



## Preface

This 2017 Revised Code of the Eastern Visayas State University is comprehensively crafted with the ultimate goal of making it consistent with and contributory to the proper, effective and efficient implementation of laws, rules and regulations promulgated by the President of the Philippines, Congress of the Philippines, Civil Service Commission, Department of Budget and Management, Commission on Higher Education, Commission on Audit and such other government agencies concerned including the jurisprudence or doctrines enunciated by the Supreme Court of the Philippines.

The Code is organized according to the relevance and similarity of the provisions, and is comprised of 9 Books, 23 Titles, 63 Chapters, 165 Articles and 707 Sections. Book I provides the General Provisions; Book II contains the Governance of Eastern Visayas State University; Book III discusses the Instruction of the University; and Book IV comprises the other major functions of the University, namely: Research, Extension, and Production Services.

Discussed in Book V is the Personnel Matters of the University while the Administrative Matters and Financial Matters of the University are presented in Book VI and Book VII, respectively. On the other hand, the Miscellaneous Provisions and Concluding Provisions are provided in Book VIII, and Book IX, respectively.

The EVSU Board of Regents, in unison with the academic community, fervently hoped that this 2017 Revised Code of the University will help in achieving the mandates, four-fold functions, vision, mission, objectives, goals and continuing improvement of the University.

It is the noble intent of this Code to protect, advance and nurture the welfare of its stakeholders hence; it is pro-students, pro-faculty members, pro-non-teaching personnel. With certainty, it is also responsive to the ever changing needs and aspirations of its stakeholders and service areas with the end view of contributing to the attainment of the national, regional, local and institutional goals and thrusts.

The burning desire of the University in making its environment conducive for intellectual exchanges among faculty members, students and non-teaching personnel is the epitome of this Code guided by moral and ethical standards as enshrined in the 1987 Philippine Constitution and enabling laws.

Viewed as the bible of the University, this Code is the primary source of policies of all operational rules and guidance of the employees, students and clients of its Campuses, Colleges, Branches, Offices or Units.

**Message**

*of*

**HON. J. PROSPERO E. DE VERA III, DPA**

*Commissioner, Commission on Higher Education*

*Chairperson, EVSU Board of Regents*

**Message**  
*of*  
**DR. DOMINADOR O. AGUIRRE, JR.**  
University President III



Republic of the Philippines  
**EASTERN VISAYAS STATE UNIVERSITY**  
 Tacloban City

**BOARD OF REGENTS**

**Board Resolution No. 115**

*Series of 2017*

**RESOLUTION APPROVING/ADOPTING THE 2017 REVISED CODE OF THE EASTERN VISAYAS STATE UNIVERSITY OR THE 2017 REVISED UNIVERSITY CODE (COPY HERETO ATTACHED AS INTEGRAL PART HEREOF), EFFECTIVE IMMEDIATELY, SUBJECT TO THE APPLICABLE LAWS, RULES AND REGULATIONS, AND FOR OTHER PURPOSES**

**WHEREAS**, the draft 2017 Revised Code of the Eastern Visayas State University or the 2017 Revised University Code has been drafted by the Board Committee on Review of Policies, Fees, Incentives and Assistance for Students & Employees created pursuant to Board Resolution No. 94, s. 2017;

**WHEREAS**, the draft 2017 Revised Code of the Eastern Visayas State University has been submitted to and discussed with the stakeholders or sectors on the schedules and venues, as follows:

**1. Stakeholders' Consultations and Committee Meetings:**

| Dates             | Time           | Campuses                      | Number of Participants |
|-------------------|----------------|-------------------------------|------------------------|
| January 27, 2017  | 8:00AM-10:30AM | Tanauan Campus                | 75                     |
|                   | 11:30AM-1:00PM | Burauen Campus                | 54                     |
|                   | 2:30PM-5:30PM  | Dulag (Extension) Campus)     | 51                     |
| February 3, 2017  | 8:30AM-11:00AM | Ormoc City Campus             | 82                     |
|                   | 1:30PM-4:00PM  | Carigara Campus               | 48                     |
| February 4, 2017  | 8:30AM-11:00AM | Graduate School (Main Campus) | 205                    |
|                   | 1:30PM-4:00PM  | NSTP                          | 192                    |
| February 14, 2017 | 8:30AM-11:00AM | Tacloban City (Main Campus)   | 260                    |
|                   | 1:00PM-3:00PM  | EVSU-ISLS (Main Campus)       | 243                    |

**2. Sectoral Focus Group Discussions (FGD) and Committee Meetings:**

| Sector/s | Dates             | Time           | Venue                             | Number of Participants |
|----------|-------------------|----------------|-----------------------------------|------------------------|
| Student  | February 10, 2017 | 3:00PM-5:30PM  | EVSU-Tanauan Campus               | 37                     |
|          | February 18, 2017 | 8:30AM-10:00AM | Executive House, EVSU-Main Campus | 36                     |

|   |                   |                   |  |     |
|---|-------------------|-------------------|--|-----|
| Alumni and Alumni Relations Office  | February 18, 2017 | 10:01AM - 12:30PM | Executive House, EVSU-Main Campus              | 27  |
| Parents (GPTCA)   | February 19, 2017 | 8:30AM-12:00NN    | Executive House, EVSU-Main Campus              | 16  |
| Non-Teaching Personnel, Campus Directors and Financial Officials (Directors/Heads, Budget Officers & Accountants) | February 24, 2017 | 9:00AM-2:00PM     | La Villa Francisco Resort, Diit, Tacloban City | 302 |
| Faculty and College Deans   |                   | 2:01PM-5:30PM     | Graduate School, EVSU-Main Campus              | 85  |
| University President  | February 25, 2017 | 10:00AM -6:00PM   | Executive House, EVSU-Main Campus              | 4   |

The participants in the foregoing activities were selected by their respective officials or associations' officers, as the case may be.

Comments, inputs and suggestions were gathered from the different sectors and were carefully studied and integrated to the draft.

**WHEREAS**, the draft of the 2017 Revised Code of the Eastern Visayas State University was submitted to the following:

- a. Commission on Higher Education (CHED)- Central Office, Quezon City;
- b. Commission on Audit (COA)- Central Office, Quezon City;
- c. Department of Budget and Management (DBM)- Central Office, Metro Manila;
- d. Civil Service Commission (CSC)- Central Office, Quezon City;
- e. University Administrative Council on March 1, 2017 (9:00-11:00AM) at the Office of the University President, EVSU-Main Campus;
- f. University Academic Council on March 1, 2017 (1:00-5:00PM) at the Auditorium, EVSU-Main Campus; and
- g. Board Committee on Finance, and Board Committee on Academic and Administration created by the EVSU Board of Regents on March 4, 2017 (9:00AM-12:00NN) at the Executive House, EVSU-Main Campus.

The comments and inputs provided by these agencies, and Board Committees and Councils of the University were also integrated accordingly; and

**WHEREAS**, the draft of the 2017 Revised Code of the Eastern Visayas State University was partially deliberated on March 6, 2017 First Regular Board Meeting and the Board resolved to give each Regent to submit their respective comments and suggestions;

**WHEREAS**, comments and suggestions submitted by the Regents including those raised during the 2017 Second Special Board Meeting on April 19, 2017 were deliberated and integrated to the attached copy of the University Code subject to their applicability and existing laws, rules and regulations;

**WHEREAS**, the draft of the 2017 Revised Code of the Eastern Visayas State University was published in the EVSU website for wide dissemination to and solicitation of inputs, comments and refinements to thereof;

**NOW, THEREFORE:**

**BE IT RESOLVED AS IT IS HEREBY RESOLVES**, by the EVSU Board of Regents to Approve/Adopt the 2017 Revised Code of the Eastern Visayas State University or the 2017 Revised University Code (*copy hereto attached as integral part hereof*), Effective Immediately, Subject to the Applicable Laws, Rules and Regulations.

**Adopted/Approved** this 19<sup>th</sup> day of April 2017 pursuant to Board Resolution No. 115, s. 2017 approved during the 2017 Second Special Board Meeting held at the 5<sup>th</sup> Floor, Conference Room, Ironwood Hotel, P. Burgos St., cor. Juan Luna St., Barangay 34, Tacloban City.

**APPROVED:**

**J. PROSPERO E. DE VERA III, D.P.A.**  
*Commissioner*  
*Commission on Higher Education*  
*Chairperson, EVSU Board of Regents*

**DOMINADOR O. AGUIRRE, JR., D.M.**  
*University President III*  
*Vice Chair, EVSU Board of Regents*

**FRANCIS JOSEPH G. ESCUDERO**  
*Chair, Committee on Education*  
*Senate of the Philippines*  
**Member**

**ANN K. HOFER**  
*Chair, Committee on Higher & Tech. Education*  
*House of Representatives*  
**Member**

*Represented by:*

**FRANCES ANN BASILIO PETILLA**

*Represented by:*

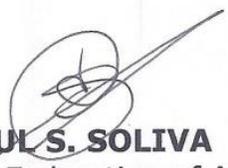
**FLORENCIO "BEM" GABRIEL NOEL**

  
**EDGARDO M. ESPERANCILLA, CESO II**  
Regional Director, DOST-Region VIII  
**Member**

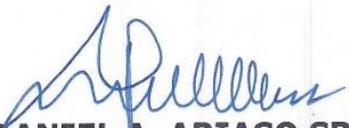
  
**BONIFACIO G. UY, CESO IV**  
Regional Director, NEDA-Region VIII  
**Member**

  
**ROGELIO D. BASAS**  
President, Federation of EVSU Faculty  
Association, Inc.  
**Member**

  
**MICHAEL L. MUZONES**  
President, Federation of Student  
Governments of EVSU  
**Member**

  
**RAUL S. SOLIVA**  
President, Federation of Alumni  
Associations of EVSU, Inc.  
**Member**

  
**PACIENTE A. CORDERO, JR.**  
Private Sector Representative  
**Member**

  
**DANIEL A. ARIASO SR., CESO II**  
Private Sector Representative  
**Member**

**I hereby certify to the correctness of the foregoing Resolution No. 115, s. 2017 as duly adopted by unanimous/affirmative vote by the EVSU Board of Regents during the 2017 Second Special Board Meeting held on April 19, 2017, as indicated above.**

Certified Correct:

  
**MA. BELINDA C. LORA, MAIS**  
Associate Professor III  
**University/Board Secretary**



Republic of the Philippines  
**EASTERN VISAYAS STATE UNIVERSITY**  
Tacloban City

**BOARD OF REGENTS**

**Board Committee on Finance**

**FOR: THE HONORABLE CHAIR AND MEMBERS**  
*EVSU Board of Regents, Tacloban City*

**THRU: DR. DOMINADOR O. AGUIRRE, JR.**  
*University President III*

**SUBJECT: Committee Report**

**FROM: Board Committee on Finance**

=====  
The Board Committee on Finance, to which the **2017 Revised Code of the Eastern Visayas State University** or the **2017 Revised University Code** (*copy hereto attached as integral part hereof*) has been referred to for further review and evaluation, and after presentation by the Board Committee on Review of Policies, Fees, Incentives and Assistance for Students & Employees Chaired by Regent Daniel A. Ariaso Sr., hereby respectfully submits its findings and recommendations, to wit:

1. The provisions of the subject **2017 Revised Code of the Eastern Visayas State University** were found to be consistent and compliant to applicable laws, rules and regulations; and
2. The Committee strongly recommends for the immediate approval/adoption and implementation of the said **2017 Revised University Code**.

**Adopted** this 4<sup>th</sup> day of March 2017 during the Committee Meeting held at Executive House, EVSU-Main Campus, Tacloban City.

**BONIFACIO G. UY, CESO IV**  
*Regional Director, NEDA-Region VIII*  
*Member, EVSU Board of Regents*  
*Committee Chair & Presiding Officer*

**EDGARDO M. ESPERANCILLA, CESO II**  
*Regional Director, DOST-Region VIII*  
*Member, EVSU Board of Regents*  
*Committee Vice Chair & Presiding Officer*

**ROGELIO D. BASAS**  
President, Federation of EVSU Faculty  
Association, Inc.  
*Member, Board Committee*

**MICHAEL L. MUZONES**  
President, Federation of Student  
Governments of EVSU  
*Member, Board Committee*

Certified Correct:

**BELINDA C. LORA, MAIS**  
*University/Board Secretary*



Republic of the Philippines  
**EASTERN VISAYAS STATE UNIVERSITY**  
Tacloban City

**BOARD OF REGENTS**

**Board Committee on Academic and Administration**

**FOR: THE HONORABLE CHAIR AND MEMBERS**  
*EVSU Board of Regents, Tacloban City*

**THRU: DR. DOMINADOR O. AGUIRRE, JR.**  
*University President III*

**SUBJECT: Committee Report**

**FROM: Board Committee on Academic and Administration**

=====

The Board Committee on Finance, to which the **2017 Revised Code of the Eastern Visayas State University** or the **2017 Revised University Code** (*copy hereto attached as integral part hereof*) has been referred to for further review and evaluation, and after presentation by the Board Committee on Review of Policies, Fees, Incentives and Assistance for Students & Employees Chaired by Regent Daniel A. Ariaso Sr., hereby respectfully submits its findings and recommendations, to wit:

1. The provisions of the subject **2017 Revised Code of the Eastern Visayas State University** were found to be consistent and compliant to applicable laws, rules and regulations; and
2. The Committee strongly recommends for the immediate approval/adoption and implementation of the said **2017 Revised University Code**.

**Adopted** this 4<sup>th</sup> day of March 2017 during the Committee Meeting held at Executive House, EVSU-Main Campus, Tacloban City.

**EDGARDO M. ESPERANCILLA, CESO II**  
*Regional Director, DOST-Region VIII*  
*Member, EVSU Board of Regents*  
*Committee Chair & Presiding Officer*

**BONIFACIO G. UY, CESO IV**  
*Regional Director, NEDA-Region VIII*  
*Member, EVSU Board of Regents*  
*Committee Vice Chair & Presiding Officer*

**ROGELIO D. BASAS**  
President, Federation of EVSU Faculty  
Association, Inc.  
*Member, Board Committee*

**MICHAEL L. MUZONES**  
President, Federation of Student  
Governments of EVSU  
*Member, Board Committee*

Certified Correct:

**BELINDA C. LORA, MAIS**  
*University/Board Secretary*



Republic of the Philippines  
**EASTERN VISAYAS STATE UNIVERSITY**  
 Tacloban City

**BOARD OF REGENTS**

**Board Committee on Review of Policies, Fees, Incentives and Assistance for Students and Employees**

**FOR: THE HONORABLE CHAIR AND MEMBERS**

*EVSU Board of Regents  
 Tacloban City*

**THRU: DR. DOMINADOR O. AGUIRRE, JR.**

*University President III*

**SUBJECT: Committee Report No. 1, s. 2017**

**FROM: Board Committee on Board Committee on Review of Policies, Fees, Incentives and Assistance**

=====  
 The Board Committee on Review of Policies, Fees, Incentives and Assistance for Students & Employees, to which the **2017 Revised Code of the Eastern Visayas State University** or the **2017 Revised University Code** (*copy hereto attached as integral part hereof*) has been referred to for drafting, study, review and evaluation, hereby submit its report and recommendations, to wit:

1. The draft **2017 Revised Code of the Eastern Visayas State University** or the **2017 Revised University Code** has been submitted to and discussed with the stakeholders or sectors on the schedules and venues, as follows:

1.1. **Stakeholders' Consultations and Committee Meetings:**

| Dates             | Time           | Campuses                      | Number of Participants |
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| January 27, 2017  | 8:00AM-10:30AM | Tanauan Campus                | 75                     |
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| February 14, 2017 | 8:30AM-11:00AM | Tacloban City (Main Campus)   | 260                    |
|                   | 1:00PM-3:00PM  | EVSU-ISLS (Main Campus)       | 243                    |

1.2. **Sectoral Focus Group Discussions (FGD) and Committee Meetings:**

| Sector/s  | Dates             | Time              | Venue  | Number of Participants |
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| University President  | February 25, 2017 | 10:00AM -6:00PM   | Executive House, EVSU-Main Campus              | 4                      |

The participants in the foregoing activities were selected by their respective officials or associations' officers, as the case may be.

Comments, inputs and suggestions were gathered from the different sectors and were carefully studied and integrated to the draft.

2. The draft of the 2017 Revised Code of the Eastern Visayas State University was submitted to the following:
  - 2.1. Commission on Higher Education (CHED)- Central Office, Quezon City;
  - 2.2. Commission on Audit (COA)- Central Office, Quezon City;
  - 2.3. Department of Budget and Management (DBM)- Central Office, Metro Manila;
  - 2.4. Civil Service Commission (CSC)- Central Office, Quezon City;
  - 2.5. University Administrative Council on March 1, 2017 (9:00-11:00AM) at the Office of the University President, EVSU-Main Campus;
  - 2.6. University Academic Council on March 1, 2017 (1:00-5:00PM) at the Auditorium, EVSU-Main Campus; and

- 2.7. Board Committee on Finance, and Board Committee on Academic and Administration created by the EVSU Board of Regents on March 4, 2017 (9:00AM-12:00NN) at the Executive House, EVSU-Main Campus.

The comments and inputs provided by these agencies, and Board Committees and Councils of the University were also integrated accordingly.

3. The Committee did not receive any opposition to the final draft of the **2017 Revised Code of the Eastern Visayas State University**, whether in whole or in part/s.

Premises considered, the Committee strongly recommends for the immediate approval/adoption and implementation of the said **2017 Revised Code of the Eastern Visayas State University**.

**Adopted** this 4<sup>th</sup> day of March 2017 during the Committee Meeting held at Executive House, EVSU-Main Campus, Tacloban City.

**DANIEL A. ARIASO SR., MEcon., CESO II**

*Member, EVSU Board of Regents  
(Private Sector Representative)  
Committee Chair & Presiding Officer*

**ROGELIO D. BASAS**

President, Federation of EVSU Faculty  
Association, Inc.  
*Member, Board Committee*

**MICHAEL L. MUZONES**

President, Federation of Student  
Governments of EVSU  
*Member, Board Committee*

Certified Correct:

**BELINDA C. LORA, MAIS**

*Associate Professor III  
University/Board Secretary  
Committee Secretary*



Republic of the Philippines  
**EASTERN VISAYAS STATE UNIVERSITY**  
Tacloban City

## **ADMINISTRATIVE COUNCIL**

**Resolution No. \_\_\_\_\_**  
*Series of 2017*

**RESOLUTION RECOMMENDING TO THE EVSU BOARD OF REGENTS, THROUGH THE UNIVERSITY PRESIDENT, FOR APPROVAL/ADOPTION OF THE 2017 REVISED CODE OF THE EASTERN VISAYAS STATE UNIVERSITY MANUAL OR THE 2017 REVISED UNIVERSITY CODE (COPY HERETO ATTACHED AS INTEGRAL PART HEREOF), EFFECTIVE IMMEDIATELY, SUBJECT TO APPLICABLE LAWS, RULES AND REGULATIONS**

After presentation by the Board Committee on Review of Policies, Fees, Incentives and Assistance for Students & Employees Chaired by Regent Daniel A. Ariaso Sr., and thorough discussion by the Members, the EVSU-Administrative Council, on motion of DR. FELIXBERTO E. AVESTRUZ, duly seconded by DR. ROLANDO V. MUSCA, hereby recommends to the EVSU Board of Regents, through the University President, for Approval/Adoption of the 2017 Revised Code of the Eastern Visayas State University Manual, hereinafter referred to as the 2017 Revised University Code (*copy hereto attached as integral part hereof*), Effective Immediately, Subject to Applicable Laws, Rules and Regulations.

Adopted this 1<sup>st</sup> day of March 2017 during the Regular Council Meeting of the EVSU-Administrative Council held at Office of the University President, EVSU-Main Campus, Tacloban City.

**ATTESTED/APPROVED:**

**DOMINADOR O. AGUIRRE, JR., DM**  
*University President III*  
*Chair & Presiding Officer, EVSU-Administrative Council*

Certified Correct:

**MA. BELINDA C. LORA, MAIS**  
*Associate Professor III*  
*University/Board Secretary*  
*Secretary, Administrative Council*



Republic of the Philippines  
**EASTERN VISAYAS STATE UNIVERSITY**  
Tacloban City

## **ACADEMIC COUNCIL**

**Resolution No. 100-A**  
*Series of 2017*

**RESOLUTION RECOMMENDING TO THE EVSU BOARD OF REGENTS, THROUGH THE UNIVERSITY PRESIDENT, FOR APPROVAL/ADOPTION OF THE 2017 REVISED CODE OF THE EASTERN VISAYAS STATE UNIVERSITY MANUAL OR THE 2017 REVISED UNIVERSITY CODE (COPY HERETO ATTACHED AS INTEGRAL PART HEREOF), EFFECTIVE IMMEDIATELY, SUBJECT TO APPLICABLE LAWS, RULES AND REGULATIONS**

After presentation by the Board Committee on Review of Policies, Fees, Incentives and Assistance for Students & Employees Chaired by Regent Daniel A. Ariaso Sr., and thorough discussion by the Members, the EVSU-Administrative Council, on motion of DR. BENEDICTO MILITANTE JR., duly seconded by DR. ROLANDO V. MUSCA, hereby recommends to the EVSU Board of Regents, through the University President, for Approval/Adoption of the 2017 Revised Code of the Eastern Visayas State University Manual, hereinafter referred to as the 2017 Revised University Code (*copy hereto attached as integral part hereof*), Effective Immediately, Subject to Applicable Laws, Rules and Regulations.

Adopted this 1<sup>st</sup> day of March 2017 during the Regular Council Meeting of the EVSU-Academic Council held at the Auditorium, EVSU-Main Campus, Tacloban City.

