

Republic of the Philippines
Congress of the Philippines
Metro Manila
Seventeenth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-third day of July, two thousand eighteen.

[REPUBLIC ACT NO. **11220**]

AN ACT SEPARATING THE SOUTHERN PHILIPPINES AGRI-BUSINESS, MARINE AND AQUATIC SCHOOL OF TECHNOLOGY (SPAMAST)-DIGOS CITY CAMPUS IN THE CITY OF DIGOS, DAVAO DEL SUR, FROM THE SPAMAST IN THE MUNICIPALITY OF MALITA, DAVAO OCCIDENTAL, AND CONVERTING IT INTO A STATE COLLEGE TO BE KNOWN AS THE DAVAO DEL SUR STATE COLLEGE, AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. *Separation/Establishment.* – The Southern Philippines Agri-Business, Marine and Aquatic School of Technology (SPAMAST)-Digos City Campus in the City of Digos, Province of Davao del Sur, is hereby separated from the SPAMAST in the Municipality of Malita, Davao Occidental, and converted into a state college to be known as the Davao del Sur State College, and integrating therewith the SPAMAST-Digos City Campus in Barangay Matti, Digos City, the SPAMAST Laboratory and Production Campus in the Municipality of Matanao, the

SPAMAST Extension Classes in Barangay Kapatagan, Digos City, and the SPAMAST Extension Campus in the Municipality of Sulop, all located in the Province of Davao del Sur. Its main campus shall be in Digos City.

After the effectivity of this Act, the Davao del Sur State College, hereinafter referred to as the College, shall exist independently, separate and distinct from the SPAMAST in Malita, Davao Occidental, to be governed by their respective charters.

SEC. 2. General Mandate. – The College shall primarily provide advance instruction and professional training in education, agriculture, engineering and technology, agribusiness, information technology and other related fields of study. It shall also undertake research, extension services, and production activities in support of the socioeconomic development of Davao del Sur and provide progressive leadership in its areas of specialization.

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

SEC. 4. Administration. – The College shall have the general powers of a corporation set forth in Batas Pambansa Blg. 68, as amended, otherwise known as "The Corporation Code of the Philippines". The administration of the College and the exercise of its corporate powers shall be vested exclusively in the Board of Trustees and the President of the College.

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

- (a) The Chairperson of the Commission on Higher Education (CHED), Chairperson;
- (b) The President of the College, Vice Chairperson;
- (c) The Chairperson of the Committee on Education, Arts and Culture of the Senate, member;

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

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

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

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

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

SEC. 7. *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 existing laws, the Board shall have the following specific powers and duties:

- (a) To promulgate rules and regulations not contrary to law as may be necessary to carry out the purposes and functions of the College;
- (b) To receive and appropriate all sums as may be provided for the support of the College in the manner it may determine in its discretion, in order to carry out the purposes and functions of the College;
- (c) To import duty-free economic, technical and cultural books or publications, machineries and equipment, upon certification by the CHED that such imported books or publications, machineries and equipment are for economic, technical, vocational, scientific, philosophical, historical or cultural purposes, in accordance with the provisions of the Tariff and Customs Code of the Philippines, as amended;
- (d) To receive in trust legacies, gifts and donations of real and personal properties of all kinds and to administer and dispose of the same when necessary for the benefit of the College, and subject to the limitations, directions and instructions of the donor, if any.

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

(e) To fix the tuition fees and other necessary school charges such as matriculation fees, graduation fees and laboratory fees, as the Board may deem proper to impose, after due consultations with the involved sectors: *Provided*, That such fees and charges, including government subsidies and other income generated by the College, shall be considered as special trust funds and shall be deposited in any authorized government depository bank, and all interest income that shall accrue therefrom shall form part of the same funds for the use of the College: *Provided, further*, That any provision of existing laws, rules and regulations to the contrary notwithstanding, any income generated by the College from tuition fees and other charges, as well as from the operation of auxiliary services and land grants, shall be retained by the College and may be disbursed by the Board for instruction, research, extension or other programs/projects of the College: *Provided, finally*, That all fiduciary fees shall be disbursed for the specific purposes for which these are collected. If, for reasons beyond its control, the College shall not be able to pursue any project for which the funds have been appropriated and allocated under its approved program of expenditures, the Board may 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 College;

