – In addition to its general powers of
39 administration and the exercise of all the powers granted to the Board of Directors of a
40 corporation under RA No. 11232, and other existing laws, the Board shall have the
41 following specific powers and duties:
42

- 43 (a) Promulgate and implement policies in accordance with the declared State policies on
44 education, other pertinent provisions of the Constitution on education, agriculture, science
45 and technology, and the policies, standards and thrusts of the CHED under RA No. 7722,
46 otherwise known as the “Higher Education Act of 1994”;
- 47 (b) Approve the curricula, instructional programs, and rules on student discipline drawn by
48 the Administrative and Academic Councils, as herein provided;
49

1 (c) Appoint, upon the recommendation of the President of the DOSU, the vice presidents,
2 chancellors, deans, directors, heads of the campuses, faculty members, and other officials
3 of the DOSU;

4
5 (d) Prescribe the salaries of faculty members and administrative officials and employees,
6 subject to the provisions of RA No. 11466, otherwise known as the "Salary Standardization
7 Law of 2019", and such other laws amendatory thereto, Civil Service rules and regulations
8 governing hours of service and such other requirements and conditions, other pertinent
9 laws, rules and regulations;

10
11 (e) Fix the tuition fees and other necessary school charges, such as matriculation fees,
12 graduation fees, and laboratory fees, as the Board may deem proper to impose, after due
13 consultation with the concerned sectors. The fees and charges, including government
14 subsidies and other income generated by the DOSU, shall constitute its funds to be used
15 exclusively in the pursuit of its mandate as a state university, and shall be deposited in any
16 authorized government depository bank. All interests that shall accrue therefrom shall form
17 part of the same funds for the use of the DOSU;

18
19 The fees and charges collected by the DOSU, including government subsidies and
20 proceeds from other income sources, as well as interests that would accrue therefrom,
21 shall be retained by the DOSU: *Provided*, That in no case shall the said income be used
22 for the payment of allowances and other benefits not authorized by law: *Provided, further*,
23 That all fiduciary fees shall be disbursed for the specific purpose for which they were
24 collected;

25
26 If the DOSU, for reasons beyond its control, would not be able to pursue any
27 project for which funds have been appropriated and allocated under its approved program
28 of expenditures, the Board may authorize the use of said fund for any reasonable purpose
29 for which it deems necessary and urgent for the attainment of the objectives of the DOSU:
30 *Provided*, That funds collected from students for specific purposes shall not be realigned or
31 reprogrammed to other expenditures;

32
33 (f) Adopt and implement a socialized scheme of tuition and other school fees for greater
34 access of poor but deserving students in accordance with RA No. 10931, otherwise known
35 as the "Universal Access to Quality Tertiary Education Act";

36
37 (g) Establish professorial chairs in the DOSU and provide fellowships for qualified faculty
38 members, and scholarships to deserving students;

39
40 (h) Receive and appropriate sums as may be provided for by law for the support of the
41 DOSU, and all other sums in the manner it may, in its discretion, determine to carry out
42 the purposes and functions of the DOSU;

43
44 (i) Set the policies on admission and graduation of students;

45
46 (j) Award honorary degrees upon persons in recognition of their outstanding contributions in
47 the fields of education, public service, arts, science and technology, sports and human
48 kinetics or any field of specialization within the academic competency of the DOSU, and
49 authorize the awarding of certificates of completion of nondegree and nontraditional
50 courses;