**ATTESTED/APPROVED:**

**DOMINADOR O. AGUIRRE, JR., DM**  
*University President III*  
*Chair & Presiding Officer, EVSU-Academic Council*

Certified Correct:

**GREGORIA C. DE LA CRUZ, MAIS**  
*Associate Professor V*  
*University Registrar III*  
*Secretary, Academic Council*

## **Brief History of the University**

The Eastern Visayas State University had its humble beginnings in 1907, as a part of the Provincial school. It became a separate educational entity in 1915 and was renamed as the Leyte Trade School funded by the Provincial government. In 1953, after thirty-eight years, it was renamed as the National Provincial Trade School by virtue of Republic Act No. 406 funded jointly by the National and Provincial Government to cover a wider curricular area. In 1961, the Congress of the Philippines passed Republic Act No. 1516 converting it into the Leyte Regional Arts and Trades and authorizing it to become a training institution, for vocational and industrial education in Eastern Visayas. Finally, Republic Act No. 4572 enacted by the congress of the Philippines which took effect in the school year 1965-1966 further converting the school into a chartered college. It was renamed the Leyte Institute of Technology, an institute of higher learning committed to the service of a larger academic area of responsibility.

For SY 1999-2000, LIT has its satellite campus, the Ormoc satellite Campus. In 1999, pursuant to the provisions of Republic Act No. 7722, Republic Act No. 8292 and Republic Act No. 8745 and Board Resolutions No. 59, Series of 1999, two CHED Supervised institutions (CSIs) in Leyte, namely the Leyte College of Arts and Trades and the Burauen Polytechnic College were integrated to LIT. The LIT Dulag Community Satellite Campus started in SY 2000-2001. The Carigara School of Fisheries was integrated to LIT, the second phase of CSIs institution to SUCs.

In 2002-2003, LIT had continued accomplishing its significant role and responsibility to the people in the region. The introduction of new programs, technological and business, the realignment of courses, and high-passing percentage of the engineering and other professional programs established a great challenge and gigantic responsibility to the institution.

Finally, in 2004, Republic Act No. 9311 converted the Leyte Institute of Technology, into Eastern Visayas State University, a challenge to serve Eastern Visayas, through academic excellence and technological development.

## ***Vision, Mission, Philosophy of the University***

### **VISION**

Leading State University in Technological and Professional Education

### **MISSION**

Develop a Strong Technologically and Professionally Competent  
Productive Human Resource Imbued with Positive Values  
Needed to Propel Sustainable Development

### **PHILOSOPHY**

EVSU addresses its academic endeavors towards the development of the socio economic condition of region VIII by emphasizing the development of human resources and necessary input to production and growth. It plays a major role in providing the human resources for industrial agri-business enterprises as well as for the small, medium, and large-scale industries, which are the components for regional development

## **The University Hymn**

**Lyrics:** BELINDA C. LORA  
**Music:** BIATO C. AMBE, JR.

There's a dawn of a new day breaking  
There's a ray of light reaching  
Every corner of the land  
It's radiance keeps on spreading  
Bringing hope and strength and life

There's a flame that keeps on burning  
Touching the mind, the heart and the soul  
Sending Knowledge truth, love, and wisdom  
abundant blessings from GOD above

### **Refrain:**

Beloved Eastern Visayas State University  
Your blessed flame shall forever burn in our hearts  
We give you outmost commitment and dedication  
You shall shine with pride throughout the nation

### **Coda:**

Shine with gladsome light  
Oh alma mater dear  
Lead our steps to path of excellence  
Success, fulfillment and glory awaits.

## The *EVSU* March

You're the shining glory of love,  
You're the light that comes from above,  
You're the precious gift I have,  
I will treasure you in my heart.

You're an utmost shelter of mind,  
You're the greatest pride of mankind,  
You have the golden fruits to reap,  
You're the sweetest hope of land.

Oh dear Alma Mater,  
Eastern Visayas State University,  
Your name is ringing in my heart,  
There is love and joy from the start,  
The abundance of your foundation,  
Is a great help of our nation,  
For in you is the fountain of wisdom  
And your light is our shining freedom.

You're the precious gift from heaven,  
You're the sweetest hope of land.

## The ASEAN Hymn

ASEAN, Oh ASEAN  
Our voices rise as one  
From land to land  
From sea to sea  
Reach out for everyone

ASEAN, Oh ASEAN  
Let's link our arms and stand  
Behold the sun has risen to  
The level of our eyes

Behold the sun has risen to  
The level of our eyes

## **Acknowledgement**

The Eastern Visayas State University (EVSU), through its Board of Regents and the University President, wishes to extend its deepest appreciation and thanks to all persons, who in one way or another, helped craft, review, evaluate and polish this noble 2017 Revised University Code.

The EVSU Family is grateful to the Board Committee on Review of Policies, Fees, Incentives and Assistance for Students & Employees Chaired by Regent Daniel A. Ariaso Sr., for comprehensively drafting the this 2017 Revised University Code and for steering the Stakeholders' Consultation and Sectoral Focus Group Discussion (FGD); the Board Committee on Finance Chaired by Director Bonifacio G. Uy, and Board Committee on Academic and Administration Chaired by Director Edgardo M. Esperancilla for their immediate review and for providing inputs which further strengthened this University Code.

Special thanks to the Vice Presidents, Campus Directors, College Deans, Heads, Chiefs, Chairpersons and Coordinators as well as Faculty Members, Non-Teaching Personnel, Students, Alumni, and Industry and Community Partners for their active participation during the Stakeholders' Consultation and Sectoral Focus Group Discussion. Indeed, their inputs contributed in shaping this University to be responsive and embodying the ideals and aspirations of the EVSU Family.

May the God Almighty Bless you all!

*EVSU Family*

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# BOOK I

## GENERAL PROVISIONS

### Preliminary Title

#### Chapter I

### SHORT TITLE, LEGAL BASES OF PROMULGATION, COVERAGE, INTERPRETATION, AND APPLICATION OF RELEVANT LAWS, RULES AND REGULATIONS

#### Article 1

### Short Title, Legal Bases of Promulgation and Coverage

Section 1. **Short Title.** – This shall be known as the 2017 Revised Code of the Eastern Visayas State University, hereinafter referred to, as the 2017 Revised Code of EVSU, EVSU 2017 Revised Code or the 2017 Revised University Code, *for brevity*.

Section 2. **Legal Bases of Promulgation.** – This 2017 Revised Code is promulgated pursuant to the powers and functions of the Board of Regents of the Eastern Visayas State University or EVSU Board of Regents as provided under paragraph 2, Section 5 of Article XIV of the 1987 Philippine Constitution<sup>1</sup>, Executive Order (E.O) No. 292<sup>2</sup>, Section 6 of R.A. No. 9311<sup>3</sup>, Section 5 of R.A. No. 8292<sup>4</sup> and its IRR<sup>5</sup>, Section 13 of Batas Pambansa No. 232<sup>6</sup>, pertinent laws, rules and regulations promulgated by competent authority/ies.

Further, this Code shall be considered or recognized as a consequence of the elevation of then Leyte Institute of Technology (LIT) into a State University and henceforth, the nature of LIT has completely changed when it became EVSU pursuant to R.A. No. 9311. LIT did not just changed its name. The law created a university which, in effect, a new entity that is the EVSU<sup>7</sup>.

Section 3. **Coverage and Uniform Implementation.** – This Code shall cover and be implemented uniformly in the Eastern Visayas State University (EVSU) comprised of its Main Campus located in Tacloban City and its

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<sup>1</sup> "All institutions of higher learning, public or private, shall enjoy academic freedom and institutional autonomy".

<sup>2</sup> "Administrative Code of the Philippines."

<sup>3</sup> 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 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."

<sup>4</sup> "An Providing for the Uniform Composition and Powers of the Governing Boards, the manner of Appointment and Term Office of the President of Chartered State Universities and Colleges, and for Other Purposes", otherwise known as the "Higher Education Modernization Act of 1997."

<sup>5</sup> CHED Memorandum Order No. 03, s. 2011 entitled, Implementing Rules and Regulations of Republic Act No. 8292.

<sup>6</sup> "An Act Providing for the Establishment and Maintenance of an Integrated System of Education".

<sup>7</sup> PSLMC Resolution No. 02, s. 2009 dated June 11, 2009.

Integrated/External Campuses located in the City of Ormoc and Municipalities of Burauen, Carigara and Tanauan, and a Community Satellite Campus in the Municipality of Dulag, all in the Province of Leyte.

## Article 2

### **Construction and Interpretation, Definition of Terms, and Suppletory Application of Relevant Laws, Rules and Regulations Promulgated by Competent Authorities**

Section 4. **Construction and Interpretation of the Code.** – All doubts in the implementation of any of the provisions of this Code shall be interpreted and resolved in favor of the University.

*Provided,* That in matters affecting the welfare of a student, all doubts in the implementation and interpretation of pertinent provisions of this Code shall be resolved in favor of the student subject to applicable laws, rules and regulations.

*Provided, further,* That in matters affecting the welfare of a teaching and non-teaching personnel, all doubts in the implementation and interpretation of pertinent provisions of this Code shall be resolved in favor of the faculty member or personnel, as the case may be, subject to applicable laws, rules and regulations.

Section 5. **Definition of Terms.** – Notwithstanding as may be provided in relevant laws, rules and regulations, the following terms are hereby defined as used in this Code:

5.1. *Academic Freedom* – the academic freedom shall be viewed or construed on the following manner:

- a. For the University – as adverted to in the Constitution and in R.A. No. 8292 and R.A. No. 9311, and applying various jurisprudence, accords the right of the University to decide for itself its aims and objectives and how best to attain them. Certainly, the wide sphere of autonomy given to universities in the exercise of academic freedom extends to the right to confer academic honors. Thus, exercise of academic freedom grants the University the exclusive discretion to determine to whom among its graduates it shall confer academic recognition, based on its established standards.<sup>8</sup>

In addition, academic freedom encompasses freedom of the institution or the University to determine for itself, on academic grounds, who may teach, what may be taught, how it shall be taught, and who may be admitted to study<sup>9</sup>.

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<sup>8</sup> **Morales v. The Board of Regents of the University of the Philippines** (G.R. No. 161172, December 13, 2004) citing **Garcia v. The Faculty Admission Committee, Loyola School of Theology**, G.R. No. L-40779, 28 November 1975, 68 SCRA 277, 284.

<sup>9</sup> **Benguet State University v. Commission on Audit** (G.R. No. 169637, June 8, 2007) citing *Vide: Camacho v. Coresis*, G.R. No. 134372, August 22, 2002, 387 SCRA 628, 637.

Moreover, it includes, among others, the right of the University to decide for itself, its aims and objectives, and how best to attain them - free from outside coercion or interference save possibly when the overriding public welfare calls for some restraint. It has a wide sphere of autonomy certainly extending to the choice of students,<sup>10</sup> to set academic standards to determine under what circumstances failing grades suffice for the expulsion of students,<sup>11</sup> the power of a University to revoke a degree or honor it has conferred to a student after it was found out that the student's graduation was obtained through fraud,<sup>12</sup> and to decide for itself the terms and conditions for hiring its teacher<sup>13</sup>.

- b. For the Faculty and Instructional Staff – Each faculty member of the University shall enjoy academic freedom which relates to or involves or encompasses a "right by the accredited educator, as a teacher and as investigator, to interpret his findings and to communicate his conclusions without being subject to any interference, molestation or penalty because these conclusions are unacceptable to some constituted authority within or beyond the institution<sup>14</sup>."

Academic freedom of faculty members refers to the freedom of teachers from control of thought or utterance of his academic research, findings or conclusions, and has nothing to do with the discretion of teachers to pass or fail any or all her students according to his discretion<sup>15</sup>.

Academic freedom is the right of the faculty member or teacher to teach the subject of his/her specialization according to his/her best lights; to hold in other subjects, such ideas he/she believes sincerely to be right; and to express his/her opinions on public questions in a manner that shall not interfere with his/her duties and functions as member of the faculty or jeopardize his/her loyalty and accountability to the University that employs him/her.

It also includes the right of the faculty or teacher or researcher to investigate and discuss the problems of his/her

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<sup>10</sup> *University of San Agustin, Inc., etal. v. Court of Appeals* (G.R. No. 100588, March 7, 1994), citing *Garcia v. The Faculty Admission Committee, etal.* supra; *Tangonan v. Pano, etal., supra*.

<sup>11</sup> *Non, etal. v. Mabini Colleges, Inc.* (G.R. No. 89317, May 20, 1990) citing *Villar v. Technological Institute of the Philippines* (G.R. No. 69198, April 17, 1985), 135 SCRA 706.

<sup>12</sup> *University of the Philippines v. Court of Appeals* (August 31, 1999), citing *The University of the Philippines V. Court of Appeals* (February 9, 1993), and *The University of the Philippines v. Hon. Ruben Ayson* (August 17, 1989).

<sup>13</sup> *Mercado, etal. v. AMA Computer College-Paranaque City, Inc.* (G.R. No. 183572, April13, 2010).

<sup>14</sup> *Camacho v. Coresis*, (G.R. No. 134372, August 22, 2002).

<sup>15</sup> *St. Juse Catholic School v. Salgarino* (G.R. No. 164376, July 31, 2006) citing *Garcia v. The Faculty Admission Committee, Loyola School of Theology*, (G.R. No. L-40779, November 28, 1975), 68 SCRA 277, 285.

science and to express his/her conclusions, whether through publication or in the instruction of students, without interference from political or administrative officials of the University, unless his/her methods are found by competent authorities of his/her own profession, after due process, to be incompetent and contrary to professional ethics and generally accepted practices.

- c. For the Students - Each student of the University shall enjoy academic freedom consisting of, but not limited to, the following rights:
1. To choose a field of study and to pursue the quest for truth; to express their opinion on any subject of public or general concern which directly or indirectly affects the students or the educational system;
  2. To conduct researches in connection with academic work, and to freely discuss and publish their findings and recommendations subject to the provisions of the Research and Development Services Manual and the Intellectual Property Protection and Technology Commercialization Manual of the University and relevant enabling laws thereof;
  3. To conduct inquiry within the campus in curricular and extracurricular activities;
  4. To express contrary interpretations or dissenting opinions inside and outside the classroom;
  5. To invite off-campus speakers or resource persons to student-sponsored assemblies, *fora*, symposia, colloquia, and other activities of similar nature subject to relevant policies of the University;
  6. To participate, through their duly elected officers or representatives in the drafting of Students' Handbook, new curriculum and such relevant policies, rules and regulations of the University and in the review or revision of the old versions thereof. Each student must be provided with a copy of the Students' Handbook of the University upon payment of reasonable fee thereof to be distributed during enrollment period or such schedule as may be determined by the University;
  7. To be free from any form of indoctrination leading to imposed ideological homogeneity; and
  8. To enroll in a review center/s of his/her own choice<sup>16</sup>.

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<sup>16</sup> Republic Act No. 10609 otherwise known as the "Protection of Students' Right to Enroll in Review Centers Act of 2013."

- 5.2. *Academic Officers* – refer to the Deans of Colleges and their Heads or Chairpersons or Coordinators of various academic departments or units.
- 5.3. *Administrative Services* – refer to the functions of the University which directly relates to the supervision and control of administration of the University other than academic in nature.
- 5.4. *Administrative Officials* – refer to the Chief Administrative Officer, Directors for Finance, Administration, Human Resource Development, IGP, research, extension and such other offices or units of the University.
- 5.5. *Agreements* – refer to contracts, memorandum of agreement (MOA), memorandum of understanding (MoU) and such legal instruments stipulating, among others, the object and purposes, terms and conditions of executing the same.
- 5.6. *Appointment* – refers to the selection, by the authority vested with the power, of an individual who is to exercise the functions of a given office. When completed, usually with its confirmation, the appointment results in security of tenure for the person chosen unless he is replaceable at pleasure because of the nature of his office. It is essentially an executive in nature<sup>17</sup>.
- 5.7. *Auxiliary Services* – refers to all kinds of services pertaining to economic or profit generating activities done and/or rendered by the University other than academic such as, hospital, garments and tailoring, cafeteria, janitorial, printing press, bookstore, training centers, review centers, and the like.
- 5.8. *Board* – refers to the Board of Regents of Eastern Visayas State University which is the highest policy-making body of the University.
- 5.9. *Campuses* – refers to the Main Campus of the University located in Tacloban City, integrated Campuses in the City of Ormoc and Municipalities of Burauen, Carigara, and Tanauan, and a Satellite Community Campus in the Municipality of Dulag, all in the Province of Leyte.
- 5.10. *Chair and Presiding Officer of the Board* – refers to the CHED Chairperson or a Commissioner duly designated by him/her to serve and perform the powers and duties as regular Chair and Presiding Officer.
- 5.11. *COA* – refers to the Commission on Audit created under Article IX-D of the 1987 Philippine Constitution.
- 5.12. *Code* – refers to the 2017 Revised Code of the Eastern Visayas State University or 2017 Revised University Code.

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<sup>17</sup> **Tapispisan v. Court of Appeals** (G.R. No. 157950, June 8, 2005).

- 5.13. *Community Laboratory* – refers to a community adopted by the University as part of its extension program where research and civic services are conducted by its students and/or faculty.
- 5.14. *Community Satellite Campus* – refers to a Campus established and funded by a Local Government Unit (LGU) and the responsibility of the University is limited to academic administration and management services only.
- 5.15. *Congress of the Philippines* – refers to the legislative branch of the Republic of the Philippines created under Article X of the 1987 Philippine Constitution.
- 5.16. *CSC* – refers to Civil Service Commission created pursuant to Article IX-B of the 1987 Philippine Constitution.
- 5.17. *DBM* – refers to Department of Budget and Management created pursuant to Executive Order No. 25 dated April 25, 1936, as amended.
- 5.18. *Designation* – is an imposition by law of additional duties of an incumbent official. It is essentially a legislative in nature. It may also be loosely defined as an appointment because it, likewise, involves the naming of a particular person to a specified public office. That is the common understanding of the term. However, where the person is merely designated and not appointed, the implication is that he shall hold the office only in a temporary capacity and may be replaced at will by the appointing authority. In this sense, the designation is considered only an acting or temporary appointment, which does not confer security of tenure on the person named<sup>18</sup>.
- 5.19. *Distance Learning* – is a mode of education delivery at a distance with organizational and administrative support.
- 5.20. *Dual System* – refers to teaching-learning approach utilizing both the experiences gained by students inside and outside of the classrooms, sometimes called the in-school off-school approach.
- 5.21. *Duly Recognized Campus Alumni Association* – is an alumni association established and recognized by the University where each Campus shall have only one (1) organization comprised of alumni from the tertiary level programs of the University Campus.
- 5.22. *Duly Recognized Campus Faculty Association* – is a faculty association established and recognized by the University where each Campus shall have only one (1) organization comprised of the regular faculty members and instructional staff of the University Campus.

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<sup>18</sup> *Tapispisan v. Court of Appeals* (G.R. No. 157950, June 8, 2005), citing *Sevilla v. Court of Appeals*, G.R. No. 88498, 9 June 1992, 209 SCRA 637.

- 5.23. *Duly Recognized Campus Student Council or Government* – is a student council established and recognized by the University where each Campus shall have only one (1) organization comprised of *bona fide* students from tertiary level programs of the University Campus.
- 5.24. *Duly Recognized Federation of Alumni Associations* – is the federation of the duly recognized alumni associations in the different Campuses of the University which has been extended recognition by the EVSU-Board of Regents to be the legitimate and lawful organization of its alumni.
- 5.25. *Duly Recognized Federation of Faculty Associations* – is the federation of the duly recognized faculty associations in the different Campuses of the University which has been extended recognition by the EVSU Board of Regents to be its legitimate and lawful faculty association as manifested by its Constitution and By-Laws being ratified by 2/3 of its members.
- 5.26. *Duly Recognized Federation of Student Councils or Governments* – is the federation of the duly recognized student councils or governments in the different Campuses of the University which has been extended recognition by the EVSU Board of Regents.
- 5.27. *EVSU* –refers to the Eastern Visayas State University.
- 5.28. *EVSU BOR* – refers to the Board of Regents of Eastern Visayas State University.
- 5.29. *Executive Officials* – refers to the University President, Vice Presidents and Campuses Directors whose primary duties and functions to ensure proper, effective and efficient execution of policies and directions laid down by the Board and such competent authorities.
- 5.30. *Extension Campus* – is the Campus that responds to special needs/demand (i.e. instruction, research or extension) with no administrative structure duly created by the EVSU Board of Regents or enabling law.
- 5.31. *Extension Services* – refers to a function of the University and the faculty members and non-teaching personnel comprised of programs, projects, studies or activities conducted in accordance with the policies of the University directed towards the improvement on the quality of life and target clients and further expand the social contributions of the University to the constituents in various localities of Leyte or its nearby localities.

*Provided,* That for this purpose, the University shall, after the occurrence of a disaster or calamity and upon declaration of the State of Calamity by the President of the Philippines and/or invitation by the DDRMC national, regional or local levels, or by Local Government Unit (LGU) concerned or any organization,

mobilize its personnel and students to constitute as volunteers in disaster or calamity hit area/s pursuant to the provisions of R.A No. 10121<sup>19</sup> and its IRR and the provisions of this Code.

- 5.32. *External Campus* – is a campus classified as CHED-Supervised Institution integrated to the University pursuant to the provisions of Republic Act No. 9311 and pertinent laws, rules and regulations.
- 5.33. *Faculty Member* – is an employee or personnel of the University who is hired with the primary duties and functions include instruction, research, extension services and production.
- 5.34. *Fiduciary Fund* – refers to funds of which collection of fees for a specific purpose shall accrue. This fund shall be solely for the purpose for which it was authorized to be collected. This includes athletic fee, cultural fee, computer fee, laboratory fee, shop fee, development fee, library fee, and the like. The listing of what is classified as fiduciary fund, as well as the campus, college, office or unit accountable for its utilization shall be stated in the report of collections which is submitted to the Board for approval<sup>20</sup>.
- 5.35. *Fund Administrator* – one who is responsible for financial management, preparation of the budget and its execution to implement the various programs, projects or activities under his/her supervision<sup>21</sup>.
- 5.36. *Governing Board* – refers to the EVSU Board of Regents.
- 5.37. *Hard to Fill Positions* – refers to faculty positions in the University in which the pool of graduates are scarce or few or rare and that these professions are offered higher salaries in the private sector or the entry salary in other government agencies is higher than in the University such as, but not limited to, Engineers, Architects, Interior Designers, Marine Engineers or Ship Captains, Artists, Chef, Nutritionist, Dieticians, Chemists, Certified Public Accounts (CPAs), and such professions as the President may determine duly approved by the Board and CSC.
- 5.38. *Head of the University* – refers to the President of the University or University President.
- 5.39. *Head of the Campus* – refers to the Campus Director who is authorized to manage the administrative operations of the Campus. He/She is also tasked to coordinate the plans, programs,

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<sup>19</sup> An Act Strengthening the Philippine Disaster Risk Reduction and Management System, Providing for the National Disaster Risk Reduction and Management Framework and Institutionalizing the National Disaster Risk Reduction and Management Plan, Appropriating Funds Therefor and for Other Purposes.