(f) To adopt and implement a socialized scheme of tuition and other school fees for greater access to education of poor but deserving students in accordance with the provisions of Republic Act No. 10931, or the "Universal Access to Quality Tertiary Education Act";

(g) To authorize the construction or repair of its buildings, machinery, equipment and other facilities, and the purchase and acquisition of real property, including necessary supplies, materials and equipment;

(h) To appoint, upon the recommendation of the President of the College, the vice presidents, deans, directors, heads of campuses, faculty members, and other officials and employees of the College;

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

- (q) To authorize an external management audit of the College, and to institute reforms, including academic and structural changes, on the basis of the audit results and recommendations;
- (r) To collaborate with the governing boards of other state universities and colleges (SUCs) within the Province of Davao del Sur and Region XI, under the supervision of the CHED and in consultation with the DBM, and work towards the restructuring of the College to become more efficient, relevant, productive and competitive;
- (s) To enter into joint ventures with business and industry for the profitable development and management of the economic assets of the College, the proceeds from which shall be used for the development and strengthening of the College;
- (t) To develop consortia and other economic forms of linkages with local government units (LGUs), institutions and agencies, both public and private, local and foreign, in the furtherance of the purposes and objectives of the College;
- (u) To develop academic arrangements for institutional capability building with appropriate institutions and agencies, public and private, local and foreign, and to appoint experts/specialists as consultants, part-time or visiting or exchange professors, scholars or researchers, as the case may be;
- (v) To set up the adoption of modern and innovative modes of transmitting knowledge such as the use of information technology, the dual training system, open distance learning, and community laboratory for the promotion of greater access to education;
- (w) To establish policy guidelines and procedures for participative decision-making and transparency within the College;
- (x) To privatize, where most advantageous to the College, the management of nonacademic services such as health, food, building or grounds or property maintenance and such other similar activities; and

(y) To extend the term of the President of the College whose performance has been unanimously rated by the Board as outstanding beyond the age of retirement, but not beyond the age of seventy (70), based on the guidelines, qualifications and standards set by the Board after unanimous recommendation by the search committee.

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

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

In the absence of the Chairperson of the CHED, a Commissioner of the CHED, duly designated by the CHED Chairperson, shall represent the latter in the meeting. The designated CHED Commissioner shall have all the rights and responsibilities of a regular member: *Provided*, That during this meeting, the President of the College as Vice Chairperson shall be the Presiding Officer: *Provided, further*, That this provision notwithstanding, the Chairperson of the CHED is hereby authorized to 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 Chairpersons of the Congressional Committees on Education shall not be able to attend the Board meeting, they may duly designate their respective representatives to attend the said meeting, who shall have the same rights and responsibilities as the regular members of the Board.

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

SEC. 9. *The College President.* – The College shall be headed by a President who shall render full-time service. The President shall be appointed by the Board, subject to the guidelines, qualifications and standards set by the Board, upon the recommendation of a duly constituted search committee. The President shall serve for a term of four (4) years and shall be eligible for reappointment for another term.

Upon the effectivity of this Act, the Board shall constitute the Search Committee for the Presidency (SCP) of the Davao del Sur State College within six (6) months.

In case of vacancy in the Office of the President, as mentioned in the immediately preceding paragraph, the successor shall serve only for the unexpired portion of the term.

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

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

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

SEC. 10. *Heads of College Campuses.* – A Campus Director shall head the College campus and shall render full-time service. The Campus Director shall be appointed by the Board, upon the recommendation of the search committee and the President of the College, subject to the guidelines, qualifications and standards set by the Board.

SEC. 11. *The Administrative Council.* – There shall be an Administrative Council consisting of the President of the College, as Chairperson, and the vice president(s), deans, directors and other officials of equal rank, as members, whose duties are to review and recommend to the Board the policies governing the administration, management and development planning of the College.