- 1 (k) Develop academic arrangements for institutional capability building with appropriate
2 institutions and agencies, whether public, private, local or foreign, and appoint experts or
3 specialists as consultants, part-time, visiting or exchange professors, scholars or
4 researchers, as the case may be;
5
- 6 (l) Adopt modern and innovative modes of transferring knowledge to allow greater access to
7 education such as the use of information technology, online programs, the dual training
8 system, open distance learning, and community laboratory;
9
- 10 (m) Absorb non-chartered tertiary education institutions within the Province of Davao
11 Occidental and Davao Region as branches, extension campuses, and external centers, in
12 coordination with the CHED and in consultation with the Department of Budget and
13 Management (DBM), and offer therein programs or courses to carry out the constitutional
14 mandate of providing equal access to educational opportunities;
15
- 16 (n) Authorize an external management audit of the DOSU, to be financed by the CHED,
17 subject to the rules and regulations of the Commission on Audit, and institute reforms,
18 including academic and structural changes, on the basis of the audit results and
19 recommendations;
20
- 21 (o) Create, organize, reorganize, merge or abolish satellite and extension campuses,
22 colleges, institutes, and other academic and administrative units of the DOSU;
23
- 24 (p) Develop consortia and other economic forms of linkages with local government units, as
25 well as public, private, local or foreign institutions and agencies for the furtherance of the
26 purposes and objectives of the DOSU;
27
- 28 (q) Import books or publications, instruments, equipment and apparatuses for economic,
29 technical-vocational, scientific, medical, philosophical, historical, legal or cultural
30 purposes;
31
- 32 (r) Enter into joint ventures with business industry, after consultation with the NEDA for the
33 profitable development and management of economic assets, the proceeds of which shall
34 be used for the development and strengthening of the DOSU;
35
- 36 (s) Receive, in trust, all legacies, gifts, and donations of real and personal properties of all
37 kinds and administer and dispose of the same, when necessary, for the benefit of the
38 DOSU and subject to the limitations, directions, and instructions of the donor, if any;
39
- 40 (t) Delegate any of its powers and duties to the President and other officials of the DOSU,
41 as it may deem appropriate, so as to expedite the administration of the affairs of the
42 DOSU;
43
- 44 (u) Establish policy guidelines and procedures for participative and transparent decision-
45 making within the DOSU;
46
- 47 (v) Where most advantageous to the DOSU, outsource the management of nonacademic
48 services such as health, food, building or grounds or property maintenance, and such other
49 similar activities;

1 (w) Authorize the construction or repair of its buildings, machinery, equipment and other
2 facilities, and the purchase and acquisition of real property, including the necessary
3 supplies, materials, and equipment; and
4

5 (x) Promulgate rules and regulations, as may be necessary, to carry out the purposes and
6 functions of the DOSU.
7

8 **SEC. 7. Meetings of the Board.** – The Board shall regularly convene once every
9 three (3) months. The Chairperson of the Board may, however, call a special meeting
10 whenever necessary: *Provided*, That members are notified in writing at least three (3) days
11 prior to the conduct of said meeting.
12

13 A quorum of the Board shall consist of a majority of all its members holding office
14 at the time of the meeting: *Provided, however*, That the Chairperson of the Board or the
15 President of the DOSU is among those present in the meeting.
16

17 In case the Chairperson of the CHED cannot attend a meeting of the Board, a
18 CHED Commissioner duly designated by Chairperson of the CHED as representative to the
19 meeting, shall have all the rights and responsibilities of a regular member: *Provided*, That
20 during the meeting, the President of the DOSU, as Vice Chairperson, shall be the
21 presiding officer: *Provided, further*, That this provision notwithstanding, the Chairperson
22 of the CHED may designate a CHED Commissioner as the regular Chairperson of the
23 Board, in which case, the said CHED Commissioner shall act as the presiding officer.
24

25 In case the Chairpersons of the Senate Committee on Higher, Technical and
26 Vocational Education and the House Committee on Higher and Technical Education cannot
27 attend the Board meeting, they may designate their respective representatives who shall
28 have the same rights and responsibilities as regular members of the Board.
29

30 The members of the Board shall serve without compensation other than
31 reimbursements for actual and necessary expenses incurred, either for their attendance to
32 the meetings of the Board or in connection with other official business authorized by
33 resolutions of the Board, subject to existing laws and regulations.
34

35 **SEC. 8. The University President.** – The DOSU shall be headed by a President
36 who shall be appointed by the Board, subject to its guidelines, qualifications and standards,
37 and based on the recommendation of a Search Committee duly constituted for the purpose
38 of selecting the President. The DOSU President shall render full-time service for a term of
39 four (4) years, and may be reappointed to another term: *Provided*, That in order to effect
40 the smooth transition of the SPAMAST to DOSU, the incumbent President of the
41 SPAMAST, if qualified, shall serve as the first president of the DOSU.
42

43 Within six (6) months before the expiration of the term of office of the incumbent
44 President of the DOSU, the Board shall constitute the Search Committee for the
45 Presidency, and shall ensure the appointment or reappointment of a President on or before
46 the expiration of the term.
47

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

1 The salary of the President of the DOSU shall be in accordance with RA No.
2 11466, and such other laws amendatory thereto, which may hereinafter be enacted, and on
3 the joint circular for state universities and colleges' leveling instruments, and guidelines of
4 the CHED and the DBM.