<sup>20</sup> Section 3(e), Article I of CHED Memorandum Order No. 20, s. 2011 entitled, "Policies and Guidelines for the Use of Income, Special Trust Fund and Programs of Receipts and Expenditures of State Universities and Colleges (SUCs)" duly adopted by the EVSU Board of Regents per Board Resolution No. 93, s. 2016.

<sup>21</sup> Section 3(f), Article I of CHED Memorandum Order No. 20, s. 2011.

projects and activities of the campus in accordance with the overall vision, mission, goals and objectives of the University<sup>22</sup>.

- 5.40. *Head of the College* – refers to the Dean who is authorized to manage the administrative operations of the College. He/She is also tasked to coordinate the plans, programs, projects and activities of the campus in accordance with the overall vision, mission, goals and objectives of the University.
- 5.41. *Head of the Department, Unit or Section* – refers to the Director or head, chairperson or coordinator, as the case may be.
- 5.42. *Hold-over Capacity (Principle)* – refers to the preservation of continuity in the transaction of official business and prevents a hiatus in government or in any office of the University pending the assumption of a successor into office<sup>23</sup>.
- 5.43. *Income* – refers to all revenue derived by the University from fees and charges authorized by existing laws, rules and regulations.
- 5.44. *Indexation to Inflation* – is the process of adjustment of the fees and charges imposed by the University as well as the incentives, scholarship and financial assistance to faculty members and students which are directly effected to the average of the inflation rates for the last five (5) years generated in Eastern Visayas or national level, whichever is higher.
- 5.45. *Instruction Services* – refers to a function of the University and faculty members which include among others, the pedagogy and academic activities necessary for the delivery of educational services and degree programs, or educational services to the students, professionals and other clients which are vital in the realization of the mandates, vision, mission, goals and objectives of the University.
- 5.46. *Instructional Staff* – refers to faculty members who are employed on temporary basis and who are not Part-time faculty members of the University.
- 5.47. *Intervening Assignment* – refers to involvement of faculty members in the processing of documents for any of the following: SUC Levelling or its equivalent, AACUP Accreditation, ISO Certification, IQAME, ARTA-RCS Evaluation or Report of Findings, and DNV or Maritime Surveillance Assessment and similar quality assurance evaluations processes with credit equivalency and recognition under the EVSU-PRAISE System Manual and NBC 461,

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<sup>22</sup> Section 3(b), Article I of CHED Memorandum Order No. 20, s. 2011.

<sup>23</sup> **Adap, etal vs. Commission on Elections** (G.R. No. 161984, February 21, 2007), citing **Nueno, etal. vs. Angeles, etal.** (G.R. No. L-89, February 1, 1946), the Supreme Court ruled:

“The application of the hold-over principle preserves continuity in the transaction of official business and prevents a hiatus in government pending the assumption of a successor into office. As held in *Topacio Nueno v. Angeles*, cases of extreme necessity justify the application of the hold-over principle.”

graduation rites, and membership in committees, coach of sports or cultural or talent groups, and such activities or duties that are intermittent in nature duly authorized by the College Dean or Campus Director and approved by the University President upon the recommendation by the Vice President for Academic Affairs and/or Campus Director.

- 5.48. *IRR* – refers to Implementing Rules and Regulations of any law or statute enacted by the Congress of the Philippines or issued by the President of the Philippines and such competent authority/ies.
- 5.49. *K to 12 Programs* – refers to Senior High School (SHS) programs authorized under R.A. No. 10533.
- 5.50. *Main Campus* – is the Campus located in Tacloban City where the administrative services of the University are located and/or where the University President holds office permanently.
- 5.51. *Open-learning* – is the philosophy of student-centered learning adopting a great amount of flexibility in the learning process thus enabling them to learn at the time, place and pace which satisfies their circumstances and requirements.
- 5.52. *Personnel* – refers to executive officials, officers, faculty members and non-teaching personnel of the University which they are also called as employees.
- 5.53. *Production Services* – is a function of the University and faculty members which covers the implementation of generating resources such as, but not limited to, instructional materials development and commercialization of technologies and other intellectual properties to augment the income and sustain sound financial condition of the University.
- 5.54. *R.A. or RA* – refers to Republic Act duly enacted by the Congress of the Philippines and approved by the President of the Philippines or lapse into law as provided under the 1987 Philippine Constitution.
- 5.55. *Regent* – refers to the Chairperson or Vice Chairperson or any Member of the Board.
- 5.56. *Research Services* – refers to a function of the University and faculty members directed to the development, transfer, utilization and commercialization and protection of new knowledge, technologies, methods, procedures, intellectual properties and scholarly works necessary for continuing improvement in the capacity of the University in the realization of its legal mandates, vision, mission, goals and objectives.
- 5.57. *Special Trust fund* – refers to the total amount collected or charged from students for a specific purpose or from other sources, other than payment of tuition fees, held in trust by the University. *Provided*, that the annual program of disbursements or budget of

regular trust funds (RTF) or fiduciary funds of the Supreme Student Government (SSG) Fee, Federation of Student Governments/Councils (FSG/C) Fee, Medical and Dental Fee, Internet and IT Development Fee, Student Services Development (SSD) Fee, and Student Development Fund (SDF) shall require favorable endorsements through resolutions from the Campus SSC/G concerned and of the Federation of Student Governments of the University, as the case may be.

- 5.58. *Socialized Scheme of Tuition and Other Instructional Fees* – refers to a scheme or pattern where the rate of tuition and instructional fees are collected on the basis of family income and/or socio-economic status of the student, such that the less-economically privileged students shall pay lesser fees than students coming from more economically advantaged families.
- 5.59. *Tenure* – represents the term during which the incumbent actually holds office. The tenure may be shorter (or, in case of holdover, longer) than the term for reasons within or beyond the power of the incumbent<sup>24</sup>.
- 5.60. *Term of Office* – refers to the time during which the officer may claim to hold the office as of right, and fixes the interval after which the several incumbents shall succeed one another. The term of office is not affected by the holdover. The term is fixed by statute and it does not change simply because the office may have become vacant, nor because the incumbent holds over in office beyond the end of the term due to the fact that a successor has not been elected and has failed to qualify<sup>25</sup>.
- 5.61. *Tertiary Programs* – refer to four to five year degree programs in the undergraduate level and graduate programs such as master's and doctoral degrees offered by the University.
- 5.62. *University* – refers to Eastern Visayas State University or EVSU.
- 5.63. *Vacancy* – a condition or situation "when there is no person lawfully authorized to assume and exercise at present the duties of the office"<sup>26</sup>.

## Section 6. ***Supplementary Application of Laws, Rules and Regulations.***

– Notwithstanding as explicitly adopted or provided under this Code, all laws,

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<sup>24</sup> ***Valle Verde Country Club, Inc. v. Africa*** (G.R. No. 151969, September 4, 2009).

<sup>25</sup> ***Valle Verde Country Club, Inc. v. Africa*** (G.R. No. 151969, September 4, 2009) citing *Topacio Nueno v. Angeles*, 76 Phil. 12, 21-22 (1946); *Alba v. Evangelista*, 100 Phil. 683, 694 (1957); *Paredes v. Abad*, 155 Phil. 494 (1974); *Aparri v. Court of Appeals*, No. L-30057, January 31, 1984, 127 SCRA 231., and *Gaminde v. Commission on Audit*, G.R. No. 140335, December 13, 2000, 347 SCRA 655.

<sup>26</sup> In ***Gamboa vs. Augiree, etal*** (G.R. No. 134213, July 20, 1999, citing, ***Stocking v. State***, 7 Ind. 326 cited in Mechem. A Treatise on the Law on Public Offices and Officers, p. 61 cited in ***Menzon v. Petilla***, 197 SCRA 251, the Supreme Court ruled that:

"A *sensu contrario*, there is a vacancy when there is no person lawfully authorized to assume and exercise at present the duties of the office."

rules and regulations promulgated by competent authorities such as, but not limited to, the President of the Republic of the Philippines, Congress of the Philippines, Commission on Higher Education (CHED), Department of Budget and Management (DBM), Civil Service Commission (CSC), Commission on Audit (COA), jurisprudence laid down by the Supreme Court of the Philippines, the Philippine Association of State Universities and Colleges (PASUC), and such government agencies concerned, shall apply suppletorily and serve as governing guidelines to this Code, in so far as expressly determined and duly adopted by the EVSU Board of Regents.

## Chapter II

### **DECLARATION OF ACCOUNTABILITY, PRINCIPLES, GENERAL MANDATES, CURRICULAR OFFERINGS, MAJOR FUNCTIONS, SEAL AND COLORS OF THE UNIVERSITY**

#### Article 3

#### **Declaration of Accountability of the Officials and Employees of EVSU**

Section 7. ***Accountability of the Officials and Employees of the University.*** – Public Office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and just, and lead modest lives.<sup>27</sup> These constitutionally-enshrined principles, oft-repeated in our case law, are not mere rhetorical flourishes or idealistic sentiments. They should be taken as working standards by all in the public service<sup>28</sup>. Public office therefore is given utmost regard, and the highest standards of service are expected from it<sup>29</sup>.

Further, the University shall adhere to the policies laid down under Republic Act No. 9485<sup>30</sup> and its IRR<sup>31</sup> and subsequent issuances thereof. Relatedly, all Offices, Centers, Units and Sections of the University Campuses shall strictly observe the “no noon break” policy and ensure that frontline services must at all times be complemented with adequate staff by adopting mechanisms such as rotation system among office personnel, sliding flexi-time, reliever system especially in peak times of the transaction, or providing skeletal personnel during lunch and snack time<sup>32</sup>.

Section 8. ***Norms of Conduct of the Executive Officials, Officers or Managers of Administrative Offices, Faculty Members, and Non-Teaching Personnel of the University.*** – Pursuant to Section 4 of R.A. No.

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<sup>27</sup> Section 1, Article XI of the 1987 Philippine Constitution.

<sup>28</sup> ***GSIS v. Mayordom*** (G.R. No. 191218, May 31, 2011).

<sup>29</sup> ***Palecpec v. Davis*** (G.R. No. 171048, July 31, 2007) citing *Bernardo v. Court of Appeals*, G.R. No. 124261, 27 May 2004, 429 SCRA 285, 298-299.

<sup>30</sup> “An Act to Improve Efficiency in the Delivery of Government Service to the Public by Reducing Bureaucratic Red Tape, Preventing Graft and Corruption, and Providing Penalties Thereof” or the Anti-Red Tape Act of 2007.”

<sup>31</sup> Implementing Rules and Regulations of Republic Act No. 9485.

<sup>32</sup> Section 3, Rule VI of CSC MC No. 12, s. 2008.

6713<sup>33</sup> and its IRR, every Regent, Executive Official, Officer or Director/Head/Manager of Administrative Offices, Faculty Member and Non-Teaching Personnel of the University, shall observe the following as standards of personal conduct in the discharge and execution of official duties:

- 8.1. *Commitment to public interest.* – University officials and employees shall always uphold the public interest over and above personal interest. All government resources and powers of their respective offices must be employed and used efficiently, effectively, honestly and economically, particularly to avoid wastage in University funds and revenues.
- 8.2. *Professionalism.* – University officials and employees shall perform and discharge their duties with the highest degree of excellence, professionalism, intelligence and skill. They shall enter public service with utmost devotion and dedication to duty. They shall endeavor to discourage wrong perceptions of their roles as dispensers or peddlers of undue patronage.
- 8.3. *Justness and sincerity.* – University officials and employees shall remain true to the people at all times. They must act with justness and sincerity and shall not discriminate against anyone, especially the poor and the underprivileged. They shall at all times respect the rights of others, and shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest. They shall not dispense or extend undue favors on account of their office to their relatives whether by consanguinity or affinity except with respect to appointments of such relatives to positions considered strictly confidential or as members of their personal staff whose terms are coterminous with theirs.
- 8.4. *Political neutrality.* – University officials and employees shall provide service to everyone without unfair discrimination and regardless of party affiliation or preference.
- 8.5. *Responsiveness to the public.* – University officials and employees shall extend prompt, courteous, and adequate service to the public. Unless otherwise provided by law or when required by the public interest, University officials and employees shall provide information of their policies and procedures in clear and understandable language, ensure openness of information, public consultations and hearings whenever appropriate, encourage suggestions, simplify and systematize policy, rules and procedures, avoid red tape and develop an understanding and appreciation of the socio-economic conditions prevailing in the country, especially in the depressed and rural and urban areas.

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<sup>33</sup> "An Act Establishing a Code of Conduct and Ethnical Standards for Public Officials and employees, To Uphold the Time-Honored Principle of Public Office being a Public Trust, Granting Incentives and Rewards for Example Service, Enumerating Prohibited Acts and Transactions and Providing Penalties for Violations thereof and for Other Purposes."

- 8.6. *Nationalism and patriotism.* – University officials and employees shall at all times be loyal to the Republic and to the Filipino people, promote the use of locally-produced goods, resources and technology and encourage appreciation and pride of country and people. They shall endeavor to maintain and defend Philippine sovereignty against foreign intrusion.
- 8.7. *Commitment to democracy.* – University officials and employees shall commit themselves to the democratic way of life and values, maintain the principles of public accountability, and manifest by deeds the supremacy of civilian authority over the military. They shall at all times uphold the Constitution and put loyalty to country above loyalty to persons or party.
- 8.8. *Simple living.* – University officials and employees and their families shall lead modest lives appropriate to their positions and income. They shall not indulge in extravagant or ostentatious display of wealth in any form.

Section 9. ***Duties of Conduct of the Executive Officials, Officers or Directors/Heads/Managers of Administrative Offices, Faculty Members, and Non-Teaching Personnel of the University.*** – In the performance of their duties, all Regents, Executive Officials, Officers or Directors/Heads/Managers of Administrative Offices, Faculty Members and Non-Teaching Personnel of the University hereinafter referred to as employees of the University, *for brevity*, are under obligation to:

- 9.1. *Act promptly on letters and requests.* – All University officials and employees shall, within fifteen (15) working days from receipt thereof, respond to letters, telegrams or other means of communications sent by the public. The reply must contain the action taken on the request.
- 9.2. *Submit annual performance reports.* – All University officials and other responsible officers and offices of the University shall, within forty-five (45) working days from the end of the year, render a performance report of the University or office. Such report shall be open and available to the public within regular office hours.
- 9.3. *Process documents and papers expeditiously.* – All official papers and documents must be processed and completed within a reasonable time from the preparation thereof and must contain, as far as practicable, not more than three (3) signatories therein. In the absence duly authorized signatories, the official next-in-rank or officer-in-charge shall sign for and in their behalf.
- 9.4. *Act immediately on the public's personal transactions.* – All University officials and employees must attend to anyone who wants to avail himself of the services of their offices and must, at all times, act promptly and expeditiously.

- 9.5. *Make documents accessible to the public.* – All public documents must be made accessible to and readily available for inspection by the public within reasonable working hours.

Section 10. **Membership to the EVSU Board of Regents as a Public Office.** – As enunciated in *Serana*<sup>34</sup> and *Javier*<sup>35</sup> doctrines, Membership in the EVSU Board of Regents is a public office and therefore, Regents are public officers during their incumbency.

#### Article 4

### Declaration of Principles, General Mandates, Curricular Offerings, and Major Functions of the University

Section 11. **Principles.** – The Eastern Visayas State University hereby declares the following basic principles:

- 11.1. Attain global competitiveness, achieve national and regional development goals and help bolster leadership development that is founded with strong faith and love of Almighty God.
- 11.2. Promote equal access to quality higher education, and advance technological training opportunities to the different sectors of the society especially the economically underprivileged by being progressively developmental in its management philosophy.
- 11.3. Help accelerate the growth of socio-economically empowered members of the community in the area where it effectively serve by providing quality and valued community extension services.

<sup>34</sup> *Serana vs. Sandiganbayan* (G.R. No. 162059, January 22, 2008), citing, G.R. No. 125296, July 20, 2006, 495 SCRA 452, 458-459, G.R. No. L-30057, January 31, 1984, 127 SCRA 231, 237-238, 430 Phil. 658 (2002), *Laurel v. Desierto*, citing F.R. Mechem, A Treatise on the Law of Public Offices and Officers, Sec. 1., G.R. No. 158187, February 11, 2005, 451 SCRA 187, Presidential Decree No. 1606, Sec. 4(A)(1)(g), *University of the Philippines v. Court of Industrial Relations*, 107 Phil. 848 (1960), the Supreme Court held:

**"Petitioner UP student regent is a public officer.**

X X X

In *Aparri v. Court of Appeals*, the Court held that:

"A public office is the right, authority, and duty created and conferred by law, by which for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of the government, to be exercised by him for the benefit of the public [*Mechem Public Offices and Officers*,] Sec. 1).

x x x.

In *Laurel v. Desierto*, the Court adopted the definition of Mechem of a public office:

"The individual so invested is a public officer.

X X X

Petitioner claims that she is not a public officer with Salary Grade 27; she is, in fact, a regular tuition fee-paying student. This is likewise bereft of merit. It is not only the salary grade that determines the jurisdiction of the Sandiganbayan. x x x.

X X X

Moreover, it is well established that compensation is not an essential element of public office. At most, it is merely incidental to the public office."

<sup>35</sup> *Javier vs. Sandiganbayan* (G.R. Nos. 147026-27, September 11, 2009), the Supreme Court enunciated as follows:

"A perusal of the above powers and functions leads us to conclude that they partake of the nature of public functions. A public office is the right, authority and duty, created and conferred by law, by which, for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of the government, to be exercised by him for the benefit of the public." (*Italics supplied*).

- 11.4. Conduct appropriate researches for the continuous improvement of the curriculum, instruction, administration and technology in each chosen field of academic specialization and related technological discipline.
- 11.5. Generate knowledge, studies and entrepreneurial initiatives in income generation management to be able to support and sustain the relevant mandates of providing quality instruction, research, extension services and production.
- 11.6. EVSU is a chartered non-sectarian, non-profit, state owned institution of higher learning.

Section 12. **General Mandate**<sup>36</sup>. – The University shall primarily provide advanced education, higher technological, professional instruction and training in trade, fishery, agriculture, forestry, science, education, commerce, architecture, engineering and related courses. It shall also undertake research and extension services and provide progressive leadership in its areas of specialization.

Section 13. **Curricular Offerings**<sup>37</sup>. – The University shall offer undergraduate, graduate and short term technical 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 to meet the needs of the Province of Leyte and the Eastern Visayas Region.

The existing high school/s shall be transferred to the jurisdiction and supervision of the Department of Education: *Provided*, That the high school/s shall be allowed to remain and operate within the campus of the University until the existing students shall have completed their high school education: *Provided, further*, That the University may operate a reasonably-sized laboratory school, if it has a College of Education.

## Article 5 University Seal and Colors

Section 14. **Seal**. – The seal of the University shall be in accordance with the design, form, and style as prescribed below:

- 14.1. The basic shape of the University logo is the CIRCLE, which signifies oneness and unity of the University's major stakeholders - *the administration, the faculty and employees, the students and the community* - in the attainment of its mandate as a higher institution of learning.
- 14.2. The *white book* at the lower portion of the logo represents education as a basic mandate of the University. It signifies truth

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<sup>36</sup> Section 2 of Republic Act No. 9311.

<sup>37</sup> Section 3 of Republic Act No. 9311.

and knowledge as the fundamental philosophy and the foundation of development of both the individual and society.

- 14.3. The *golden torch* represents light and wisdom in its search for scientific and technological progress by developing the skills and potentials of its clientele thru provision of instruction, research, extension services, and production facilities.
- 14.4. The six (6) golden flames symbolize the six golden stages of transition of the University as an institution of higher learning. It represents its beginning as a Leyte Provincial School (1907), Leyte Trade School (1915), National Provincial Trade School (1953), Leyte Regional School of Arts and Trades (1961), Leyte Institute of Technology (1965) and finally Eastern Visayas State University (2004). The upright (vertical) direction of the flame represents the University's unwavering commitment to fulfill its noble mission and goals. Likewise, it represents the six (6) campuses of the university –*Tacloban Main Campus and the External Campuses at Ormoc, Tanauan, Burauen, and Carigara, and Dulag Community Satellite Campus.*
- 14.5. The circle between the golden flames represents the world as the symbol of the University's vision for global competitiveness. The map inside the circle signifies the Eastern Visayas region being the primary service area of the University.

*Provided,* That the seal of the University may be modified by the Board of Regents upon the recommendation by the University President after consultations with the stakeholders of the University.

Section 15. **Colors.** – The basic colors of the University shall be maroon, white, green and gold as briefly described below:

- 15.1. *Maroon* represents energy, fervor, passion, and zeal for excellence.
- 15.2. *White* represents life, purity, and truth.
- 15.3. *Green* represents productivity and the promotion of sustainable development of the Eastern Visayas region.
- 15.4. *Gold* represents prestige, high aspiration, wealth, and nobility of purpose.

The combination of the four colors embody the University's pure and noble aspiration and zeal for excellence of the life of the individual as a useful and productive members of the bigger society, reflected in its vision, mission, goals and objectives.

*Provided,* That the colors of the University may be modified by the EVSU Board of Regents upon the recommendation by the University President after consultations with the stakeholders of the University.

Chapter III  
**INSTITUTIONAL AUTONOMY AND ACADEMIC FREEDOM  
AND RESPONSIBILITY**

Article 6

**Autonomy and Academic Freedom and Duty of the University**

Section 16. ***Institutional Autonomy and Academic Freedom and Responsibility.*** – The University shall enjoy institutional and academic freedom as guaranteed under the Section 5(2), Article IV of the 1987 Philippine Constitution, Section 16 of R.A. No. 9311 and Section 11 of R.A. No. 8292.

