

**[ REPUBLIC ACT NO. 11220, February 21, 2019 ]**

**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, 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, and 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 Big. 68, as amended, otherwise known as "The Corporation Code of the Philippines". The administration of the CoEege 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 to use of said funds for any reasonable purpose which, in its discretion, may be necessary and urgent for the attainment of the objectives 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 objective's 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