

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. 11171]

AN ACT CONVERTING THE DR. EMILIO B. ESPINOSA, SR. MEMORIAL STATE COLLEGE OF AGRICULTURE AND TECHNOLOGY (DEBESMSCAT) IN THE MUNICIPALITY OF MANDAON, PROVINCE OF MASBATE, INTO A STATE UNIVERSITY TO BE KNOWN AS THE DR. EMILIO B. ESPINOSA, SR. — MASBATE STATE UNIVERSITY (DEBESMSU), AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. *Conversion.* — The Dr. Emilio B. Espinosa, Sr. Memorial State College of Agriculture and Technology (DEBESMSCAT) in the Municipality of Mandaon, Province of Masbate, is hereby converted into a state university to be known as the Dr. Emilio B. Espinosa, Sr. — Masbate State University (DEBESMSU), hereinafter referred to as the University. It shall establish regular campuses in Masbate City and in the municipalities of Aroroy, Cawayan, and San

Fernando in Ticao Island, all in the Province of Masbate. Its main campus shall be in the Municipality of Mandaon.

SEC. 2. *General Mandate.* – The University shall primarily provide advance education, higher technological, professional vocational instruction and training in the fields of arts and sciences, education, agriculture, industrial technology and engineering, information technology, business management and accountancy, tourism and hospitality management, criminology, maritime, medical education, legal education, nontraditional courses and other related fields of study. It shall also undertake research, extension services and production activities in support of the development of the Province of Masbate and provide progressive leadership in its areas of specialization.

SEC. 3. *Academic Freedom and Institutional Autonomy.* – The University shall enjoy academic freedom and institutional autonomy, pursuant to paragraph 2, Section 5, Article XIV of the Constitution.

SEC. 4. *Curricular Offerings.* – The University shall offer undergraduate and graduate courses in the fields of arts and sciences, teacher education, agriculture, industrial technology and engineering, information technology, business management and accountancy, medical education, legal education, tourism and hospitality management, maritime education, criminology, as well as technical-vocational programs and nontraditional courses within its areas of specialization and according to its capabilities as the Board of Regents may deem necessary to carry out its objectives, particularly in meeting the needs of the Province of Masbate, Region V.

The University may operate reasonably-sized laboratory school under its college of education.

SEC. 5. *Administration.* – The University shall have the general powers of a corporation set forth in Batas Pambansa Bilang 68, as amended, otherwise known as "The Corporation Code of The Philippines". The administration

of the University and the exercise of its corporate powers shall be vested exclusively in the Board of Regents and the President of the University.

SEC. 6. *The Governing Board.* – The governing body of the University shall be the Board of Regents, 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 University, 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) Region V, Member;

(f) The Regional Director of the Department of Agriculture (DA) Region V, Member;

(g) The Regional Director of the Department of Science and Technology (DOST) Region V, Member;

(h) The President of the federation of faculty associations of the University, Member;

(i) The President of the federation of student councils of the University, Member;

(j) The President of the federation of alumni associations of the University, Member; and

(k) Two (2) prominent citizens from the private sector who have distinguished themselves in their professions or fields of specialization of the University, Members.

The Board shall appoint the two (2) prominent citizens from among a list of at least five (5) qualified persons in the Province of Masbate, as recommended by the search committee constituted by the University 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.

The term of office of the President of the federation of faculty associations, the President of the federation of student councils and the President of the federation of alumni associations shall be coterminous with their respective constitution and bylaws.

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

SEC. 7. Powers and Duties of the Board of Regents. – The Board 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 existing laws:

(a) To promulgate and implement policies in accordance with the declared State policies and the 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”;

(b) To promulgate rules and regulations not contrary to law as may be necessary to carry out the purposes and functions of the University;

(c) To receive and appropriate all sums as may be provided for the support of the University in the manner it may determine in its discretion, in order to carry out the purposes and functions of the University;

(d) To import economic, technical and cultural books and/or publications;

(e) 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 University, and subject to the limitations, directions and instructions of the donor, if any;

(f) To fix the tuition fees and other necessary school charges, including matriculation fees, graduation fees and laboratory fees, as the Board may deem proper to impose, after due consultations with the involved sectors. Such fees and charges, including government subsidies and other income generated by the University, shall constitute special trust funds and shall be deposited in any authorized government depository bank: *Provided*, That all interests that shall accrue therefrom shall form part of the same funds for the use of the University.

Any provision of existing laws, rules and regulations to the contrary notwithstanding, any income generated by the University from tuition fees and other charges, as well as from the operation of auxiliary services and land grants, shall be retained by the University, and may be disbursed by the Board for instruction, research and extension or other programs/projects of the University: *Provided*, That all fiduciary fees shall be disbursed for the specific purposes for which these are collected.

If, for reasons beyond its control, the University 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 University.