The institutional autonomy and academic freedom of the University is not absolute and therefore is intertwined with corresponding duty or duties to be properly and faithfully observed and executed consistent with existing laws, rules and regulations.

Section 17. ***Freedom of Information (FOI) of the University.*** – The Freedom of Information (FOI) of the University shall be governed by Executive Order No. 02, s. 2016<sup>38</sup> and its IRR and its subsequent issuances and enabling law/s. Thus, the following guidelines shall strictly be observed:

- 17.1. *Access to Information.* – Every Filipino shall have access to information, official records, and documents and papers pertaining to University official acts, transactions or decisions, as well as to the University research data used as basis for policy development.
- 17.2. *Exception.* – Access to information shall be denied when the information falls under any of the exceptions enshrined in the Constitutions, existing laws or jurisprudence.
- 17.3. *Availability of SALN.* – Subject to the provisions contained in Sections 3 and 4 of E.O. No. 02, s. 2016, all University officials and employees are reminded of their obligation to file and make available for scrutiny their Statements of Assets, Liabilities and Net Worth (SALN) in accordance with existing laws, rules and regulations, and the spirit and letter of the said Order.
- 17.4. *Protection of Privacy.* – While providing access to information, public records and University official records, responsible officials shall afford full protection to an individual's right to privacy as follows:
  - a. The University, per Section 2 of E.O. No. 02, s. 2016, shall ensure that personal information in its custody or under its control is disclosed or released only if it's material or relevant to the subject matter of the request and its disclosure is permissible under the said Order or existing laws, rules or regulations.

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<sup>38</sup> "Operationalizing in the Executive Branch the People's Constitutional Right to Information and the State Policies of Full Public Disclosure and Transparency in the Public Service and Providing Guidelines Thereof."

- b. The University must protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure of personal information which unduly exposes the individual whose personal information is requested to vilification, harassment, or any other wrongful acts; and
- c. Any employee or official of the University per Section 2 of E.O. No. 02, s. 2016 who has access, authorized or unauthorized, to personal information in the custody of the University must not disclose that information except when authorized under said Order or this Code or in the People's FOI Manual or pursuant to existing laws, rules or regulations.

17.5. *People's Freedom of Information (FOI) Manual of the University*<sup>39</sup>.  
– For effective implementation of E.O. No. 02 and this Section, the University shall prepare within one hundred (120) calendar days from the effectivity thereof, its own People's FOI Manual, subject to the approval by the EVSU Board of Regents upon the recommendation by the University President, which shall include, among others, the following:

- a. Location and contact information of the Board of Regents, University President and other Executive Officials and other established places where the public can submit requests to obtain information;
- b. The person of officer responsible for receiving requests for information;
- c. The procedure for the filing and processing of the request, as provided in Section 9 of E.O. No. 02;
- d. The standard forms for the submission of requests and for the proper acknowledgement of such requests;
- e. The process for the disposition of requests;
- f. The procedure for administrative appeal of any denial of request for access to information; and
- g. The schedule of applicable fees.

**BOOK II**  
**GOVERNANCE**  
**OF THE EASTERN VISAYAS STATE UNIVERSITY**

**Title II**  
**GOVERNING BODY AND ADMINISTRATION**  
**OF THE UNIVERSITY**

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<sup>39</sup> Section 8 of Executive Order No, 02, s. 2016.

Chapter IV  
**BOARD OF REGENTS**

Article 7

**Composition, Powers and Duties and Entitlements of Regents**

Section 18. ***Composition of the Board of Regents.*** – The governing board of the University shall be known as the Board of Regents of the Eastern Visayas State University.

The composition of the EVSU Board of Regents shall be in accordance with the provisions of Section 5 of R.A. No. 9311 and Section 3 of R.A. No. 8292 as follows:

- 18.1. The Chairman of the Commission on Higher Education (CHED), as *Chairperson*;
- 18.2. The President of the Eastern Visayas State University, as *Vice-Chairperson*;
- 18.3. The Chairperson of the Committee on Education, Arts and Culture of the Senate, Congress of the Philippines, as *Member*;
- 18.4. The Chairperson of the Committee on Higher and Technical Education of the House of Representatives, Congress of the Philippines, *Member*;
- 18.5. The Regional Director of the National Economic Development Authority (NEDA) Regional Office No. VIII, as *Member*;
- 18.6. The Regional Director of the Department of Science and Technology (DOST) Regional Office No. VIII, as *Member*;
- 18.7. The President of the Federation of the Faculty Associations of the University, *Member*;
- 18.8. The President of the Federation of the Student Councils of the University, *Member*;
- 18.9. The President of the Federation of the Alumni Associations of the University, *Member*; and
- 18.10. Two (2) Prominent Citizens, who have distinguished themselves in their professions or fields of specialization of the University, *Members*.

*Provided*, That the Board of Regents shall appoint two (2) prominent citizens from among a list of at least five (5) persons qualified in the Province of Leyte, as recommended by the search committee constituted by the President, in consultation with the Chairperson of the CHED based on the minimum qualifications provided under Section 24.1 of this Code and/or normal standards and qualifications for the position<sup>40</sup> as prescribed under applicable policies or

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<sup>40</sup> Section 5 of Republic Act No. 9311.

issuances by the CHED in so far as expressly authorized by the EVSU Board of Regents upon the recommendation by the duly constituted Search Committee for Private Sector Representatives and by the University President.

Section 19. **Powers and Duties of the Board of Regents.** – Pursuant to Section 7 of R. A. 9311, 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 the Corporation Code<sup>41</sup> and existing laws:

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

Such donations shall be exempt from 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), as amended: *Provided*, That such donations shall not be disposed of, transferred, or sold.

- 19.5. To fix the tuition fees and other necessary school charges, such as but not limited to matriculation fees, graduation fees and laboratory fees, as the Board may deem proper to impose after due consultation 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, and 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

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<sup>41</sup> Batas Pambansa Blg. 68.

from tuition fees and other charges, as well as from the operation of auxiliary services and other grants, shall be retained by the University, and may be disbursed by the Board for instruction, research, extension, or other programs and projects of the University: *Provided*, That all fiduciary fees shall be disbursed for the specific purposes for which they are collected.

If, for reasons beyond its control, the University shall not be able to pursue any project for which 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.

- 19.6. To adopt and implement a socialized scheme of tuition and school fees for greater access to poor but deserving students.
- 19.7. 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.
- 19.8. To appoint, upon recommendation of the President of the University, Vice presidents, Deans, Directors, Heads of departments, faculty members and other officials and employees.
- 19.9. To fix and adjust 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 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 provisions of existing law to the contrary notwithstanding; and to remove them for cause in accordance with the requirements of due process of law.
- 19.10. To approve the curricula, institutional programs, and rules of discipline drawn by the Administrative and Academic councils as herein provided.
- 19.11. To set policies on admission and graduation of students.
- 19.12. To award honorary degrees upon persons in recognition of 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 non-degree and non-traditional courses.
- 19.13. To establish and absorb non-chartered tertiary institutions within the Province of Leyte 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 mandated by the Constitution.

- 19.14. To establish research and extension centers of the University where such will promote the development of the latter.
- 19.15. To establish chairs in the University and to provide fellowships for qualified faculty members and scholarship to deserving students.
- 19.16. To delegate any of its power 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.
- 19.17. To authorize an external management audit of the institution, to be financed by the CHED subject to Commission on Audit (COA) rules and regulations and institute reforms including academic and structural changes, on the basis of the audit rules and recommendations.
- 19.18. To collaborate with other governing boards of SUCs within the Province of Leyte or the Eastern Visayas Region, under the supervision of the CHED and in consultation with the Department of Budget and Management, and work towards the restructuring so that the University will become more efficient, relevant, productive, and competitive.
- 19.19. To enter into joint ventures with business and industry for the profitable development and management of the economic assets of the University, the proceeds from which to be used for the development and strengthening the University.
- 19.20. To develop consortia and other economic forms of linkages with local government units, institutions and agencies, both public and private, local and foreign, in furtherance of the purposes and objectives of the University.
- 19.21. To develop academic arrangements for institution-capability building with appropriate institutions and agencies, public or private, local or foreign, and to appoint experts/specialists as consultants, part time or visiting or exchange professors, scholars, researchers, as the case may be.
- 19.22. To set up the adoption of modern and innovative modes of transmitting knowledge such as the use of information technology, the dual system, open learning or distance education, community laboratory, etc., for the promotion of greater access to higher education.
- 19.23. To establish policy guidelines and procedures for participative decision-making and transparency within the University.

19.24. To privatize, where most advantageous to the University, management of non-academic services such as health, food, building or grounds or property maintenance and similar such other activities.

19.25. To extend the term of the President of the University beyond the age of retirement but not later than the age of seventy (70) whose performance has been unanimously rated by the Governing Board as outstanding and after unanimous recommendation by the search committee.

Section 20. **Presiding Officer.** – The Chairperson of the EVSU Board of Regents shall preside over all meetings of the Board. *Provided*, That in his/her absence, the Vice Chairperson who is the University President shall preside, except hereinafter provided for.

Section 21. **Regular Chairperson Designated by the CHED Chairperson.** – The Chairperson of the Commission on Higher Education who is the Chairperson of the Governing Boards (GBs) of all chartered SUCs may designate in writing a Commissioner of the Commission on Higher Education to act as the regular Chairperson of the EVSU Board of Regents and/or in any of its regular meetings or special session in which case the CHED Commissioner so designated shall act as the presiding officer with all the rights, duties and privileges of a regular Chairperson subject to the limitations as the CHED Chairperson may determine.

Section 22. **Rights and Responsibilities of Members of the EVSU-Board of Regents.** – Pursuant to Section 7, Rule IV of the IRR of R.A. No. 8292, the Members of the EVSU Board of Regents shall have all the normal rights and responsibilities of a regular member of the Board of Directors/Board of Trustees of non-profit, non-stock corporations as provided under Batas Pambansa Blg. 68 subject to the following provisions:

22.1. The EVSU Board of Regents Chair, Vice-Chair and the members coming from the government shall have the right to sit as Chair, Vice-Chair and as members thereof *ipso facto* upon their assumption into office.

22.2. The right of the Presidents/Chairs/Heads of the Federation of the Supreme Student Government (SSG), Federation of Faculty Associations (FFA), and Federation of Alumni Associations (FAA) of the Eastern Visayas State University, to become members of the EVSU Board of Regents shall automatically rise from their election<sup>42</sup> as provided in their respective Constitution and By-Laws,

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<sup>42</sup> *Carlos v. Angeles, et al.* citing *Gonzales v. COMELEC*, 129 Phil. 7, 33 [1967]; *Taule v. Santos*, 200 SCRA 512, 519 [1991], citing *Hontiveros v. Altavos*, 24 Phil. 636 [1913], *Taule v. Santos*, citing *Javier v. COMELEC*, 228 Phil. 193, 205 [1986], Cf. *Sunga v. COMELEC*, 351 Phil. 310, 326 [1998], *Geronimo v. Ramos*, 136 SCRA 435, 446-447 [1985], the Supreme Court unequivocally ruled:

"In this jurisdiction, an **election** means "the choice or selection of candidates to public office by popular vote" through the use of the ballot, and the elected officials of which are determined through the will of the electorate. "An **election** is the embodiment of the popular will, the expression of the sovereign power of the people." "Specifically, the term '**election**', in the context of the Constitution, may refer to the conduct of the polls, including the listing of voters, the holding of the electoral campaign, and the casting and counting of votes." The winner is the candidate who has obtained a majority or plurality of valid votes cast in the election. "Sound policy dictates that public elective offices are filled by those who receive the highest number of votes cast in the election for that office. For, in all republican forms of government the basic idea is that no one can be declared elected and no measure can be declared carried unless he or it receives a majority or plurality of the legal votes cast in the election." (*Bold italics underscoring supplied*).

and qualification<sup>43</sup> into their respective offices as provided under this Code.

- 22.3. The private sector representatives must take their oaths of office as hereinafter provided for before they could assume as Board members.

Section 23. **Representatives of the Members of the EVSU-Board of Regents Coming From the Government**<sup>44</sup>. – If the Chairperson of the Congressional Committees on Education and Culture could not personally attend any regular meeting or special session of the Board, they may designate in writing their representatives to the said meeting/session which the latter should present to the Board Secretary before the start of the said meeting or session.

*Provided*, That the other Board Members coming from the government shall personally attend the Board meetings/sessions and may not send a representative.

In case the concerned government agency has no Regional Director, its agency head shall accordingly designate in writing his or her agency's representative to the EVSU Board of Regents.

Section 24. **Search Committee for Private Sector Representative, Selection Process, Appointment and Assumption of the Duly Elected Private Sector Representative, Disposition of Appeal and Budgetary Requirements**. – The Search Committee for Private Sector Representative (SCPSR) and the Selection Process for the Two (2) Prominent Citizens Representing the Private Sector shall be subject to the following rules:

- 24.1. *Minimum Qualifications of the Private Sector Representatives*. – The applicants for Private Sector Representative/s must possess the following minimum qualifications, to wit:
- a. Natural-born citizens of the Philippines;
  - b. Have distinguished themselves in their professions or fields of specialization of the University evidenced by the following:
    1. Relevant managerial experience for at least one (1) year;
    2. Capability of creating and sustaining partnerships relevant to the vision, mission and mandates of the University; and

<sup>43</sup> Black's Law Dictionary (*Revised Fourth Edition, 1968*), **qualification** means,

**"The possession by an individual of the qualities, properties, or circumstances, natural or adventitious, which are inherently or legally necessary to render him eligible to fill an office or to perform a public duty or function.** Thus, the ownership of a freehold estate may be made the qualification of a voter; so the possession of a certain amount of stock in a corporation may be the qualification necessary to enable one to serve on its board of directors. *Cummings v. Missouri*, 4 Wall. 319, 18 L.Ed. 356; *Hyde v. State*, 52 Miss. 665. (*Bold and underscoring supplied*).

**Qualification for office is "endowment, or accomplishment that fits for an office ; having the legal requisites, endowed with qualities suitable for the purpose."** *State v. Seay*, 64 Mo. 89, 27 Am. Rep. 206. (*Bold and underscoring supplied*).

<sup>44</sup> Section 8, Rule IV of the IRR of R.A. 8292.

3. Exposure to or accomplishments in the fourfold functions of the University, e.g. instruction, research, extension services and production services.
  - c. Preferably a holder of an earned baccalaureate program in any reputable institutions recognized by CHED and/or by the government; and
  - d. Have not been found guilty of any administrative or criminal offense.
- 24.2. *Constitution and Duties of the Search Committee for Private Sector Representative (SCPSR).* – Within two (2) months before the expiration of any or both of the incumbent Private Sector Representative/s, a Search Committee for Private Sector Representative (SCPSR) shall be formed and constituted by the Board upon the recommendation by the President of the University, in consultation with the Chairman of the CHED who shall approve the same, which shall take charge of recruiting, screening and recommending to the Board at least five (5) prominent citizens for possible appointment subject to the provisions of Section 24.6 of this Code and such policies as may be determined by the CHED duly approved by the EVSU Board of Regents upon the recommendation by the University President.
- 24.3. *Composition of the Search Committee for Private Sector Representative (SCPSR).* – The SCPSR to be formed and constituted by the President of the University and to be approved by the CHED Chairman shall have five (5) members including the faculty and student sector representatives. The CHED Chairperson shall designate the Chairperson of the SCPSR.
- 24.4. *Internal Rules of Procedure.* – The SCPSR so constituted may devise its own procedures for the search subject to the approval by the EVSU Board of Regents upon the recommendation by the University President.
- 24.5. *Publication.* – The invitation or request for applications to be published in two (2) newspapers of national circulations for two (2) consecutive weeks by the duly constituted SCPSR shall be considered compliant with the provisions of Republic Act No. 7041<sup>45</sup> and its IRR<sup>46</sup>.

*Provided,* That publication shall not be resorted when the incumbent Private Sector Representative/s has/had submitted letter/s of intent specifically indicating that he/she/they is/are seeking for re-appointment and submitting him/herself/themselves for performance evaluation.

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<sup>45</sup> "An Act Requiring Regular Publication of Existing Vacant Positions in Government Offices, Appropriating Funds Therefore, and for Other Purposes".

<sup>46</sup> CSC MC No. 27, s. 1991 dated July 2, 1991.

- 24.6. *Results of the Search.* – The SCPSR shall submit the names of at least five (5) nominees to the EVSU Board of Regents within thirty (30) days from the inception of the search in accordance with the procedures laid down by the SCPSR itself duly approved by the EVSU-Board of Regents upon the recommendation by the University President. *Provided,* That should one (1) vacant position to be filled in, the SCPSR shall submit the names of at least three (3) nominees to the Board.
- 24.7. *Selection Process.* – The EVSU Board of Regents shall select the two (2) private sector representatives from among the five (5) recommended/nominated by the SCPSR, taking into consideration their respective qualifications and the weight of their possible contribution vis-à-vis knowledge, expertise and depth and breadth of experience to the deliberations of the Board and to the realization of the mission of the University itself.
- 24.8. *Appointment.* – After the two (2) private sector representatives or a representative shall have been selected by the Board, they shall be appointed by it through a Resolution duly adopted by the Board.
- Provided,* That the two (2) private representatives are appointed by the Board. As such their appointment should be signed by the Board Chair, whether CHED Chair or Commissioner.
- 24.9. *Assumption.* – The two (2) duly appointed private sector representatives shall assume office after taking their respective oaths before the CHED Chairperson or the CHED Commissioner as Chair of the EVSU-Board of Regents or before his/her duly designated representative.
- Provided,* That this shall not preclude the Private Sector Representative to take his/her oath before or any official authorized to administer oath pursuant to Section 41 of Executive Order No. 292 as amended, and R.A. No. 10755 and its IRR.
- 24.10. *Disposition of Appeal.* – Appeal of any aggrieved party/ies may be filed to the EVSU-Board of Regents within seven (7) days from the assumption to office of any of the private sector representative. *Provided,* That the appeal shall not preclude the continuing discharge of the duties and entitlements of the Appellee/s. *Provided, further,* That the appeal shall be disposed of by the Board within fifteen (15) days from receipt of the Committee it created for the purpose. The said Committee shall study and submit its recommendation to the Board within fifteen (15) days from its constitution and receipt of the appeal. *Provided, furthermore,* That the decision on the appeal by the EVSU Board of Regents shall be final and executory.
- 24.11. *Re-appointment of the Private Sector Representative/s.* – The EVSU-Board of Regents may re-appointment the incumbent

Private Sector Representative subject to the expression of interest and undergoing of performance evaluation of the incumbent Private Sector Representative/s by the SCPSR duly constituted by the EVSU Board of Regents.

*Provided,* That in order to minimize cost and maximize the potentials and contributions of the Private Sector Representative/s, the EVSU BOR may constitute itself as a SCPSR, in a meeting called for the purpose, to evaluate the performance of the incumbent Private Sector Representative/s.

*Provided, further,* That an absolute majority of the EVSU Board of Regents shall be required to re-appoint an incumbent PSR for another term.

- 24.12. *Budgetary requirements.* – The duly constituted SCPSR shall submit the budgetary requirements to the EVSU Board of Regents for approval upon the recommendation by the University President. *Provided,* That all expenses necessary in the conduct of the search shall be charged from the income and/or appropriate funds of the University subject to the availability of funds and usual auditing and accounting rules and regulations.

Section 25. ***Term of Office of the President of the Federation of Faculty Associations, the President of the Federation of Student Councils, the President of the Federation of Alumni Associations, and the Two (2) Private Sector Representatives and Application of Hold-over Capacity.*** – The term of office of the Student, Faculty, and Alumni Regents and the two (2) Private Sector Representatives shall be in accordance with the provisions below:

- 25.1. *The Terms of Office of the Student/Faculty/ Alumni Regents.* – The terms of office of the Student/Faculty/ Alumni Regents in the EVSU Board of Regents shall be contemporaneous with their terms of office in such capacities in accordance with their respective Constitution and by-laws and as provided under this Code and/or appropriate manuals of the University duly approved by the EVSU BOR upon the recommendation by the University President.

*Provided, however,* That in the event that the student loses his/her status as a student by way of graduation from the University, dismissal transfer or other causes, then the duly elected student representative shall sit as regular member of the Board.

- 25.2. *Term of Office of the Private Representatives.* – The two (2) private sector representatives shall serve for a term of two (2) years each. They may be reappointed for another term only.

- 25.3. *Hold-over Capacity.* – The Student/Faculty/Alumni and Private Sector Regents shall be authorized to perform their respective duties and functions after the expiration of their respective terms of office, with all the rights, privileges and entitlements, in an

hold-over capacity, until their successors are duly elected or appointed and qualified, as the case may be. *Provided*, That in no case that they shall be allowed on hold over for a period equivalent to one (1) term of office as provided under this Code and/or their respective Constitution and by-laws and other applicable laws, rules and regulations.

Section 26. **Meetings/Sessions.** – The EVSU Board of Regents shall hold either regular meetings or special sessions<sup>47</sup>.

26.1. *Meetings of the Board.* – The EVSU Board of Regents shall regularly convene at least once every quarter. The Chairperson of the Board may, upon three (3) days prior written notice, call a special meeting whenever necessary<sup>48</sup>.

26.2. *Frequency, Date and Venue of Regular Meetings.* – The frequency over and above the minimum number of meetings of the Board of Regents as provided Section 26.1 hereof, and the date and venue of regular meetings of the Board shall be determined by the Board itself provided that only four (4) regular meetings and two (2) special meetings shall be granted the authorized allowance.

26.3. *Special Sessions.* – The Chairperson of the Board may, upon three (3) days prior written notice, call a special meeting whenever necessary.

*Provided*, That Regents or Board members who believe that a special session should be conducted may petition in writing the Chairperson or Vice Chairperson accordingly.

Section 27. **Responsibility of the University President during Board Meetings.** – The University President shall be responsible for making the necessary preparations to ensure the smooth holding of its Board meetings or special sessions.

*Provided*, That the University President shall be assisted by the Board Secretary and the Committee on Completed Staff Work (CSW) created under this Code.