5
6 In case of vacancy in the Office of the President by reason of death, compulsory
7 retirement, resignation, removal for cause, or incapacity of the President to perform the
8 functions of the office, the Board shall designate an Officer-in-Charge (OIC) of the
9 DOSU, pending the appointment of a new President: *Provided*, That the OIC shall serve
10 only during the unexpired portion of the term.

11
12 The President of the DOSU shall be assisted by the following officials: Vice
13 President for Academic Affairs; Vice President for Administration, Planning, and Finance;
14 and Vice President for Research, Development, and Extension. They shall all be appointed
15 by the Board upon the recommendation of the President of the DOSU from a list
16 submitted by the Search Committee.

17
18 **SEC. 9. *The Secretary.*** – The Board shall appoint a Secretary who shall serve as
19 such for both the Board and the DOSU and shall keep all records and proceedings of the
20 board in addition to other duties and responsibilities. The Secretary of the DOSU shall
21 serve upon each member of the Board the appropriate notice of Board meetings.

22
23 **SEC. 10. *The Treasurer.*** – The Treasurer of the Philippines shall be the *ex officio*
24 Treasurer of the DOSU.

25
26 **SEC. 11. *The Administrative Council.*** – There shall be an Administrative Council
27 consisting of the President of the DOSU, as Chairperson, and the vice-president, deans,
28 director, and other officials of equal rank, as members, whose duty is to review and
29 recommend to the Board such policies governing the administration, management, and
30 development planning of the DOSU.

31
32 **SEC. 12. *The Academic Council.*** – There shall be an Academic Council
33 consisting of the President of the DOSU, as Chairperson, and all academic staff with the
34 rank of at least an assistant professor, as members, which shall formulate academic
35 policies.

36
37 The Academic Council shall review and recommend the curricular offerings and
38 rules on student discipline, fix the requirements for the admission of students, as well as for
39 their graduation and conferment of degrees, exercise disciplinary power over the students
40 and formulate rules and regulations on student discipline, subject to the review and
41 approval of the Board through the President of the DOSU.

42
43 **SEC. 13. *Academic Freedom and Institutional Autonomy.*** – The DOSU shall
44 enjoy academic freedom and institutional autonomy pursuant to Paragraph 2, Section 5 of
45 Article XIV of the Constitution.

46
47 **SEC. 14. *The Faculty.*** – No political belief, sex, gender preference, cultural or
48 community affiliation, ethnic origin, or religious opinion or affiliation shall be a matter of
49 inquiry in the appointment of faculty members of the DOSU: *Provided*, That the
50 appointment shall be subject to the guidelines, qualifications and 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 denomination.

SEC. 15. Heads of Campuses. – The campus shall each 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 Search Committee and the DOSU President, subject to the guidelines, qualifications and standards set by the Board. The Campus Directors shall serve a term of two (2) years without reappointment.

SEC. 16. Scholarship Programs and Admission. – The DOSU shall provide scholarships and other affirmative action programs to assist poor but deserving students who qualify for admission to the DOSU. No student shall be denied admission to the University by reason of sex, gender, religion, cultural, community affiliation, physical disability, and ethnic origin, or any other forms of discrimination.

SEC. 17. Loan or Transfer of Supplies, Apparatus, or Equipment, or Detail of Personnel. – The heads of national government agencies and instrumentalities may, upon the request of the Board through the President of the DOSU, loan or transfer supplies, apparatuses, or equipment, or detail personnel to the DOSU: *Provided*, That such loan, transfer or detail shall not be detrimental to public service.