(g) To adopt and implement a socialized scheme of tuition and school fees for greater access to poor but deserving students in accordance with the existing provisions of Republic Act No. 10931;

(h) 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;

(i) To appoint upon recommendation of the President of the University, Vice Presidents, Deans, Directors, Heads of Campuses, faculty members and other officials and employees of the University;

(j) To fix and adjust salaries of faculty members and administrative officials and employees, subject to the provisions and other pertinent budget and compensation laws governing hours of service, 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;

(k) To approve the curricula, instructional programs and rules of discipline drawn by the administrative and academic councils herein provided;

(l) To set policies on admission and graduation of students;

(m) To award honorary degrees upon persons in recognition of their outstanding contribution in the fields of education, public service, arts, science and technology, agriculture or in any field of specialization within the academic competence of the University; and to authorize the awarding of certificates of completion of nondegree and nontraditional courses;

(n) To absorb non-chartered tertiary institutions within the Province of Masbate as branches in coordination with the CHED, and in consultation with the Department of Budget and Management (DBM), and to offer therein programs or courses, to promote and carry out equal access to educational opportunities as mandated by the Constitution;

(o) To establish research and extension centers for instructional, research, and community service purposes;

(p) To establish professorial chairs in the University and to provide fellowships for qualified faculty members and scholarships to deserving students;

(q) To delegate any of its powers and duties provided for hereinabove to the President and/or other officials of the University as it may deem appropriate, so as to expedite the administration of the affairs of the University;

(r) To authorize an external management audit of the University, to be financed by the CHED, subject to the rules and regulations of the Commission on Audit (COA); and to institute reforms, including academic and structural changes, on the basis of the audit results and recommendations;

(s) To collaborate with other governing boards of the state colleges and universities within the Province of Masbate or Region V, under the supervision of the CHED and in consultation with the DBM, and work towards the restructuring of the University to become more efficient, relevant, productive and competitive;

(t) To enter into joint venture with business and industry for the profitable development and management of the economic assets of the University, the proceeds from which shall be used for the development and strengthening of the University;

(u) 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 University;

(v) To develop academic arrangements for the 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;

(w) To set up the adoption of modern and innovative modes of transmitting knowledge such as the use of information technology, the dual learning system, open or distance education and community laboratory for the promotion of greater access to education;

(x) To establish policy guidelines and procedures for participative decision making and transparency within the University;

(y) To privatize, where most advantageous to the University, the management of nonacademic services such as health, food, building or grounds or property maintenance and such other similar activities; and

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

SEC. 8. *Meetings of the Board.* – The Board shall regularly convene once every three (3) months. Whenever necessary, the Chairperson of the Board may call, upon a three (3)-day prior written notice, a maximum of two (2) special meetings within the same period.

A quorum of the Board shall consist of 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 University is among those present in the meeting.

The Chairperson of the CHED shall designate a Commissioner as representative in the meeting with all the rights and responsibilities of a regular member: *Provided, however,* That during the meeting, the President of the University as the Vice Chairperson shall be the Presiding Officer: *Provided, further,* That this proviso notwithstanding, the Chairperson of the CHED is hereby authorized to designate a CHED Commissioner as the regular chair of the Board, in which case said CHED Commissioner shall act as the presiding officer.

In case the Chairpersons of the Congressional Committee on Education shall not be able to attend the board meeting, they may designate their respective representatives to attend the said meeting, who shall have the same rights and responsibilities as a regular member 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 the 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 University President.* – The University shall be headed by a President, who shall render full-time service and 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 University President shall have a term of four (4) years and shall be eligible for reappointment for another term: *Provided,* That in order to effect a smooth transition to a university, the incumbent President of the DEBESMSCAT shall serve as the first President of the University.

Within six (6) months before the expiration of the term of office of the incumbent President of the University, the Board shall constitute a Search Committee for the Presidency (SCP).

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 immediately designate an Officer-in-Charge of the University pending the appointment of a new President. Within six (6) months from the date of vacancy, the Board shall constitute an SCP. The appointed President shall serve a new term.

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

The salary of the President of the University 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 state educational institutions.

The President of the University shall be assisted by the Vice President for Academic Affairs, a Vice President for Administration and a Vice President for Research and Development, Extension Services and Training, who shall be appointed by the Board upon recommendation of the President.

SEC. 10. *The Secretary of the University.* – The Board shall appoint a Secretary who shall serve as such for both the Board and the University, and shall keep all the records and proceedings of the Board. The Secretary of the University shall serve upon each member of the Board the appropriate notice of the Board meetings.

SEC. 11. *The Treasurer of the University.* – The Treasurer of the Philippines shall be the *ex officio* treasurer of the University.

SEC. 12. *The Administrative Council.* – There shall be an Administrative Council consisting of the President as the Chairperson, Vice Presidents, Deans, Directors and other officials of equal rank as members, whose duty shall be to review and recommend to the Board the policies that shall govern the administration, management and development planning of the University.

SEC. 13. *The Academic Council.* – There shall be an Academic Council to be composed of the President of the University, who shall act as Chairperson, and all 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 University, subject to the approval of the Board. It shall fix the requirements for the admission of students, as well as for their graduation and conferment of degrees, subject to review and approval by the Board through the President of the University. It shall exercise disciplinary power over students of the University and shall formulate academic policies and rules and regulations on discipline, subject to the approval of the Board.