Section 28. **Quorum.** – A quorum of the EVSU Board of Regents shall consist of a majority of all the members holding office at the time of its regular meeting or special session.

No regular meeting or special session of the Board, however, shall be validly held or could legally occur without the presence of the CHED Chairman who is the Chairperson of the Board or his/her duly designated Chair, or the President of the University who is the Vice-Chairperson thereof.

Section 29. **Presiding Officer.** – The CHED Chairperson or the CHED Commissioner as duly designated Chair in his/her capacity of the Board shall

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<sup>47</sup> Section 12, Rule IV of the Implementing Rules and Regulations of R.A. No. 8292.

<sup>48</sup> Section 8 of Republic Act No. 9311.

preside over the regular meetings or special sessions thereof, except as hereinafter provided for.

*Provided*, That in the absence of the CHED Chairperson or the CHED Commissioner as Regular Chair of the EVSU Board of Regents, the University President, who is the Vice Chairperson of its Board, shall preside, except as hereinafter provided for.

Section 30. **No Compensation for Chairperson, Vice Chairperson and Members of the Board of Regents.** – The Chairperson, Vice Chairperson and Members of the EVSU Board of Regents shall not receive any regular compensation as such but they shall receive entitlements to actual allowances allowed by law, and reimbursement of necessary expenses incurred during or in conjunction with their attendance in the regular meetings or special sessions of the Board or in connection with their performance of official business duly authorized by the Board through a Resolution<sup>49</sup>.

*Provided*, That the performance of official business shall also include the attendance of Regents in various meetings of the Board Committee/s duly created under this Code and such existing laws, rules and regulations.

*Provided, further*, That each Regent shall be entitled to a monthly communication assistance/incentive<sup>50</sup> of at least Three Thousand Pesos (Php3,000.00) chargeable against the appropriate fund/s of the University subject to the usual accounting and auditing rules and regulations.

Section 31. **Report of the Board.** – On or before fifteenth (15<sup>th</sup>) day of the second month after the opening of the regular classes each year, the Board shall file with the Office of the President of the Republic of the Philippines, through the Chairperson of the CHED, and with both Houses of Congress a detailed report on the progress, condition and needs of the University.

Section 32. **The Secretary of the University.** – The Board shall appoint a Board Secretary<sup>51</sup> who shall serve as such for both the Board and the University taking into considerations the following:

32.1. *Entitlements of the University/Board Secretary.* – The duly designated University/Board Secretary shall be entitled to the following:

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<sup>49</sup> Section 17, Rule IV of the Implementing Rules and Regulations of Republic Act No. 8292.

<sup>50</sup> Section 17 (c), Article III of CHED Memorandum Order No. 20, s. 2011.

<sup>51</sup> **CSC v. Javier** (G.R. No. 173264, February 22, 2008), citing *Besa v. Philippine National Bank*, 144 Phil. 282 (1970), *Salazar v. Mathay*, supra note 41, *Cortez v. Bartolome*, supra note 18, *Samson v. Court of Appeals*, supra note 51, *Borres v. Court of Appeals*, supra note 41, *Gray v. De Vera*, 138 Phil. 279 (1969)., *Pacete v. Acting Chairman of Commission on Audit*, G.R. No. 39456, May 7, 1990, 185 SCRA 1; *Cadiante v. Santos*, 226 Phil. 211 (1986), *Hilario v. Civil Service Commission*, 312 Phil. 1157 (1995); *Grijo v. Civil Service Commission*, supra note 23, *Ingles v. Mutuc*, supra note 42 at 177, *Gloria v. De Guzman, Jr.*, 319 Phil. 217 (1995), the Supreme Court declared:

"The following were declared in jurisprudence to be primarily confidential positions: Chief Legal Counsel of the Philippine National Bank; Confidential Agent of the Office of the Auditor, GSIS; Secretary of the *Sangguniang Bayan*; Secretary to the City Mayor; Senior Security and Security Guard in the Office of the Vice Mayor; Secretary to the Board of a government corporation; City Legal Counsel, City Legal Officer or City Attorney; Provincial Attorney; Private Secretary; and Board Secretary II of the Philippine State College of Aeronautics.

In fine, a primarily confidential position is characterized by the close proximity of the positions of the appointer and appointee as well as the high degree of trust and confidence inherent in their relationship."

- a. Monthly RATA as provided under item 2.3 of NCC No. 67<sup>52</sup> with the corresponding equivalent rank as prescribed under Annex A thereof and the amount of which shall be in accordance with NBC No. 548<sup>53</sup> and related subsequent issuances thereof;
- b. Reimbursement of actual expenses for every travels and attendance in official functions duly authorized by the University President and/or Board; and
- c. Monthly communication assistance of not less than Five Thousand Pesos (Php5,000.00) subject to usual accounting and auditing rules and regulations.

32.2. *Office of the University/Board Secretary.* – There shall be an Office of the University/Board Secretary which shall be provided with the necessary supplies and materials and adequate staff to be designated by the University President.

## Article 8

### **Pre-Board Meeting and Committees of the Board**

Section 33. ***Pre-Board Meeting.*** – The University President may, at his/her discretion, call for a Pre-Board Meeting, to be attended by Regents from DOST, NEDA, Faculty, Student, Alumni and Private Sectors, at least one (1) week or such date as the he or she deems necessary prior to the holding of the actual Board Meeting.

In this meeting, the University President shall present for initial discussions of any item calendared in the Order of Business with the end view of eliciting comments and soliciting suggestions to ensure favorable approval of such item/s and thereby maximize time and resources during the actual Board Meeting.

The University President may invite officials or employees concerned of government agencies and of the University as resource persons to help him/her provide answers to questions or comments that any Regent may raise.

Section 34. ***Committees of the Board.*** – The EVSU Board of Regents may create Committees hereinafter referred to as Board Committees, composed of a Chairperson, Vice Chairperson, and at least two (2) Members with their respective powers, duties and functions, to wit:

34.1. *Types, Duties and Functions of the Board Committees.* – The types, duties and functions of the Board Committees shall be as follows:

- a. *Regular Committees:* The EVSU Board of Regents may create or constitute or reconstitute the following Regular Board Committees upon the recommendation by the University

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<sup>52</sup> National Compensation Circular dated January 1, 1992 entitled, "Representation and Transportation Allowance of National Government Officials and Employees."

<sup>53</sup> National Budget Circular No. 548 dated January 17, 2013 entitled, "Amended Rules and Regulations on the Grant of Representation and Transportation Allowances."

President or direction by the Chairperson and/or by a majority vote of the Regents in any meeting, there being a quorum, to wit:

1. *Academic, Research & Development and Extension Services (ARDES) Committee* – shall be responsible in conducting review and recommending appropriate action or measures to the Board in matters relating to proposals, programs, projects, activities and studies on academic, research and development and extension services submitted by the different branches, offices, departments, or units thereof.
2. *Administration, Finance and Procurement (AFP) Committee* – shall be responsible in conducting review and recommending appropriate action or measures to the Board in matters related to administrative services, finance, budget (annual and supplemental budgets), and procurement of the University submitted by the different branches, offices, departments, or units thereof.
3. *Engineering and Infrastructure Development (EID) Committee* – shall be responsible in conducting review and recommending appropriate action or measures to the Board in matters related to engineering and structural designs and program of works of infrastructure projects including budgets and compliance to the standards and requirements promulgated by competent authority/ies submitted by the different branches, offices, departments, or units thereof.
4. *Draft Writing and Review of Policies and Rules (PWRPR) Committee* – shall be responsible of writing of drafts and reviewing as well as recommending appropriate action or measures to the Board in matters related to policies and rules of the University. This shall include the amendment to and/or revision of University Code and Services Manuals of the University, and review of this Code and such rules and regulations promulgated by competent authorities for review and adoption by the Board from time to time.

*Provided*, That the University President automatically sits as the Vice Chairperson, and the Student and Faculty Federation Presidents as Members of the foregoing Regular Board Committees.

*Provided, further*, That the Board Secretary shall serve as the Secretary of all Board Committees; *Provided, however*, That this shall not preclude the prerogative of the University President to designate any employee of the University to serve as the Secretary of any Board Committee/s.

- b. *Ad Hoc or Special Committees*: The Board may, upon the recommendation by the University President, constitute and

prescribe the powers, duties and functions of any *ad hoc* or special committees as it may be deemed necessary in the discharge of the powers, duties and functions of the Board.

- 34.2. *Meetings, Consultations, and Internal Rules of Procedures of Board Committees.* – The duly constituted Board Committees may conduct meetings and consultations on the schedules as its Chairperson and/or majority of its Members may determine. *Provided, further,* That Board Committees may prescribe their respective internal rules of procedures to ensure proper, effective and efficient conduct of meetings, functions and activities.

Section 35. ***Approval of Urgent Resolutions Through Referendum.*** – The University President may request approval through referendum of any urgent resolution/s or matter/s necessary or incidental to the realization of the mandates, mission, vision, goals and objectives of the University and promote efficiency in the discharge of the powers and duties of the Board as well as ensure continuity in the delivery of the services of the University that require immediate action prior to the holding of the Board *en banc* meeting.

*Provided,* That such resolution/s shall be accompanied with the necessary CSW, duly reviewed by the appropriate Board Committee/s under this Code, and the Chairperson or Presiding Officer of the Board shall have determined how urgent the matter is and approved the same after due diligence.

*Provided, further,* That such resolution/s shall be signed by an absolute majority of the Board and shall be submitted for confirmation in the immediate next Board meeting. *Provided, furthermore,* That both the University President and the Chairperson of the EVSU Board of Regents shall approve and sign such resolution before the same be routed to other Regents or Members for their review, approval and signature.

*Provided, however,* That any Regent or Member may express his/her dissent in writing and the same be considered in the counting of the required vote. *Provided, finally,* That the said resolution/s, once signed and obtained a majority vote of the Regents or Members, shall have the same legal effect as approved by the EVSU Board of Regents *en banc*.

Section 36. ***Order of Business of Board Meeting.*** – The order of business for every board meeting shall contain the items as described below:

- 36.1. *Call to Order by the Chairperson or Presiding Officer* – signals the formal start of the meeting and the time of which shall specifically be recorded by the Board Secretary.
- 36.2. *Prayer* – may be performed by any Regent assigned by the University President or through silent act.
- 36.3. *Roll Call of Regents by the Board Secretary* – nominal checking by the Board Secretary on the presence of each Regent.
- 36.4. *Declaration of the Quorum by the Chairperson or Presiding Officer* – formal affirmation by the Chair or Presiding Officer the presence

of the warm bodies based on the result of the roll call made by the Board Secretary.

- 36.5. *Chair's Privilege* – the opportunity of the Chair to set direction and policies of the Board taking into consideration the priorities and thrusts of the CHED and of the national government. The Chair may also inform the Board of the initiatives and programs of his or her Office that would benefit the University.
- 36.6. *Review and Approval of the Provisional Agenda* – the act of the Board on reviewing or evaluating and approving or adopting the agenda prepared by the University President. Each Regent may present any matter with the consent of the University President and/or Chair.
- 36.7. *Review and Approval of the Minutes of the Previous Meeting/s* – the act of the Board on reviewing or evaluating and approving or adopting the minutes of the previous meeting/s prepared by the Board Secretary. Each Regent may present corrections to any part of the minute/s and the same be integrated with the approval of the Chair and/or majority of the Regents.

*Provided,* That in the interest of time, the Board may approve the minute/s in its present form and substance and each Regent be given not more than seven (7) days within which to submit written comment/s for inclusion by the Board Secretary upon approval by the University President. Should the University President rejects the inclusion of such comments, the same shall be submitted to the Board in the next meeting for appropriate action.

- 36.8. *Matters Arising from the Minutes of the Previous Meeting/s (Matrix of the Status of Resolutions and Actions by the Board)* – contains status of implementation of or issues related to the resolutions and actions by the Board in the previous meeting/s.
- 36.9. *New Business* – refers to items or matters on administration, major functions, finance, human resource development, students and alumni identified and included by the University President requiring appropriate action by the Board. The Board Secretary shall, upon the direction by the University President, indicate the specific action required for each item such as, but not limited to, "for approval or adoption," or for ratification or confirmation," or "information," or "for notation," or such action deemed necessary.
- 36.10. *Unfinished Business* – refers to items which were deferred by the Board in the previous meeting/s which shall require further action/s by the Board.
- 36.11. *Committee Report* – refers to the report containing among others, the background, objectives, findings and recommendations on any issue or matter referred to, any Board Committee or Committees

or bodies, by the University President and/or Board for further study, investigation or appropriate action.

36.12. *Announcement* – any updates or plans that the Chair or University President or any Regent would want the Board to be apprised of but does not necessarily require formal approval by the Board.

36.13. *Adjournment* – a formal conclusion of a particular meeting upon declaration by the Presiding Officer after a proper motion of a Regent has been seconded by the Regent/s.

Section 37. **Completed Staff Work (CSW).** – Each item in the calendar of business must be accompanied with the Completed Staff Work (CSW) to ensure effective, efficient and proper deliberations during board meetings.

The CSW shall, among others, contain the issue or subject matter, legal bases, endorsements from the concerned offices or units of the University and government agencies concerned, issues or concerns that the Board should be enlightened, and the required action or draft Board Resolution.

### Title III BRANCHES AND SERVICES STRUCTURE OF THE UNIVERSITY

#### Chapter V EXECUTIVE AND ADMINISTRATIVE AFFAIRS

##### Article 9 Administration of the University

Section 38. **Administration.** – The University 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 University and the exercise of its corporate powers shall be vested exclusively in the Board of Regents and the President of the University insofar as authorized by the Board<sup>54</sup>.

Section 39. **Head and Chief Executive Officer (CEO) of the University and its Administrative Issuances.** – The following shall strictly be observed:

39.1. *Head and Chief Executive Officer (CEO) of the University.* – The University President shall be the Head and Chief Executive Officer (CEO) of the University. He/she shall discharge the powers, duties and functions as expressly provided under this Code, Republic Act No. 9311, Republic Act No. 8292 and its IRR and such pertinent laws, rules and regulations in so far as authorized by the EVSU Board of Regents.

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<sup>54</sup> Section 4 of Republic Act No. 9311.

- 39.2. *Administrative Issuances of the University President.* – The administrative issuances of the University President shall be governed by the following:
- a. *General Classification of Issuances*<sup>55</sup>. – The administrative issuances of the University President shall be in the form of circulars or orders, as follows:
    1. Circulars shall refer to issuances prescribing policies, rules and regulations, and procedures promulgated pursuant to law, applicable to University Campuses, individuals and organizations outside the University and designed to supplement provisions of the law or to provide means for carrying them out, including information relating thereto; and
    2. Orders shall refer to issuances directed to particular University offices, officials, or employees, concerning specific matters including assignments, detail and transfer of personnel, for observance or compliance by all concerned.
  - b. *Numbering System of Issuances*<sup>56</sup>. – Every circular or order issued pursuant to the preceding section shall properly be identified as such and chronologically numbered. Each class of issuance shall begin with number 1 for each calendar year. *Provided,* That label of issuances shall be as follows: Memorandum Circulars (MC), Memorandum Orders (MO), Special Orders (SO), or Office Orders as the University President deems proper and necessary.
  - c. *Official Logbook*<sup>57</sup>. – The University shall keep and preserve a logbook in which shall be recorded in chronological order, all final official acts, decisions, transactions or contracts, pertaining to the University. Whenever the performance of an official act is in issue, the date and the time record in the logbook shall be controlling. The logbook shall be in the custody of the Chief Administrative Officer/Director for Administrative Services of the University and shall be open to the public for inspection.
  - d. *Compilation, Indexation and Publication of Administrative Issuances.* – All administrative issuances by the University President of a general or permanent character shall be compiled, indexed and published pursuant to the provisions of Executive Order No. 292. *Provided,* That for this purpose, publication shall mean posting in the bulletin boards and such conspicuous places and publications in any newsletters and website of the University.

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<sup>55</sup> Section 50 of Executive Order No. 292.

<sup>56</sup> Section 51 of Executive Order No. 292.

<sup>57</sup> Section 52 of Executive Order No. 292.

Chapter VI  
**COUNCILS OF THE UNIVERSITY**

Article 10  
**Administrative Council of the University**

Section 40. **The Administrative Council and Its Composition, Powers and Functions.** – There shall be an Administrative Council<sup>58</sup> consisting of the President of the University as Chairperson, the Vice Presidents, Deans, Directors and other officials of equal rank as members, whose duty is to review and recommend to the Board of Regents policies governing the administration, management, and development of the University.

Section 41. **Powers and Duties.** – The Administrative Council shall have the following functions:

- 41.1. Implement policies governing the administration, management, and development planning of the University as approved by the Board of Regents;
- 41.2. Review and recommend administrative policies and standards, management organization and procedures, systems and practices subject to the approval of the Board;
- 41.3. Decide cases of personnel discipline in accordance with the rules promulgated by and the recommendations of the Complaints and Grievance Committee; and
- 41.4. Serve as the central agency for various committees with the end view that their functions may be performed with greater coordination and effective dispatch.

Section 42. **Meetings.** – The Administrative Council shall meet at least once every two (2) months and at such time as the University President may determine.

Section 43. **Quorum.** – A quorum of the Administrative Council shall consist of the majority of all its members.

Section 44. **Presiding Officer.** – The President of the University shall be the Presiding Officer of the Administrative Council.

*Provided,* That the University President may designate any of the Executive Officials to preside in a particular meeting during his/her absence.

Section 45. **Secretary.** – The University/Board Secretary shall be the Secretary of the Administrative Council. It shall be his or her duty to issue the notices of meetings of the Council, to keep the minutes of its proceedings, and furnish a copy of such minutes to each member of the Council.

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<sup>58</sup> Section 10 of Republic Act No. 9311.

Section 46. **Internal Rules of Procedures.** – The Administrative Council may prescribe its internal rules of procedures subject to the approval by the EVSU BOR upon the recommendation by the University President.

#### Article 11

### Academic Council of the University

Section 47. **The Academic Council.** – As provided for in Section 11 of R.A. No. 9311, there shall be an Academic Council with the President of the University as Chairperson and all members of the academic staff, with the rank of not lower than Assistant Professor as Members.

Section 48. **Powers and Functions.** – The Academic Council shall have the following functions:

- 48.1. Review and recommend the curricular offerings and rules of discipline of the University subject to the approval of the Board;
- 48.2. Fix the requirements for the admission of students as well as for graduation and the conferment of degrees subject to review and/or approval by the Board of Regents through the President of the University;
- 48.3. Have disciplinary power over the students of the University; and
- 48.4. Formulate academic policies, rules and regulations on discipline, subject to the approval of the Board of Regents.

Section 49. **Meetings.** – The Academic Council shall meet at least once every semester. The President may call a special meeting upon the written request of at least 1/5 of the members of the Academic Council or whenever University President deems it necessary.

Section 50. **Quorum.** – A quorum of the Academic Council shall consist of one-half plus one of all its members.

Section 51. **Responsibility of Members.** – Every member of the Academic Council shall be required to attend in all its meetings, but any member may be excused from attendance for reasons that his/her Dean considers valid duly approved by the University President.

*Provided,* That the members may propose some issues to be included in the agenda of the Academic Council to be submitted to the Secretary thirty (30) days before the meeting for further review and approval by the University President. The Council Secretary shall inform the proponent/s on the action taken within fifteen (15) days from receipt thereof.

Section 52. **Presiding Officer.** – The University President shall be the Chairman of the Academic Council. *Provided,* That the University President may designate any of the Executive Officials to preside in a particular meeting during his/her absence.

Section 53. **Secretary.** – The University Registrar shall be the Secretary of the Academic Council. It shall be his/her duty to issue the notice of meetings, keep minutes of its proceedings and give each member of the Council a copy of such minutes.

Section 54. **Agenda.** – The agenda for every regular meeting together with the copies of the minutes of the previous meeting shall be given via email and/or personal service to the members at least one (1) week before the meeting.

*Provided,* That a two-day notice shall, however be sufficient for special meetings of the Council. *Provided, further,* That hard copies of the agenda together with its attachments shall be distributed to the members during the registration before the actual conduct of the meeting.

Section 55. **Internal Rules of Procedures.** – The Academic Council may prescribe its internal rules of procedures subject to the approval by the EVSU Board of Regents upon the recommendation by the University President.

## **Title IV EXECUTIVE OFFICIALS AND OFFICERS OF THE BRANCHES OF THE UNIVERSITY**

### **Chapter VII EXECUTIVE OFFICIALS OF THE UNIVERSITY**

#### **Article 12 General Provisions**

Section 56. **Executive Officials.** – Notwithstanding as may be prescribed under existing laws, rules and regulations, the Executive Officials of the University shall be the University President, Vice Presidents, and Heads of Campuses or Campus Directors<sup>59</sup> and such officials as may be classified by the EVSU Board of Regents upon the recommendation by the University President consistent with applicable laws, rules and regulations.

#### **Article 13 The University President**

Section 57. **Manner of Appointment.** – The President of the Eastern Visayas State University shall be selected and appointed by the EVSU Board of Regents upon recommendation of a Search Committee for Presidency (SCP) duly constituted by it.

Section 58. **Minimum Qualifications and Requirements.** – Taking into account the pertinent provisions of CHED Memorandum Order No. 16, s. 2006<sup>60</sup>,

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<sup>59</sup> Item 11.1. of National Compensation Circular No. 56 dated September 30, 1989.

<sup>60</sup> Rules and Regulations Governing the Selection of SUC Presidents

the applicants for Presidency of EVSU must possess the following minimum qualifications, to wit:

- 58.1. A natural-born citizen of the Philippines;
- 58.2. A holder of an earned doctorate program from reputable higher learning institution duly recognized by the CHED and/or government;
- 58.3. Preferably have relevant managerial experience for at least five (5) years; and
- 58.4. Have not been found guilty of any administrative or criminal offense.