The personnel to be detailed to the DOSU shall perform such duties as may be deemed required by the President of the DOSU and the time spent for such duties shall be counted as part of the detailed personnel's regular service.

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

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

SEC. 19. Duty and Tax Exemptions. – The importation of books or publications, instruments, equipment and apparatuses which are for economic, technical-vocational, scientific, medical, philosophical, historical, legal or cultural purposes made by the DOSU, 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 DOSU, 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.

1 **SEC. 20. Compliance with the CHED Requirements.** – The DOSU shall
2 ensure the compliance with the policies, standards and guidelines of the CHED for the
3 operation of the DOSU, including those related to the offering of courses and the
4 introduction of new and revised programs. The conversion of the SPAMAST to DOSU
5 shall become effective only upon the determination and declaration by the CHED, based on
6 the recommendation of a panel of experts constituted for the purpose, that the SPAMAST
7 has complied with the requirements for a university status based on the CHED
8 Memorandum Order No. 46, series of 2012 or the Policy Standard to Enhance Quality
9 Assurance in Philippine Higher Education Through an Outcomes-Based and Typology-
10 Based Quality Assurance: *Provided*, That the panel may issue such recommendation when
11 the SPAMAST has substantially complied with the requirements for the grant of university
12 status.

13
14 The following operational requirements for a university, as established by the
15 CHED, shall be complied with:

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

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

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

28
29 (d) Establishment of comprehensive learning resources and support structures, to
30 include libraries, practicum laboratories, relevant educational resources, and linkages with
31 relevant disciplinal and professional sectors, so as to allow students to explore basic,
32 advance, and even cutting-edge knowledge in a wide range of disciplines or professions;

33
34 (e) Maintenance of linkages and affiliation with other research institutions in various
35 parts of the world to ensure that the research activities of the DOSU are functioning at
36 current global standards; and

37
38 (f) Conduct of outreach activities to allow the students, faculty, and research staff to
39 apply the new knowledge they generate to address specific social development problems.

40
41 The CHED shall, through its regional office, regularly provide technical assistance
42 to the DOSU and monitor its compliance with the requirements of the CHED.

43
44 The SPAMAST shall retain its status prior to the effectivity of this Act until it is
45 able to comply with the requirements provided herein.

46
47 **SEC. 21. Development Plan and Organizational Structure.** – Within one hundred
48 twenty (120) days after the approval of this Act, the DOSU shall accomplish the
49 following:

- 1 (a) Submit a five (5)-year development plan, including its corresponding program budget to
2 the CHED and the DBM;
3
4 (b) Submit the revised Land Use Development and Infrastructure Plan in accordance with
5 RA No. 11396, otherwise known as the “SUCs Land Use Development and Infrastructure
6 Plan (LUDIP) Act”;
7
8 (c) Undergo a management audit in cooperation with the CHED; and
9
10 (d) Set up its organizational, administrative as well as academic structure, including the
11 designation of the key officials and other administrative personnel of the DOSU.
12

13 **SEC. 22. *Filing of Report.*** – On or before the fifteenth (15th) day of the second
14 (2nd) month after the opening of regular classes each year, the Board shall file a detailed
15 report on its compliance with the requirements for a university status with the Office of the
16 President of the Philippines and both Houses of Congress, through the Chairperson of the
17 CHED.
18

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

24 **SEC. 24. *Suppletory Application.*** – The provisions of RA No. 8292, otherwise
25 known as the “Higher Education Modernization Act of 1997”, shall form part of this Act.
26

27 **SEC. 25. *Implementing Rules and Regulations.*** – Within sixty (60) days from the
28 approval of this Act, the Board shall, in consultation with the CHED, issue rules and
29 regulations to implement its provisions.
30

31 **SEC. 26. *Separability Clause.*** – If, for any reason, any part or provision of this Act
32 is declared invalid or unconstitutional, the remaining parts or provisions not affected are in
33 full force and effect.
34

35 **SEC. 27. *Repealing Clause.*** – All other laws, presidential decrees, executive
36 orders, and rules and regulations contrary to or inconsistent with the provisions of this Act
37 are amended, repealed, or modified accordingly.
38

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

Approved,