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

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

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

SEC. 14. *The Treasurer of the College.* – The Treasurer of the Philippines shall be the *ex officio* treasurer of the College.

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

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

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

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

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

SEC. 19. Tax Exemptions. – The Davao del Sur State College shall be entitled to the following tax exemptions:

(a) All revenues and assets of the Davao del Sur State College used exclusively and solely for educational purposes or in furtherance thereof shall be exempt from all taxes and duties;

(b) All grants, bequests, endowments, donations and contributions made to the College to be used actually, directly and exclusively by the College shall be exempt from donor's tax and the same shall be allowed as allowable deductions from the gross income of the donor 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;

(c) Importation of economic, technical, and cultural books or publications, which are for economic, technical, vocational, scientific, philosophical, historical or cultural purposes made by the College upon certification by the CHED, shall be exempt from customs duties in accordance with the provisions of Republic Act No. 10863, otherwise known as the "Customs Modernization and Tariff Act (CMTA)";

(d) The College shall be exempt from value-added tax as provided for in Section 109(1)(h) of the National Internal Revenue Code of 1997, as amended; and

(e) All educational monetary awards shall be exempt from income tax as prescribed in Section 32(B)(7)(c) of the National Internal Revenue Code of 1997, as amended.

SEC. 20. Assets, Liabilities and Personnel. – All assets, real and personal, personnel and records of the SPAMAST-Digos City Campus, the SPAMAST Laboratory and Production Campus in the Municipality of Matanao, the SPAMAST Extension Classes in Barangay Kapatagan, Digos City and the SPAMAST Extension Campus in the Municipality of Sulop, as well as the liabilities or obligations, are hereby transferred to the College. The positions, rights and security of tenure of faculty members and personnel therein employed under existing laws prior to the conversion into a College shall be respected: *Provided*, That resources and assets be divided in accordance with maintaining compliance to the policies, standards and guidelines in all programs having Certificate of Program Compliance (COPC) and the present level of program accreditation.

Administrative positions created originally upon the establishment of the SPAMAST under Batas Pambansa Blg. 651 shall be retained in the SPAMAST. Administrative positions shall be created for the Davao del Sur State College.

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

SEC. 21. Development Plan, Management Audit / Organizational/Administrative/Academic Structure. – Within the period of one hundred twenty (120) days after the approval of this Act, the College shall accomplish the following:

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

SEC. 22. *Compliance with CHED Requirements.* – The provisions of this Act notwithstanding, the establishment or conversion of the institution into a state college shall become effective only upon the determination and declaration by the CHED, based on the recommendation of a panel of experts, that the institution has complied with the requirements for a college status. The CHED, through its regional office, shall regularly provide technical assistance to the institution and monitor compliance with the requirements of the CHED.

The CHED shall designate a panel of experts who shall prepare a recommendation to the Chairperson of the CHED, on whether the institution has complied with the requirements for the grant of college status based on CHED Memorandum Order No. 46, series of 2012.

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

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

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

SEC. 25. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be charged against the current year’s appropriations of the SPAMAST-Digos City Campus. Thereafter, such sums as may be necessary for the continued operation and maintenance of the College shall be included in the annual General Appropriations Act.

SEC. 26. *Implementing Rules and Regulations.* – The Board, in consultation with the CHED, shall formulate the guidelines to fully implement the provisions of this Act within sixty (60) days from its effectivity.

SEC. 27. *Separability Clause.* – If, for any reason, any part or provision of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force and effect.

SEC. 28. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 29. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

VICENTE C. SOTTO III
President of the Senate

GLORIA MACAPAGAL-ARROYO
Speaker of the House
of Representatives

This Act which originated in the House of Representatives was passed by the House of Representatives and the Senate on November 28, 2018 and November 27, 2018, respectively.

MYRA MARIE D. VILLARICA
Secretary of the Senate

DANTE ROBERTO P. MALING
Acting Secretary General
House of Representatives

Approved: FEB 2 2019



RODRIGO ROA DUTERTE
President of the Philippines