Section 59. **Search Committee for Presidency (SCP).** – Six (6) months before the expiration of the term of office of the incumbent President of the University, the Board must constitute a Search Committee for Presidency (SCP), subject to the provisions of CHED Memorandum Order No. 16, s. 2006 in so far as duly adopted by the EVSU Board of Regents, with the following rules:

- 59.1. *Composition of the SCP.* – The SCP must have the following composition, to wit:
  - a. The CHED Chairman or his/her duly designated representative, as Chairperson;
  - b. A representative of the Philippine Association of State Universities and Colleges (PASUC), who must be a President of a chartered SUC, as chosen by the Board after consultation with the PASUC leadership, as Member;
  - c. The Federation President/Federation Chair/Federation Head of the duly recognized Faculty Association of the University or his/her representative as duly designated by him/her in writing, as Member;
  - d. The Federation President/Federation Chair/Federation Head of SSC/SSG of the University or his/her representative designated by him/her in writing, as Member; and
  - e. The Federation President/Federation Chair/Federation Head of Alumni Association of the University or his/her representative designated by him/her in writing, as Member.
- 59.2. *Powers of the SCP.* – The SCP so constituted shall recruit and screen the applicants for President and may devise its own procedures for the search, subject to the approval of the Board of Regents.
- 59.3. *Publication.* – The invitation or request for applications to be published in two (2) newspapers of national circulations for two (2) consecutive weeks by the duly constituted SCP shall be considered compliant with the provisions of R.A. No. 7041 and its IRR.

*Provided,* That publication shall not be resorted when the incumbent University President has submitted a letter of intent specifically indicating that he/she is seeking for re-appointment or extension of services and submitting him/herself for performance evaluation.

- 59.4. *Nominees for President.* – The SCP shall submit the names of at least three (3) nominees to the GB citing therein the strengths and weaknesses of the nominees for guidance and information of the Board as well as the enumeration and description of the criteria and procedures employed in the search.
- 59.5. *Internal Rules of Procedure.* – The SCP so constituted may devise its own procedures for the search subject to the approval by the EVSU-Board of Regents upon the recommendation by the University President.
- 59.6. *Results of the Search.* – The SCP shall submit the names of at least three (3) nominees to the EVSU Board of Regents not earlier than thirty (30) days from the inception of the search in accordance with the procedures laid down by the SCP itself duly approved by the EVSU Board of Regents upon the recommendation by the University President.
- 59.7. *Disposition of Appeal.* – Appeal of any aggrieved party/ies may be filed to the EVSU Board of Regents within seven (7) days from the assumption to office of the University President. *Provided,* That the appeal shall not preclude the continuing discharge of the duties and entitlements of the Appellee/s. *Provided, further,* That the appeal shall be disposed of by the Board within fifteen (15) days from receipt of the Committee it created for the purpose. The said Committee shall study and submit its recommendation to the Board within fifteen (15) days from its constitution and receipt of the appeal. *Provided, furthermore,* That the decision on the appeal by the EVSU Board of Regents shall be final and executory.
- 59.8. *Budgetary requirements.* – The duly constituted SCP shall submit the budgetary requirements to the EVSU Board of Regents for approval upon the recommendation by the University President.

*Provided,* That the all expenses necessary in the conduct of the search shall be charged from the income and/or appropriate funds of the University subject to the availability of funds and usual auditing and accounting rules and regulations.

Section 60. ***Designation of an Officer-in-Charge (OIC) of the Office of the University President Due to Permanent Vacancy.*** – In case of permanent vacancy due to death, resignation, removal for cause or incapacity of the incumbent University President to perform the official functions of the office, the Board of Regents of the University, shall within fifteen (15) days from the occurrence of such vacancy, designate an Officer-In-Charge (OIC) in the Office of the University President.

*Provided,* That the duly designated OIC shall perform the duties and functions and enjoy the rights, privileges and emoluments of a regular University President pending the completion of the search for Presidency, or performance evaluation of the incumbent University President. For this purpose, completion shall mean until the EVSU Board of Regents has actually selected or appointed the new University President.

*Provided, further,* That the incumbent University President, if qualified, may be given priority from among the Executive Officials in the designation of an Officer-in-Charge (OIC) of the Office of the University President subject to applicable laws, rules and regulations.

*Provided, furthermore,* That this shall not preclude the EVSU Board of Regents to designate any qualified official from any government agency to act as Officer-in-Charge of the Office of the University President subject to the limitations it may impose and/or applicable laws, rules and regulations.

Section 61. **Appointment.** – The EVSU Board of Regents shall appoint the University President from among the three (3) recommended/nominated by the SCP, taking into consideration their respective qualifications and the weight of their possible contribution vis-à-vis knowledge, expertise and depth and breadth of experience to the deliberations of the Board and to the realization of the mission of the University itself.

*Provided,* That the vote needed for the appointment (*first term*) of the University President shall be majority vote of Regents or Members, there being a quorum, during the meeting for the purpose.

Section 62. **Re-appointment.** – The President may be re-appointed for one (1) term only. In case, the incumbent is eligible and qualified for re-appointment, and the Board of Regents unanimously approves such re-appointment for another term subject to the provisions of CHED Memorandum Order No. 16, s. 2006 and its subsequent issuances in so far duly adopted by the EVSU Board of Regents.

*Provided,* That the vote needed for the an incumbent University President shall be absolute majority vote of the total membership of the Board having been obtained a performance evaluation rating of at least very satisfactory by the University President Performance Evaluation Committee (UPPEC) subject to such policies duly approved by the EVSU Board of Regents.

Section 63. **Extension of Services.** – The services of the incumbent University President may be extended by the EVSU Board of Regents beyond the age of his/her retirement but not later than the age of seventy (70) whose performance has been unanimously rated by the Governing Board as outstanding and after unanimous recommendation by the search committee.

*Provided,* That the vote needed for the extension of services of the incumbent University President shall be unanimous of the entire EVSU Board of Regents.

Section 64. **Appointment Papers.** – After the Board of Regents shall have selected and appointed the University President, the appointment papers shall be signed by the CHED Chairperson or the CHED Commissioner duly designated as Regular Chairperson of the Board.

Section 65. **Oath of Office and Assumption.** – The University President shall assume office after taking his/her oath before the CHED Chairperson or the CHED Commissioner as Chair of the EVSU Board of Regents or before his/her duly designated representative. *Provided*, That this shall not preclude the University President to take his/her oath before any official authorized to administer oath pursuant Section 41 of Executive Order No. 292 as amended by Republic Act No.10755.

Section 66. **Publication or Posting of the Appointment Papers in the University Bulletin Boards.** – The duly complete appointment papers of the University President shall be published or posted in the bulletin boards and conspicuous places of the University Campuses.

Section 67. **Attestation by the CSC of the Appointment Papers.** – The appointment papers of the University President shall be attested to by the CSC<sup>61</sup> subject to applicable laws, rules and regulations.

Section 68. **Investiture Ceremony of the University President.** – The University shall hold an Investiture Ceremony for every appointment of the University President on the schedule and venue duly approved by the EVSU Board of Regents upon the recommendation of the President.

The University President shall constitute committees necessary to ensure effective, efficient and proper conduct of the Investiture Ceremony. *Provided*, That all expenses necessary for the holding of the Investiture Ceremony shall be charged against the appropriate funds and/or income of the University subject to usual auditing laws, rules and regulations.

Section 69. **Salary and Emoluments of the President.** – 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 educational institutions of like standing<sup>62</sup>.

Section 70. **Automatic Fallback Position of the University President.** – The incumbent University President shall enjoy automatic fallback

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<sup>61</sup> **Oblasca v. Basallote** (G.R. No. 176707, February 17, 2010) citing *De Rama v. Court of Appeals*, G.R. No. 131136, 28 February 2001, 353 SCRA 94, 106, and **Tomali v. Civil Service Commission**, G.R. No. 110598, 1 December 1994, 238 SCRA 572, 575.

“There is no dispute that the approval of the CSC is a legal requirement to complete the appointment. Under settled jurisprudence, the appointee acquires a vested legal right to the position or office pursuant to this completed appointment.

x x x

The purpose of the requirement to submit the appointment to the CSC is for the latter to approve or disapprove such appointment depending on whether the appointee possesses the appropriate eligibility or required qualifications and whether the laws and rules pertinent to the process of appointment have been followed.”

<sup>62</sup> Section 9, last para., Republic Act No. 9311.

position in accordance with the results of his/her evaluation pursuant to NBC No. 461 as amended by Joint Circular issued by CHED and PASUC<sup>63</sup> and subsequent issuances thereof.

Three (3) months before the expiration of the term of office of the incumbent President, the Human Resource Development Office of the University shall prepare all necessary documents for the fallback position of the University President and the same be submitted to the EVSU Board of Regents for approval and to the DBM for review and confirmation.

Section 71. **Term of Office, and Hold-over Capacity.** – The following shall be strictly observed:

71.1. *Term of Office.* – The President of the University appointed by the Board of Regents and shall have a term of four (4) years, the beginning and end of which must be clearly specified in the appointment made by the Board of Regents. *Provided,* That the term of office of the University President whose services was extended by the EVSU Board of Regents shall not be beyond seventy (70) years old or five (5) years.

71.2. *Hold-over Capacity.* – The University President shall be authorized to perform his/her duties and functions after the expiration of his/her term of office, with all the rights, privileges and entitlements, in an hold-over capacity, until his/her successor is duly elected or appointed and qualified, as the case may be.

*Provided,* That in no case that he/she shall be allowed on hold over for a period equivalent to one (1) term as provided under this Code and applicable laws, rules and regulations.

*Provided, further,* That this shall not apply to the incumbent University President whose services was extended by the EVSU Board of Regents, and that an Officer-in-Charge (OIC) shall be designated by the Board in accordance with the provisions of this Code, R.A. No. 9311, and R.A. No. 8292 and its IRR. *Provided, however,* That the designated OIC shall enjoy with the compensation and emoluments attached to the position of the University President subject to applicable laws, rules and regulations.

Section 72. **Absence of the University President.** – A written notice to all concerned designating any of the Vice Presidents, Deans, Directors or Officials of the University as Officer-in-Charge (OIC) of the Office of the University President subject to the limitations so specified shall be made in case of the absence of the University President or is temporarily out of station.

Section. 73. **Powers, Functions and Duties of the University President.** – The powers, duties and functions<sup>64</sup> of the EVSU President in

<sup>63</sup> "Revised Guidelines for Annex 4 of NBC No. 461 circulated per PASUC Advisory No. 102, s. 2016 dated August 3, 2016."

<sup>64</sup> Section 1, Chapter 3, Title One of The Revised Code of the University of the Philippines approved during the 682<sup>nd</sup> Special BOR Meeting held on January 9, 1961, as amended.

addition to those enumerated in this Code shall be those normally pertaining to the Office of the President of the University, to wit:

- 73.1. Serves as the Chief Executive Officer (CEO) of the University;
- 73.2. Be the ex-officio head of the University Faculty and or any branch thereof;
- 73.3. Have overall supervision over all academic, as well as business, administrative and financial operations of the University and all its income generating projects;

All officers, members of the teaching staff, and employees shall be responsible to and under the direction of the University President.

- 73.4. Carries out the general policies laid down by the EVSU Board of Regents, and shall have the power to act within the lines of said general policies. He/she alone shall undertake to direct or to assign the details of executive action;
- 73.5. Appoints qualified persons (based on the merit plan) to fill in vacancies and new positions subject to the approval of the EVSU Board of Regents. He shall have authority to fill vacancies temporarily; to make such appointments as are especially permitted by the EVSU Board of Regents; and to make such other arrangements as to meet emergencies occurring between the meetings of the Board so that the work of the University will not suffer;

No new positions and/or items in the University shall be filled without prior authorization from the University President and Board Committee on Finance. The University President's authorization alone shall suffice, however, in the case of appointments that are within the University President's authority to make without the need of the approval of the Board.

- 73.6. Presides at commencement and other public exercises of the University, and confer such degrees and honors as are granted by the EVSU-Board of Regents. All University diplomas and certificates shall be signed by him/her alone and by the University Registrar duly attested to by proper official or officer of the University as provided under this Code and such regulations by the University duly approved by the EVSU Board of Regents;
- 73.7. Serves as the official medium of communication between the teaching force, employees and students and the stakeholders of the University on the one hand, and the Board of Regents or Board of Visitors, on the other;
- 73.8. Represents the University where such representation is necessary and incidental to the development and progress of the University;

- 73.9. Institutes disciplinary action against any non-teaching personnel and members of the faculty as well as students whose actions adversely affect the general interest of the University;
- 73.10. Decides appeals in controversies between ranking officials of the University;
- 73.11. Grants sabbatical leaves and leaves of absence with or without pay and/or extension of fellowship or any form of scholarships not to exceed one (1) year, if the budget permits for a reasonable cause the President may deem satisfactory;
- 73.12. Grants the release of and documents which relate to matters affecting the University or any unit thereof, as well as any action taken by the Board of Regents;
- 73.13. Grants permission for the use of buildings, premises of the University for academic, professional and scientific conventions and related activities for students and to fix the fees thereof;
- 73.14. Signs for and in behalf of the University, contracts, deeds, and instruments for the proper conduct of the business of the University and exercise control and supervision on the execution, implementation and evaluation thereof. *Provided*, That all contracts, deeds, and instruments signed by the University President shall be submitted to the EVSU Board of Regents for review, ratification or confirmation or approval. *Provided, however*, That in regularly recurring undertakings and transactions where his/her action is virtually ministerial, conditions and terms thereof having been fixed in the University existing regulations and general laws, he/she may direct through appropriate written instructions that approval in specified cases be made in his/her behalf by the Vice Presidents or officers of administration or Campus Directors, subject to the such safeguards and limitations as he/she may impose from time to time;
- 73.15. Designates Vice Presidents, Heads of Campuses, Deans, Department or Unit Heads or Coordinators and Chairpersons, subject to the confirmation by the Board;
- 73.16. Prepares the agenda for every meeting of the Board;
- 73.17. Prepares and submits reports or such other written data or information to other agencies whenever required for the benefit of the University;
- 73.18. Exercises the following specific powers and duties:
  - a. Acceptance of resignation of officials or officers, faculty members and non-teaching personnel or employees of the University;

- b. Grant or denial of leaves of absence without pay and/or extension of such leaves;
- c. Grant or denial of extension of fellowships or scholarships for a period not beyond one academic year if the budget permits and for reasons he/she may deem satisfactory;
- d. Authority to make *ad interim* appointments or designations, *provided*, that such appointments or designations shall not take effect thirty (30) days before the day after the last meeting of the Board;
- e. Authority to renew appointments or extend designations for not more one year if the budget of the University permits and the services are necessary;
- f. Authority to transfer officials or officers, faculty members, non-teaching personnel or employees from one department or unit of the University or College or Campus to another;
- g. Approval of retirement of members of the faculty and non-teaching personnel or employees of the University;
- h. Authority to appoint, without the necessity of submitting to the EVSU Board of Regents for approval, qualified members of the faculty as fellows of the University (full or partial) in order to enable them to pursue graduate studies abroad, and to fix the financial assistance to any such fellows in accordance with the rules promulgated by the EVSU Board of Regents, and within the lump sum appropriation for fellowships subject to the reporting to the EVSU Board of Regents in its immediate next meeting;
- i. Authority to grant or deny permission for members of faculty to accept training grants, fellowships, scholarships, assistantships, or invitations to conferences sponsored by outside agencies or organizations without any financial obligation on the part of the University outside of the regular salary of the person concerned;
- j. Authority to grant honorarium to those officials or officers who are not covered with relevant DBM Circulars, *provided*, That such grant shall be subject to expressed approval by the EVSU Board of Regents, availability of funds and usual accounting and auditing rules and regulations.
- k. Supervision and control, through the Director of Student Affairs and Services Office (SASO), over extracurricular activities of students; and authority to issue adequate rules for the organization and operation of student organizations subject to the provisions of this Code and services manual duly approved by the EVSU Board of Regents;

- I. Authority to promulgate such rules which in his/her judgment are necessary for the safe-keeping and proper disbursements of funds or property of all student and alumni organizations officially approved or recognized, designating the persons whom he/she may authorize to examine and audit the accounts pertaining to such funds or property;

*Provided,* That the University President shall inform the EVSU Board of Regents of the action taken by him or her in accordance with these specific powers and duties. *Provided, further,* That with respect to paragraphs (e) and (g) above, the EVSU Board of Regents may take action that it may deem appropriate in connection therewith.

- 73.19. Authorizes the change of the leave status of the faculty from that of teacher's leave to that of cumulative leave;
- 73.20. Holds University officials or officers, faculty members or non-teaching personnel or employees to the full discharge of their duties and, if in his/her judgment the necessity arises, he/she shall, after consultation with the Dean or Campus Director or officer concerned, in proper cases, initiate the necessary proceedings for the separation from the service of any of them;
- 73.21. Modifies or disapprove any action or resolution by any college or campuses or administrative body, if in his/her judgment the larger interests of the University so require. Should he/she exercise such power, the University President shall communicate his/her decision in writing to the officials or individuals or body immediately affected, stating the reasons for his/her action; and thereafter shall accordingly inform the EVSU Board of Regents, which may take action it may deem appropriate in connection therewith;
- 73.22. Discharges such duties and functions as specifically provided under this Code and/or existing laws, rules and regulations;
- 73.23. Extends invitation, from time to time, scholars of eminence, "balik scientists" and other persons who have achieved distinction in some learned profession or career, to deliver a lecture or a series thereof; and for this purpose, he/she may authorize honoraria for such service, to be taken from the appropriate fund/s of the University subject to usual accounting and auditing rules and regulations;
- 73.24. Delegates in writing any of his or her specific functions provided above to any office or officials or officers of the University as it is deemed to be necessary to expedient delivery of services; and
- 73.25. Discharges the powers and duties of the EVSU Board of Regents in so far as expressly delegated or authorized by the Board.

Section 74. **Filing of Report.** – Pursuant to Section 21 of Republic Act No. 9311 on or before the fifteenth (15<sup>th</sup>) day of the second month after the opening of regular classes each year, the President of the University shall file with the Office of the President of the Republic of the Philippines through the Chairman of the CHED, and with the Senate and House of Representatives a detailed report on the progress, conditions and needs of the University.

#### Article 14

### The Vice Presidents and Campus Directors

Section 75. **Designation of the Vice Presidents and Campus Directors.** – Designations shall be made instead of creating regular Vice President (VP) positions and issuing permanent appointments thereof. This will extend the opportunity for undertaking executive responsibilities to those who are qualified and included for such work and give the Board the flexibility for developing promising University personnel for higher responsibilities<sup>65</sup>.

The University President shall designate the Vice Presidents and Campus Directors from faculty members and non-teaching employees of the University for a term of two (2) years and extendable for another two (2) years only subject to the confirmation of the EVSU Board of Regents. All designations may be extended or revoked earlier upon the discretion of the University President.

*Provided,* That the University President, at his/her discretion, may resort to such mechanisms in order to better ascertain the potentials and contributions of prospect individuals to be designated to the Vice President positions. These mechanisms may include, such as but not limited to, creation of a Performance Evaluation Committee (PEC), or receipt of nomination/s duly accepted by the nominee/s, or using the Strategic Performance Management System (SPMS) results and ratings for the period he/she may deems proper and adequate in the discharge of such discretion to designate.

*Provided, further,* That should the University President resorts or decides to create the PEC the same shall be composed of a Chairperson duly designated by the University President, and President of the Federation of Faculty Associations, President of the Federation of Student Governments and President of the Federation of Non-Teaching Personnel, as Members. The duly constituted PEC shall be convened by the University President as he or she deems necessary. *Provided, moreover,* That the proceedings of the PEC shall be held with strict confidentiality; its role shall be recommendatory in nature and the University President shall exercise complete discretion whom to designate to the positions of the Vice Presidents and Campus Directors, as the case may be.

Section 76. **The Vice Presidents of the University.** – Unless as expressly provided under applicable laws, rules and regulations, the University shall have the following Vice Presidents:

76.1. Vice President for Academic Affairs;

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<sup>65</sup> Section 3.0 of DBM-CHED Joint Circular No. 2, s. 2003 dated July 28, 2003.

- 76.2. Vice President for Administration and Finance;
- 76.3. Vice President for Planning, Research, and Extension Services (PRES); and
- 76.4. Vice President for Internationalization and External Affairs (IEA).

Section 77. ***Duties and Functions of the Vice President for Academic Affairs.*** – The academic affairs, curricular offerings and programs, student affairs and services, and student welfare programs, projects and activities of the University shall directly be administered by the Vice President for Academic Affairs under the supervision of the University President.

- 77.1. *Specific Duties and Functions.* – The Vice President for Academic Affairs shall discharge the following duties and responsibilities:
- a. Plans, manages and supervises the implementation of all academic and student welfare and student services programs;
  - b. Recommends to the University President academic policies pertaining to curricula, faculty appointments and assignments, and academic programs of the University;
  - c. Serves as ex-officio Chairperson of the curriculum committee of the University;
  - d. Sets, implements and maintains excellent quality standards of the academic and students services programs of EVSU;
  - e. Except as may be provided under this Code, Chairs the search committee for the designations of Deans, academic directors and department heads under his/her direct supervision;
  - f. Evaluates and reviews the work of the Deans and academic department heads under his/her supervision;
  - g. Monitors and coordinates with the Campus Directors or Deans the strict implementation and maintenance of the quality standards of the academic and student services programs of the External Campuses of EVSU;
  - h. Identifies and establishes linkages with local or foreign agencies that would serve as partners in the sustenance of the global thrusts and mandates of EVSU;
  - i. Recommends, after due process, disciplinary action against faculty members whose actions adversely affect the academic interest of the University;
  - j. Maintains and constantly upgrades the Academic Services' Manuals of the Office and the different Colleges;
  - k. Submits to the University President an annual report on academic affairs; and

l. Performs such functions as the University President may assign.

77.2. *Supervisory Authority.* – The Vice President for Academic Affairs shall have supervision over the Deans, Academic Heads and Chairpersons or Coordinators, University Registrar, University Librarian and such other department/s duly created to assist in carrying out effectively the academic thrusts and mandates of the University.

Section 78. ***Duties and Functions of the Vice President for Administration and Finance.*** – The EVSU Administration shall be headed by a Vice President for Administration and Finance under the direct supervision of the University President.