SEC. 14. *The Faculty.* – No political beliefs, 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 University: *Provided*, That said appointment shall be subject to the guidelines, qualifications and standards set by the Board: *Provided, further*, That no member of the faculty shall teach for or against any particular church, faith or religious sector.

SEC. 15. *Admission/Scholarship Program.* – No student shall be denied admission to the University by reason of sex, faith, cultural or community affiliation or ethnic origin. The University shall provide a scholarship program and other affirmative action programs to assist poor but deserving students who qualify for admission to the University.

SEC. 16. *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 University, such apparatus, equipment or supplies as may be needed by the University, and to detail employees for duty therein when, in the judgement of the head of the bureau or office, such apparatus, equipment or 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 University, and the time thus served shall be counted as part of their regular services.

SEC. 17. *Assets, Liabilities and Personnel.* – All assets, real and personal and records of the DEBESMSCAT, as well as liabilities and obligations, are hereby transferred to the University. 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 DEBESMSCAT are hereby declared to be property of the University and shall be titled under its name: *Provided*, That should the University cease to exist or be abolished or should such parcels of land aforementioned be no longer needed by the University, the same shall revert to the Province of Masbate or the Republic of the Philippines, as the case may be.

SEC. 18. *Tax Exemption on Importation and Donations.* – The importation of economic, technical and cultural books or publications, which is for economic, technical or vocational, scientific, philosophical, historical or cultural purposes, made by the University 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)”.

All grants, bequests, endowments, donations and contributions made to be used actually, exclusively and directly by the University shall be exempt from donor's tax and the same shall be considered as allowable deduction 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 of 1997, as amended.

SEC. 19. *Development Plan, Management Audit, Organizational/Administrative Structure.* – Within the period of one hundred twenty (120) days after the approval of this Act, the University shall accomplish the following:

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

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

(c) Set up the organizational, administrative, as well as academic structure, including the appointment of key officials of the University.

SEC. 20. *Filing of Report.* – On or before the fifteenth (15th) day of the second (2nd) month after the opening of the regular classes each year, the Board shall file with the Office of the President of the Philippines, through the Chairperson of the CHED, and with both houses of Congress, a detailed report on the progress, conditions and needs of the University.

SEC. 21. *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 University.

SEC. 22. *Compliance With CHED Requirements.* – The provisions of this Act notwithstanding, the conversion of the institution into a state university shall become effective only upon the determination and declaration by

the CHED, based on the recommendation of a panel of experts it shall constitute for the purpose, that the institution has complied with the requirements for a university status based on CHED Memorandum Order No. 46, series of 2012 (Policy Standards to Enhance Quality Assurance (QA) in Philippine Higher Education, through the Outcomes-Based and Typology-Based QA): *Provided*, That the panel may issue such a recommendation when the institution 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) 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) A comprehensive range of degree programs in all levels, from basic post-secondary to doctoral programs;

(c) 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) Comprehensive learning resources and support structures, to include libraries, practicum laboratories, relevant educational resources, and linkages with the relevant disciplinal and professional sectors, to allow students to explore basic, advance, and even cutting edge knowledge in a wide range of disciplines or professions;

(e) Active and ongoing linkages and affiliation with other research institutions in various parts of the world that would ensure that the research activities of the university are functioning at current global standards; and

(f) Outreach activities that allow the students, faculty, and research staff to apply the new knowledge they generate to address specific social development problems broadly defined.

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

SEC. 23. *Parity Clause.* – All other powers, functions and privileges, responsibilities and limitations to state universities and their officials under existing laws shall be deemed granted to or imposed upon the University and its officials, whenever appropriate.

SEC. 24. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the DEBESMSCAT. Thereafter, such sums as may be necessary for the continued operation and maintenance of the University shall be included in the annual General Appropriations Act.

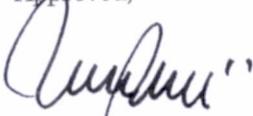
SEC. 25. *Implementing Rules and Regulations.* – Within sixty (60) days from the effectivity of this Act, the Board, in consultation with the CHED, shall formulate the rules and regulations to fully implement the provisions of this Act.

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 thereby shall remain in full force and effect.

SEC. 27. *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. 28. *Effectivity.* — This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in any newspaper of general circulation.

Approved,



VICENTE C. SOTTO III
President of the Senate

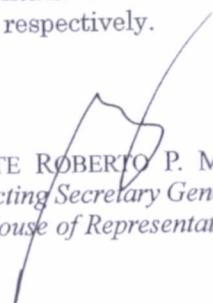


GLORIA MACAPAGAL-ARROYO
*Speaker of the House
of Representatives*

This Act which originated in the House of Representatives was passed by the House of Representatives and the Senate on July 31, 2018 and October 10, 2018, respectively.

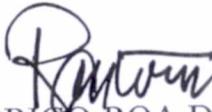


MYRA MARIE D. VILLARICA
Secretary of the Senate



DANTE ROBERTO P. MALING
*Acting Secretary General
House of Representatives*

Approved: JAN 03 2019



RODRIGO ROA DUTERTE
President of the Philippines

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