78.1. *Specific Duties and Functions.* – The Vice President for Administration and Finance shall be vested with the following duties and responsibilities:

- a. Plans, manages and implements the administrative services, financial services, and resource generation programs of the University;
- b. Supervises the administrative, finance and resource generation services of the University;
- c. Sets, recommends and implements excellent quality work standards, productive administrative and financial policies, resource generation and other measures for an effective and efficient operations of EVSU;
- d. Coordinates the functions of the various units under the administrative, finance and resource generation offices;
- e. Recommends to the University President qualified persons to fill up positions of different units under the Office;
- f. Evaluates and reviews the work of the officers and personnel under the supervision of the Office;
- g. Submits to the University President annual reports, plans and or proposals on administrative, financial and resource generation;
- h. Submits a medium/long term administrative institutional development plan of the University;
- i. Recommends, after due process, disciplinary action against non-faculty employees whose action adversely affect the interest of the University;
- j. Promotes the conduct of Income Generating Projects (IGP) initiatives of the University;
- k. Maintains and constantly upgrades the Services' Manual of the Office and its departments or units; and

l. Performs such functions as the University President may assign.

78.2. *Supervisory Authority.* – The Vice President for Administration, Finance and Employees Welfare shall have direct supervision over the Director for Administrative Services, the Director for Financial Services, Director for Data Privacy and Protection Office (DPPO), Procurement Services Office (PSO), and Director for Employees Welfare and PRAISE Center of the University and such other department/s duly created to assist in carrying out effectively the thrusts and mandates of the office.

Section 79. ***Duties and Functions of the Vice President Planning, Research, and Extension Services (PRES).*** – The planning, research, extension services of the University shall be directly managed by the Vice President for Planning, Research, and Extension Services under the direct supervision of the University President.

79.1. *Specific Duties and Functions.* – The Vice President for Planning, Research, and Extension Services shall be vested with the following duties and responsibilities:

- a. Plans, manages and supervises the implementation of the research and extension services programs, projects and activities;
- b. Manages the publication of the University researches, scholarly investigations, new found technologies and inventive projects;
- c. Establishes linkages with other Higher Education Institutions (HEIs), State Universities and Colleges (SUCs), Local Colleges (LCs) and any local or foreign agencies on matters of research, publications, extension services and internalization of higher education of the University;
- d. Serves as Chairperson of the Research Advisory Committee of the University;
- e. Participates in and/or renders collaborative, consultative or any form of services in meetings, conferences, seminars, workshops or write shops, research and development projects and similar activities;
- f. Establishes and implements the relevant quality standards, development policies, and rules for the research, publications, extension programs of the University;
- g. Monitors and coordinates with the Campus Directors on the strict implementation of the quality standards of the research, publications, extension programs, projects and activities;
- h. Initiates and promotes the conduct of professional and technical researches in the specialized disciplines of the University;

- i. Submits plans, proposals and other reports as required by the University President or provide data/information to other agencies whenever necessary for the benefit of the University;
  - j. Recommends, after due process, disciplinary action against personnel under his/her supervision whose actions adversely affect the interest of the University;
  - k. Maintains and constantly upgrades the Manuals for Research, Publications, and Extension Services and of the different Colleges; and
  - l. Performs such functions as the University President may assign.
- 79.2. *Supervisory Authority.* – The Vice President for Planning, Research, and Extension Services shall have direct supervision over the Director for Planning and Development Office (RDO), Director for Research Development and Publications Office (RDPO), Director for Extension Services Office, Director for National Service Training Program (NSTP), and such other department/s unit/s duly created to assist in carrying out effectively the thrusts and mandates of the University.

Section 80. ***Duties and Functions of the Vice President for Internationalization and External Affairs of the University.*** – The external affairs and internationalization of higher education of the University shall be headed by a Vice President for Internationalization and External Affairs (IEA) under the supervision of the University President.

- 80.1. *Specific Duties and Functions.* – The Vice President for Internationalization and External Affairs shall be vested with the following duties and responsibilities:
- a. Plans, manages and implements the external affairs internationalization of higher education of the University;
  - b. Supervises the external affairs, internationalization of higher education and job placement of the University;
  - c. Sets, recommends and implements excellent quality work standards, productive policies and other measures for an effective and efficient operations of the Office;
  - d. Coordinates the functions of the various units under the external affairs, internationalization of higher education, and job placement of the University;
  - e. Recommends to the University President qualified persons to fill up positions of different units under the Office;
  - f. Evaluates and reviews the work of the officers and personnel under the supervision of the Office;

- g. Submits to the University President annual reports, plans and or proposals on external affairs, internationalization of higher education and job placement of the University;
- h. Submits a medium/long term institutional development plan on external affairs, internationalization of higher education, and job placement of the University;
- i. Recommends, after due process, disciplinary action against non-faculty employees whose action adversely affect the interest of the University;
- j. Identifies and initiates local and international linkages with partners agencies that could be advantageous to the fulfillment of the global thrusts and mandates of EVSU;
- k. Promotes the conduct of Income Generating Projects (IGP) initiatives of the University;
- l. Assists the University President in planning, implementing and supervising of externally assisted programs and projects to include financial policies on the expenditure of funds and for generating funds;
- m. Maintains and constantly upgrades the Services' Manual of the Office and its departments or units; and
- n. Performs such functions as the University President may assign.

80.2. *Supervisory Authority.* – The Vice President for Internationalization and External Affairs (IEA) shall have direct supervision over the Director for External Affairs, Director for Open Distance Learning and Internationalization of Higher Education of the University (ODLIHEU), ASEAN Center, Director for Alumni Relations and Affairs Office (ARAO), Head for Continuing Education and Life-Long Learning Center (CELLC), Head of Job Placement and Go Negosyo, and such other department/s duly created to assist in carrying out effectively the thrusts and mandates of the office. The Vice President for IEA shall exercise concurrent supervisory authority over the Director for Quality Assurance and Accreditation Center of the University.

Section 81. **Heads of Campuses.** – Each Campus of the University shall be headed by a Campus Director who shall serve as the Chief Operating Officer (COO) therein under the direct supervision of the University President.

81.1. *Specific Duties and Functions.* – Notwithstanding as expressly provided under this Code and applicable Services Manuals duly approved by the EVSU Board of Regents upon the recommendation by the University President, the Campus Director shall discharge the following duties and functions:

- a. Plans, manages and implements the administrative and financial policies and academic programs of EVSU in the Campus.
- b. Negotiates and signs agreements and instruments applicable to the Campus concerned subject to the approval or ratification and limitations prescribed by the University President which shall be subject to the confirmation by the EVSU Board of Regents upon the recommendation by the University President. This shall be exercised with the end view of ensuring administrative efficiency of the Campus and such that the University President will be able to perform duties and functions that are more important for the development and progress of the entire University;
- c. Submits annual budget and other periodic reports to the University Main campus for consolidation;
- d. Represents the Campus where such representation is necessary and such functions as may be authorized by the University President;
- e. Implements and enforces University policies and academic standards;
- f. Designs and recommends for approval institutional development plans for the Campus or proposals for local and foreign partnerships and other activities and projects deemed necessary in carrying out effectively the four-fold functions of EVSU;
- g. Recommends to the University President qualified faculty members or personnel for appointment and designation to any administrative or academic positions in the Campus;
- h. Promotes the conduct of Income Generating Projects (IGP) initiatives of the Campus;
- i. Coordinates with the Vice Presidents, the College Deans and Directors at the EVSU Main Campus in the implementation of the curricular programs, research, extension and other policies of the University;
- j. Recommends the construction, repair, renovation of buildings and purchase of equipment and acquisition of school sites and other physical facilities;
- k. Recommends the creation of committees deemed necessary for efficient and effective operations of the Campus; and
- l. Performs such other related responsibilities inherent to the office of the Campus Director or as may be assigned by the University President or EVSU Board of Regents.

- 81.1. *Supervisory Authority.* – Unless otherwise provided under this Code and/or appropriate service manuals of the University, the Campus Directors shall supervise the administrative and academic services, NSTP, SPO, and such other department/s duly created to assist in carrying out effectively the thrusts and mandates of their respective Campuses in harmony with the thrusts, mandates, goals and objectives of the entire University.
- 81.2. *Delineation of the Powers and Duties of the Campus Director of the EVSU-Main Campus.* – The University President shall delineate the powers and duties of the Campus Director of the EVSU-Main Campus subject to the following conditions:
- a. The Office of the Campus Director of the EVSU-Main Campus shall be under the direct supervision and control of the University President and shall not have its own system and hierarchy.
  - b. The Campus Director of the EVSU-Main Campus shall directly assist the University President on the day-to-day functions or basic housekeeping of the Main Campus subject to the specific duties and authorities as the University President may prescribe from time to time.
  - c. The University President shall clearly delineate the functions of the Campus Director of the EVSU-Main Campus from that of the University President and Vice Presidents.

#### Article 15

### **Executive Units of the Office of the University President**

Section 82. ***Executive Units and Officers of the Office of the University President.*** – The University President shall exercise direct supervision and control of the following Officers/Units:

- 82.1. University Secretary/Board Secretary;
- 82.2. Executive Assistant to the University President;
- 82.3. Legal Office;
- 82.4. Gender and Development (GAD) Center;
- 82.5. Office of the Internal Management Audit Services;
- 82.6. Office of the Information Communications Technology;
- 82.7. University Quality Assurance and Accreditation Center (UQAAC);
- 82.8. Auxiliary Services/Income Generating Projects Office;
- 82.9. University Events Management Committee (UEMC);
- 82.10. Anti-Sexual Harassment Office (ASHO); and

82.11. Such units as may be created by the Board and/or laws, rules and regulations.

*Provided*, That the University President may, at his or her discretion, transfer or assign any of the foregoing units to any office/s or absorb or assign to the Office of the University President any of the offices, centers or departments created under this Code and/or service manuals of the University duly approved by the EVSU Board of Regents.

Section 83. ***Duties and Functions of the Executive Units and Officers under the Office of the University President.*** – The duties and functions of the Officers or Units under the Office of the University President shall be as follows:

83.1. ***The University Secretary/Board Secretary.*** – Pursuant to Section 21 of R.A. 9311, the Board of Regents shall appoint/designate a Secretary, who shall serve as such both for the Board and the University. The University Secretary shall work under the direction of the University President and shall discharge the following duties and responsibilities in addition to those normally appertaining to and/or implied by the title:

- a. Serves as Secretary of the EVSU Board of Regents and its Committees during meetings and official functions;
- b. Keeps all the records and proceedings of the EVSU Board of Regents;
- c. Communicates to each Regent or Member of the Board the notices of meetings and correspondences. *Provided*, That the notice of meetings as well as the agenda of the incoming meeting must be furnished to each members via email at least seven (7) days before such scheduled meeting. Hard copies of the agenda or order of business and its attachments shall be distributed to the Regents at least twenty four (24) hours before the scheduled meeting;
- d. Serves as the Secretary of the Administrative Council during meetings and keep all the records and proceedings of the Council;
- e. Renders technical assistance to the President in the formulation of policies, rules and regulations;
- f. Disseminates information to the different units/offices for the effective and efficient operations of the University;
- g. Notifies in writing all concerned of all actions or resolutions adopted by the Board within seven (7) days after the Board Meeting;
- h. Assists the University President in the preparation of the agenda, completed staff work (CSW) and supporting documents

of the items calendared in the order of business as well as Board Resolution/s subject for approval through a referendum;

- i. Assists the conduct of meetings of the Board Committees and such committees or bodies created by the Board; and
- j. Performs such functions as the University President and the EVSU Board of Regents may assign from time to time.

83.2. **The Executive Assistant to the University President.** – The University President may, in his/her own discretion, designate his or her Executive Assistant and shall have the following duties and responsibilities:

- a. Plans, organizes, and manages the programs and functions of the Office of the University President;
- b. Supervises the unit staff of the Office of the University President;
- c. Conducts follow through of actions taken on the communications, concerns, complaints and issues referred to the different campuses, colleges and/or departments by the University President;
- d. Prepares weekly status report on the action taken referred to in paragraph c hereof for the information of the University President;
- e. Prepares/recommends, plans and programs for the effective and efficient delivery of services in the Office of the University President;
- f. Prepares calendar of activities of his or her Office under the direction of the University President; and
- g. Performs other tasks as may be delegated by the University President.

83.3. **The Legal Officer.** – The University President shall appoint a Legal Officer that shall perform the following duties and functions:

- a. Conducts legal research on matters referred to him/her by the University President;
- b. Recommends appropriate action pertaining to issues and concerns on legal matters;
- c. Prepares communications in response to queries with legal implications;
- d. Prepares contracts and instruments to which the University is a party, and interpret provisions of contracts covering work performed for the department by private entities;

- e. Assists in the promulgation of rules governing the activities of the University;
- f. Assists in the conduct of administrative investigations as may be directed by the University President;
- g. Subject to proper authority of the Office of Solicitor General and concurrence by the COA, initiates the filing of the necessary complaint with the proper forum against persons who violated University and Civil Service rules and regulations; and
- h. Performs other tasks as may be required by the University President.

83.4. **The Director for Gender and Development (GAD).** – The Director for Gender and Development (GAD) of the University shall perform the following duties and functions:

- a. Provides progressive leadership to the Gender and Development (GAD) Center subject to the provisions of this Code and such service manuals duly approved by the EVSU Board of Regents upon the recommendation of the University President;
- b. Coordinates, consolidates and implements short and long range plans concerning Gender and Development of the University;
- c. Conducts assessment of the gender-responsiveness of policies, strategies, programs, activities, and projects of the University based on the priority needs and concerns of its constituency, and the formulation of recommendations and ensure their implementation.
- d. Assists in setting up appropriate systems and mechanisms to ensure the generation, processing, review, updating of sex-disaggregated data or GAD database to serve as basis in performance-based gender-responsive planning;
- e. Coordinates efforts of different divisions/offices/units of the University and advocacies for the integration of GAD perspectives in all their systems and processes;
- f. Spearheads in the preparation of the University annual performance-based GAD Plans, Programs, and Budget in response to the women and gender issues of the employees, following the format and procedure prescribed by the Philippine Commission on Women (PCW);
- g. Conducts monitoring on the effective implementation of GAD Code and any other GAD-related policies, and the annual GAD Plans, Programs, and Budget;

- h. Prepares the annual University GAD Accomplishment report and other GAD reports that may be required under R.A. No. 9710 and its IRR;
  - i. Promote the participation of women and gender advocates, other civil society groups and private organizations in the various stages of development planning cycle;
  - j. Ensures that all personnel of the University including the auditors are capacitated on GAD and in creating and strengthening the GFP System subject to the guidelines promulgated by the PCW; and
  - k. Performs as such duties and functions as may be prescribed by the University President and/or EVSU-Board of Regents.
- 83.5. ***The Director of Internal Management Audit Service.*** – The Director of the Internal Management Audit Service shall be designated by the University President and is principally tasked to assist the President in the attainment of effective and efficient management operations of the University. He/she shall perform the following duties and responsibilities:
- a. Plans, manages and implements internal management auditing policies of the University;
  - b. Reviews University management systems' compliance with existing laws, policies, rules, regulations, plans and procedures;
  - c. Initiate the conduct of a periodic management quality audits;
  - d. Examines the adequacy and propriety of management control procedures;
  - e. Verifies the reliability and integrity of management information;
  - f. Recommends appropriate measures and policies for the improvement of University operations in coordination with concerned campuses/colleges/departments;
  - g. Appraises the productive performance of the University and the economical and efficient use of its resources;
  - h. Prepares, maintains and updates the service manual of the office;
  - i. Submits reports to the President as required; and
  - j. Performs other tasks as required by the University President.
- 83.6. ***The Director of Information Communications Technology.*** – The Information Communications Technology (ICT) Office is the orbit of all information communication technology programs and projects of the University.

- a. *Specific Duties and Responsibilities.* – The ICT Office shall be headed by the Director of Information Communications Technology to be designated by the University President who shall perform the following duties and responsibilities:
1. Provides the necessary leadership as overall supervisor of the ICT particularly in the field of planning, direction and control of the central activities of the Center;
  2. Coordinates with other personnel and officials of the University, its external clients in the government or private sectors in the promotion of the services of the Center and its compliance to the E-Commerce Act of 2000<sup>66</sup>;
  3. Facilitates the augmentation of finances essential for the procurement of needed IT resources;
  4. Recommends the establishment and continuance of linkages with government, private and non-government institutions/organizations in the local and foreign arena who are interested in information technology application;
  5. Recommends the formulation and adoption of policies, rules and regulations related to information technology;
  6. Negotiates and recommends execution of contracts on IT related trainings, software development and other related services;
  7. Initiates and recommends the approval of Income Generating Projects (IGPs) related to information technology;
  8. Prepares and submits annual and periodic reports pertaining to his or her office; and
  9. Performs other tasks as required by the University President.
- b. *Supervisory Authority.* – The Director of the ICT shall supervise the following sections: Management Information Services Office; Systems Development Office; Network and Computer Maintenance Office; Information Technology Training and Development Office; and Multi-media and Electronics Information Resource Office.

The duties and responsibilities of Heads of these offices are as follows:

1. *The Head of the Management Information Services Office.* – The Head of the Management Information Services Office

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<sup>66</sup> Republic Act No. 8792 entitled, "An Act Providing for the Recognition and Use of Electronic Commercial and Non-Commercial Transactions and Documents, Penalties for Unlawful Use Thereof and for Other Purposes."

shall be responsible in the installation and operation of the management information system of the University. He/she shall serve as the administrator of the local area network and other computer systems of the University. He shall also be responsible for the repair and maintenance of computer units within the campus. His/her specific duties and functions are provided in the job description manual of the University.

2. *The Head of the Systems Development Office.* – The Head of the Systems Development Office shall be responsible in the development of systems, conducting analysis and design of new technologies. He shall provide direction and standards for systems development of the University. His/her specific duties and functions are provided in the job description manual of the University.
3. *The Head of the Information Technology (IT) Training and Development Office.* – The Head of the Information Technology Training and Development Office shall be responsible for the development and implementation of an IT training program for students, faculty members, non-teaching personnel, professionals and other external clients of the University. His/her specific duties and functions are provided in the job description manual of the University.
4. *The Head of the Multimedia and Electronic Information Resource Office.* – The Head of the Multimedia and Electronic Information Resource Office shall be responsible to facilitate the use of digital multimedia resources by members of the College in their teaching, research and administrative functions, and to promote the consolidates the use of the facilities, tools and expertise needed to help users create digital resources, and to digitize existing materials (including print, slides and tape), for delivery within a fully digital environment, either networked or via media such as CD-ROM or DVD. He/she shall also be responsible in maintaining the website of the University. His/her specific duties and functions are provided in the job description manual of the University.

83.7. ***The Director of Auxiliary Services/Income Generating Projects.*** – The Director of Auxiliary Services/Income Generating Projects (IGPs) shall be designated by the University President and shall perform the following duties and responsibilities:

a. *Specific Duties and Functions:*

1. Assumes direct responsibility for the overall project operations/administration, implementation of policies, programs and guidelines pertaining to IGPs;

2. Has overall supervision of all IGPs of the University;
  3. Initiates/coordinates planning, organizes manpower resources and activities of all income generating projects for efficiency in production;
  4. Conducts evaluation study of the records, activities and programs of various IGPs;
  5. Recommends approval of new IGPs to the IGP Board of Management;
  6. Submits quarterly and yearly reports of all projects. Such reports shall highlight accomplishments and recommendations for expansion or termination of various projects;
  7. Conducts meetings with Project Managers on operations, projects or any matter relevant to IGP;
  8. Conducts annual strategic planning with project managers preferably at the start of the business year to discuss/agree on the plans and targets, accomplishments and other matters related to IGP operations;
  9. Recommends quarterly profit sharing to concerned personnel pursuant to existing rules and regulations;
  10. Recommends the hiring of labor contractors of IGP personnel after considering its necessity and in consultation with the IGP Facilitative Committee and Project Managers; and
  11. Performs other tasks as required by the University President and/or Board of Management.
- b. *Supervisory Authority.* – All Project Managers of the Income Generating Projects, and the Printing Press Office of the University shall be under the supervision of the Director for Auxiliary Services/Income Generating Projects.

*Provided,* That the Managers of the IGPs and the Printing Press Office of the University shall be designated by the University President and are responsible for the effective and efficient operation of the income generating projects in order to provide additional income to the University. Their respective specific duties and functions shall be determined by the University and/or as provided in the job description and/or appropriate manual of the University.

- 83.8. **Director for University Quality Assurance and Accreditation Center (UQAAC).** – The University Quality Assurance and Accreditation Center, shall be headed by a Director duly

designated by the University President duly confirmed by the EVSU Board of Regents, and is established in order to assure and promote quality within the academic programs of the University.

- a. *Major Purposes.* – The UQUAAC enables the University to examine its programs against established standards for the following major purposes:
  1. To facilitate improvements in institutional performance through the sharing of best practices and innovations;
  2. To complement in the internationalization of University's educational programs;
  3. To administer and execute the preparation and submission of, as the custodian or databank of the documents and requirements for Institutional Quality Management Evaluation (IQUAME), International Standards (ISO), Institutional and Programs' Accreditation, and other quality assurance programs and activities, assessments or evaluations of the University consistent with existing laws, rules and regulations; and
  4. To enable the University to express its accountability for the use of public funds subject to applicable laws, rules and regulations.
- b. *Specific Duties and Functions of the UQUAAC Director:*
  1. Undertakes the overall leadership and management of the University Quality Assurance and Accreditation Center;
  2. Coordinates with the different colleges and campuses on matters relative to institutional and program accreditation;
  3. Conducts orientation/training, workshops or write shops to faculty members, administrative staff, school officials and other stakeholders on their respective roles in the accreditation of academic programs by external bodies or agencies;
  4. Monitors the status of academic programs with regard to quality standards;
  5. Evaluates the readiness of academic programs to be submitted for accreditation and/or certification;
  6. Conducts systematic monitoring of different colleges and campuses in the compliance of the recommendations given by external accrediting bodies;
  7. Manages survey visits conducted by external accrediting bodies and audits conducted by the ISO certifying and accreditation entity/ies;

8. Encourages academic heads to submit programs for accreditation and certification for quality assurance;
  9. Validates the issuance of the PRAISE Best Intervening Performer Awards related to IQUAME, ISO, SUC Leveling and AACUP activities and functions;
  10. Guides the preparation of the Program Performance Profiles and other similar requirements of accrediting institutions;
  11. Updates the University President on institutional and accreditation concerns and issues;
  12. Disseminates information to the academic community on accreditation and quality assurance updates;
  13. Submits accomplishment reports and other reports as may be required by the University President;
  14. Disseminates to the academic community the results of accreditation survey visits and periodic audits for ISO certification and accreditations results; and
  15. Performs such duties and functions as the University President may require from time to time.
- c. *Supervisory Authority.* – The UQAAC shall supervise both internal and external evaluation by accrediting/certifying bodies as a strategy to monitor and improve its academic programs, and the following committees are constituted to support the evaluation processes:
1. The University Internal Accreditation Team (UIAT) which conducts self-surveys to assess the readiness of programs for evaluation by external bodies. In the case of periodic audits for ISO certification, the Internal Audit Team conducts an audit of the different units of the university prior to the periodic audit by the certifying body.
  2. Facilitative Committees which ensure that preparations for survey visits of external accreditors are adequate and substantive; and
  3. Accreditation Working Committees which are reconstituted every year to ensure the smooth conduct of accreditation survey visits and periodic audits.
- 83.9. ***Anti-Sexual Harassment Office.*** – There shall be an Anti-Sexual Harassment Office of the University which shall have the original and primary jurisdiction of anti-sexual harassment cases or complaints. It shall be headed by a Director who shall perform the following duties and functions:
1. Provides progressive leadership and management of the Office;

2. Receives, evaluates and processes complaints related to anti-sexual harassment filed by any student or employee against any official, faculty member, non-teaching personnel or student of the University;
3. As Head of the Secretariat, assists the Committee on Decorum and Investigation and similar committees in the conduct of its functions and activities;
4. Ensures confidentiality of proceedings and records on anti-sexual harassment cases;
5. Submits periodic reports on anti-sexual cases to the University President and such agencies concerned;
6. Recommends hiring of qualified staff and practitioners necessary in the effective and efficient functions of the Office and of the CODI;
7. Develops and ensures updating of the Anti-Sexual Harassment Code or Manual of the University; and
8. Discharge such duties and functions as the University President and/or EVSU Board of Regents may delegate from time to time.

83.10. **University Events Management Committee (UEMC).** – The University Events Management Committee.

- a. *Composition.* – The Chairperson of the Steering Team of the University Events Management Committee composed of the University President or his/her authorized representative as Chairperson, Head of the University Events Management as Vice Chairperson, Vice Presidents, Campus Directors, Deans, and Directors or Heads of Cultural Affairs Federation Presidents or their respective representatives of the Students, Faculty, and Alumni, as Members.
- b. *Duties and Functions.* – The duly constituted University Events Management Committee shall be responsible in the formulating of relevant policies including the planning, organizing, directing, evaluating, ensuring proper observance of tradition and protocols, and continuous improvement in the conduct of University events such as, but not limited to, investiture or installation of the University President, graduation exercises, conferment of honorary degrees, University foundation and charter days, and such events or activities which shall be requested by the University officials and/or assigned by the University President. It shall discharge such specific duties and functions as may be determined by the University President and/or as may be provided under the service manual duly approved by the EVSU Board of Regents upon the recommendation by the University President.

- c. *Supervisory Authority of the Head of the University Events Management.* – Under the direct direction of the Executive Producer and the University Events Management Committee, the Head shall supervise the University Events Production Staff Crew comprised of the Line Producer, Production Manager, Director, Assistant Director, Musical Director, Assistant Director, Scriptwriters, Dance Masters/Choreographers, Set Designers, Costume Designers, Lighting Director and Managers, Lighting Crew, Sound Director, Sound Crew, Stage Director, Assistant Director, Publicity Coordinator/Assistant Production Manager, Production Accountant, Production Engineer, Stage Crew, University Promotions and Relations Corps (UPRC), and Consultants who shall be designated by the University President. They shall discharge their respective duties and responsibilities as the University President may prescribe subject to existing laws, rules and regulations.
- d. *Trainings.* – The officials and personnel of the University Events Management Committee shall undergo periodic trainings to continually enhance their capabilities and potentials and for them be able to effectively and efficiently perform their respective duties and functions. All expenses necessary for the trainings and activities shall be charged against the appropriate funds of the University subject to the availability of funds, and usual accounting and auditing rules and regulations.

#### Article 16

### **Academic, Planning, Research, Extension, External Affairs, Open Distance Learning and Internationalization of the Higher Education, Employees Welfare and PRAISE, and Academic Related Offices or Units and Officers of the University**

Section 84. ***Designation and Term of Office of the College Deans, Director and Heads.*** – Designations shall be made instead of creating regular Deans, Director, Heads, Chairpersons or Coordinators positions and issuing permanent appointments thereof.

The University President shall designate the Deans, Directors and Heads from faculty members and non-teaching employees of the University for a term of two (2) years subject to the confirmation of Board. All designations may be extended or revoked earlier upon the discretion of the University President.

*Provided,* That the University President, at his/her discretion, may resort to such mechanisms in order to better ascertain the potentials and contributions of prospect individuals to be designated to the Deans, Directors and Heads positions. These mechanisms may include, such as but not limited to, accepting nominations from faculty members or staff, creation of a Performance Evaluation Committee (PEC), receipt of nomination/s or using the Strategic Performance Management System (SPMS) results and ratings for the period he/she may deems proper and adequate in the discharge of such discretion to designate.

*Provided, further,* That should the University President resorts or decides to create the PEC the same shall be composed of a Chairperson duly designated by the University President, and President of the Faculty Association, President of the Student Government and President of the Non-Teaching Personnel of the Campus concerned, as Members. The duly constituted PEC shall be convened by the University President as he or she deems necessary. *Provided, moreover,* That the proceedings of the PEC shall be held with strict confidentiality; its role shall be recommendatory in nature and the University President shall exercise complete discretion whom to designate to the positions of the College Deans Director, Heads, Chairpersons or Coordinators of the different University Campuses, as the case may be.

Section 85. ***The Deans of Colleges.*** – A College shall be headed by a Dean directly supervised by the Vice President for Academic Affairs. The Dean shall:

- 85.1. Plans, manages and coordinates the implementation of the curricular offerings and academic programs, administrative policies and the four-fold functions of the University within the College;
- 85.2. Exercises leadership and management of the College;
- 85.3. Recommends, implement policies and maintains academic standards of the respective disciplines of the College;
- 85.4. Enforces admission and graduation requirements for students in the College;
- 85.5. Recommends faculty members for designation as Department Heads in the College;
- 85.6. Identifies and establishes partnerships with both public and private tertiary education institutions or any local or foreign agencies that could help fulfill the four-fold mandates of EVSU;
- 85.7. Recommends faculty members for permanent status, promotion, commendation, disciplinary action, transfer or removal;
- 85.8. Initiates and proposes curricular programs to be offered in the College;
- 85.9. Promotes professional activities of the faculty members especially in the development area of instruction, research, extension and production;
- 85.10. Participates in professional activities and represent the College in appropriate organizations;
- 85.11. Supervises student academic research advising of students and handling of academic programs in the College;
- 85.12. Maintains and constantly updates the College services' manuals;

- 85.13. Initiates, conducts and supervises the research and community extension service programs, projects, and activities of the College;
- 85.14. Promotes the conduct of Income Generating Projects (IGP) initiatives of the College;
- 85.15. Submits proposed College budget and other annual report/s; and
- 85.16. Performs such related responsibilities inherent to the office of the College Dean or as may be assigned by the Vice President for Academic Affairs and/or University President.

Section 86. ***The Head of the Academic Department of the College and External Campuses.*** – The academic disciplines in the College and External Campuses shall be supervised by the Head under the direction of the Dean and/or Campus Director. The Head shall perform the following duties and functions:

- 86.1. Plans, manages and implements the academic, student and administrative services in the department level;
- 86.2. Administers the implementation of the curricular programs of the department;
- 86.3. Supervises the faculty members and students of the department;
- 86.4. Supervises the preparation of the course of study, recommend curriculum enrichment and propose course program/s;
- 86.5. Prepares the academic load program of the faculty members and student academic advising responsibilities and recommend other related tasks of faculty members in the Department;
- 86.6. Recommends research proposals and extension services programs;
- 86.7. Assists faculty members in the selection of textbooks and other instructional references;
- 86.8. Motivates faculty members to produce instructional materials;
- 86.9. Encourages participation in institutional IGPs;
- 86.10. Participates and represents the college in professional activities relative to their field of specialization/discipline;
- 86.11. Encourages the collaboration of the faculty members to improve instruction, educational preparation and teaching efficiency;
- 86.12. Promotes/encourages the professional activities of faculty members and conduct faculty development/enhancement programs;

- 86.13. Conducts meetings and conferences with the faculty members under his/her direct supervision;
- 86.14. Submits annual budget and report/s of the department; and
- 86.15. Performs such duties and responsibilities as may be assigned by the College Dean/Campus Director.

Section 87. ***The Director of Student Affairs and Services Office (SASO).*** – The Student Affairs and Services program shall be managed by the Director of Student Affairs and Services Office (SASO) designated by the University President. He/she shall be under the supervision of the Vice President for Academic Affairs. The Director shall:

87.1. *Specific Duties and Functions:*

- a. Plans, manages and supervises the implementation of the student services, welfare and development programs of EVSU;
- b. Supervises the implementation of the students' co-curricular, extracurricular and other student activities of the University;
- c. Supervises the implementation of the University policies on student discipline;
- d. Coordinates and supervises the conduct of student admission program of the University;
- e. Prepares the calendar of activities of the University in coordination with the Dean of Colleges, Campus Directors and other University officials;
- f. Coordinates with government and private agencies of local or foreign origin on matters related to student scholarships and financial assistance program;
- g. Prepares, maintains and constantly updates the Students' Handbook and Services' manual of the office;
- h. Initiates professional enhancement of the staff;
- i. Represents the University in meetings, seminars, trainings and other similar forum relative to student development and services;
- j. Submits budget proposals, annual reports and other information required by the University;
- k. Establishes local or foreign partnerships and strategic alliance with other Local Universities and Colleges (LUCs), SUCs and HEIs for the development of the University student services programs;
- l. Provides student counseling and guidance services;

- m. Recommends the appointment/designation of qualified personnel for the student services office;
- n. Supervises the student scholarship program of the University;
- o. Oversees the programs/activities of the student publication office and the supreme student government of the University;
- p. Proposes and/or participates in the policy-making activities concerning the student welfare and development; and
- q. Performs related tasks that may be assigned to him/her by the Vice President for Academic Affairs and/or University President.

87.2. *Supervisory Authority.* – The Director of Student Affairs and Services Office shall supervise the following sections: Student Affairs Office, Guidance Services Office, health services such as, but not limited to the Office of Dental Services and Office of Medical Services pursuant to Section 27, Rule IX of CHED Memorandum Order No. 09, s. 2013<sup>67</sup>, and such offices as may be assigned by the University President as provided for in the University Students' Handbook and/or as may be expressly authorized by the EVSU Board of Regents.

The duties and responsibilities of the Heads of these offices are as follows:

1. *The Head of Student Affairs.* – There shall be a Head of the Student Affairs under the supervision of the Director of Student Affairs and Services Office with the following duties and functions:
  - a. Supervises student development programs along personal, social, emotional and moral-spiritual aspects through guided activities, group dynamics, encounters, lecture forum, pep talks, seminars, training and the like;
  - b. Helps formulate admission guidelines and coordinate in the implementation of the general enrolment procedures of the University;
  - c. Takes charge of the orientation programs/activities of all freshmen students;
  - d. Participates in the policy making/committee deliberations concerning academic problems as well as matters relating to student discipline, welfare and interests and recommends to the University President, through the Director of SASO, appropriate action on special cases;

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<sup>67</sup> "Enhanced Policies and Guidelines on Student Affairs and Services."

- e. Keeps complete record of students for use/reference of advisers and other faculty members concerned and helps safeguard and maintain confidentiality of said records;
- f. Supervises the conduct of co-curricular, social, religious activities of students and helps to develop their interests along these areas;
- g. Assists in determining issuances of clearances for all students who are graduating and/or transferees;
- h. Recommends the conduct of fund raising activities of student organizations;
- i. Requires the submission of periodic financial reports of student organizations;
- j. Serves as consultant/adviser of all student organizations and has the authority to issue/grant permits for the recognition of said organizations;
- k. Recommends the conduct of off-campus student activities;
- l. Approves/disapproves and supervises the posting of notices, announcements and posters of organizations and departments/units of the University, as well as, outside agencies;
- m. Maintains consistency and strict observation of all provisions of the Student Handbook and University Code pertaining to students;
- n. Initiates conduct of research related to student affairs;
- o. Promotes closer understanding and harmonious relationship between faculty members and students;
- p. Coordinates with Parent-Teacher Association (PTA) in the granting of benefits to students and their beneficiaries as provided in the PTA by-laws;
- q. Provides proper linkage between the University and community on matters of student development; participation and involvement through written communications and visits to government and private agencies and in meetings and conferences of these agencies;
- r. Prepares and submits annual report, periodic reports, and/or budgetary proposals of the office;
- s. Recommends to the Director of SASO the purchase of equipment, tools, supplies and materials necessary for the operations of the office;

- t. Attends conferences, seminars, supervisory staff meetings and other activities in behalf of the office; and
  - u. Performs related work and other duties as maybe assigned by the Director of Student Affairs and Services.
2. *The Head of Guidance Services.* – The guidance and counseling program of EVSU shall be managed by the Head of Guidance Services under the direction of the Director of Student Affairs and Services Office (SASO) with the following duties and functions:
- a. Takes charge in the selection and admission of new, returning and transferring students in accordance with University policies;
  - b. Attends or conducts career guidance for a for high school students or would-be students of the University;
  - c. Provides career guidance for both students and graduates;
  - d. Prepares, maintains and continually updates the guidance and counseling service manual of the University;
  - e. Provides consultative services to faculty members and administrative staff;
  - f. Submits all the necessary reports and budget of the unit;
  - g. Supervises an effective guidance and counseling services to all students of the University;
  - h. Assists in the conduct of student admission program of the University;
  - i. Supervises the conduct of psychometric examinations to prospective employees/faculty members of the University;
  - j. Conducts follow-up studies of the job placement for alumni of the University; and
  - k. Performs such other functions as may be assigned by the Director of Student Affairs and Services.
3. *The University Medical Officer.* – The University Medical Officer shall be responsible for the sanitation and healthful living conditions of students, faculty members and personnel of the University. He/she shall conduct/perform periodic physical inspection, physical and medical examination of students, faculty members and personnel. His/her specific duties and functions are provided in the job description and/or appropriate manual of the University or as may be prescribed by the University President.

4. *The University Dental Officer.* – The University Dental Officer shall take charge of the dental services of the campus. He/she shall recommend and institute preventive oral health care of students, faculty members and personnel. His/her specific duties and functions are provided in the job description and/or appropriate manual of the University or as may be prescribed by the University President.

Section 88. ***The Director of Sports Development.*** – The Director of the Sports Development under the Vice President for Academic Affairs shall perform the following duties and functions:

88.1. *Specific Duties and Functions:*

- a. Provides progressive leadership to the Sports Development of the University subject to the provisions of this Code and such service manuals duly approved by the EVSU Board of Regents upon the recommendation of the University President;
- b. Coordinates, consolidates and implements short and long range plans concerning sports development of the University;
- c. Coordinates and supervises all sports development activities of the University;
- d. Monitors the activities of the faculty members and students concerning sports;
- e. Supervises the conduct of sports related activities such as Intramurals, Inter-college and Inter-campus Meets, and University participation in the State Universities and Colleges Athletic Association (SCUAA) and other sports competitions in local and national levels;
- f. Encourages and initiates activities that would promote and enhance the development of sports of students as well as the faculty members and non-teaching personnel of the University;
- g. Coordinates the participation of the University during provincial, city and community sports programs;
- h. Conducts and attends meetings, seminars, *fora* and conferences;
- i. Recommends the granting of scholarships to student athletes, pursuant to existing University policies, rules and regulations;
- j. In close coordination with the University Events Management Committee, manages, supervises and coordinate sports activities during the conduct of events of the University such as Charter Anniversary, Foundation Anniversary, Christmas Party, among others;

- k. Conducts a periodic evaluation of the programs and activities of the department;
  - l. Prepares and submits procurement plan, report of accomplishment and other reports as needed by the University;
  - m. Proposes and recommends the procurement of materials, equipment and facilities for the department; and
  - n. Performs related responsibilities as may be assigned by the Vice President for Academic Affairs and/or University President.
- 88.2. *Supervisory Authority.* – The Director of Sports Development shall supervise the Head of Sports, and such offices as may be assigned by the University President as provided for in the University Students' Handbook and/or as may be expressly authorized by the EVSU Board of Regents.

The duties and responsibilities of the Head of Sports Development under the direction of the Director of Sports Development shall be as follows:

- a. Formulates and implements short and long range plans on physical and sports development activities;
- b. Prepares and implements the yearly calendar of activities in sports and physical development;
- c. Supervises the scholarship program of the University athletics subject to existing policies;
- d. Identifies and manages the development and training of the University athletes;
- e. Prepares, maintains and continually updates the services' manual of the Office;
- f. Represents the University in meetings, conferences and/or seminar-workshop conducted in the field of sports and physical development;
- g. Conducts periodic evaluation of the University activities in sports and physical education development;
- h. Submits needed periodic report to the Director of SASO;
- i. Requisitions materials, equipment and facilities related to sports and physical education development; and
- j. Performs related task that may be assigned by the Director of the Sports Development.

Section 89. **Director for Culture and the Arts.** – The Director of the Culture and the Arts under the Vice President for Academic Affairs shall perform the following duties and functions:

89.1. *Specific Duties and Functions:*

- a. Provides progressive leadership to the Culture and the Arts of the University subject to the provisions of this Code and such service manuals duly approved by the EVSU Board of Regents upon the recommendation of the University President;
- b. Coordinates, consolidates and implements short and long range plans concerning culture and the arts of the University;
- c. Coordinates and supervises all culture and the arts activities of the University;
- d. Monitors the activities of the faculty members and students concerning culture and the arts;
- e. Supervises the conduct of culture and the arts activities University participation in the culture and the arts competitions in local and national levels;
- f. Encourages and initiates activities that would promote and enhance the development of culture and the arts as well as the faculty members and non-teaching personnel of the University;
- g. Coordinates the participation of the University during provincial, city and community culture and the arts programs;
- h. Conducts and attends meetings, seminars, *fora* and conferences;
- i. Recommends the granting of scholarships to culture and the arts performers or talents and others pursuant to existing University policies, rules and regulations;
- j. In close coordination with the University Events Management Unit, manages, supervises and coordinates the conduct of events of the University such as Charter Anniversary, Foundation Anniversary, Christmas Party, among others;
- k. Conducts a periodic evaluation of the programs and activities of the department;
- l. Prepares and submits procurement plan, accomplishments and other reports as needed by the University;
- m. Recommends to the University President the establishment of the talent academy of the University subject to applicable laws and regulations and approval of the EVSU Board of Regents;

- n. Proposes and recommends the procurement of materials, equipment and facilities for the department; and
- o. Performs related responsibilities as may be assigned by the Vice President for Academic Affairs and/or University President.

89.2. *Supervisory Authority.* – The Director for Culture and the Arts shall supervise the Head of Culture and the Arts, and such offices as may be assigned by the University President as provided for in the University Students' Handbook and/or as may be expressly authorized by the EVSU Board of Regents.

The duties and responsibilities of the Head of Culture and the Arts under the direction of the Director of Culture and the Arts with the following duties and functions:

- a. Coordinates the instruction of the music education classes of the University;
- b. Plans and prepares programs in musical literacy and/or other related activities;
- c. Organizes, supervises or coordinates the formation of choral groups of the students, faculty members or employees of the University;
- d. Supervises the scholarship program of students involved in cultural activities of the University subject to existing policies;
- e. Provides dynamic leadership in the improvement of instruction in music literacy and culture through research and in the use and application of innovative approaches and techniques of instruction presentation as well as in curriculum revision, updating and upgrading;
- f. Requisitions materials, equipment and facilities related to cultural development;
- g. Submits needed periodic reports to the Director of SASO;
- h. Prepares, maintains and continually updates the services' manual of the Office; and
- i. Performs related tasks as may be assigned by the Director of Culture and the Arts.

Section 90. ***The University Registrar.*** – There shall be a University Registrar under the supervision of the Vice President for Academic Affairs who shall perform the following duties and responsibilities:

- 90.1. Supervises and coordinates the management of student records;

- 90.2. Takes charge in the official enrolment/registration of students;
- 90.3. Supervises the implementation of University policies on efficient management and safekeeping of students records;
- 90.4. Prepares, maintains and continually updates the service manual of the Registrar's Office of the University;
- 90.5. Coordinates with the different Heads of Department and/or Deans of Colleges in the consolidation of lists of graduating students for approval of proper authorities;
- 90.6. Disseminates information on new rules and regulations or requirements to students;
- 90.7. Authenticates official students records;
- 90.8. Maintains good public relations with the general public;
- 90.9. Attends to the prompt compliance with requests for student records and other information;
- 90.10. Issues official transcript of records, diplomas, certifications and other scholastic records of the students and graduates;
- 90.11. Establishes effective linkages with educational institutions, locally and abroad in order to improve students records management;
- 90.12. Prepares, maintains and continually updates the official students profile;
- 90.13. Identifies and recommends promulgation and adoption of appropriate policies, rules and regulations after thorough consultation with concerned departments/colleges for the improvement of operations concerning student records management;
- 90.14. Recommends the requisition of supplies, materials, equipment and other facilities for the University Registrar's Office;
- 90.15. Supervises, coordinates and facilitates the preparation of plans and programs of the Registrar's Office such as annual procurement plan, strategic plans, budget, among others, as required by University management and concerned agencies;
- 90.16. Keeps an up-to-date roster of graduates and other statistical data related to the functions of his/her office;
- 90.17. Prepares and attends to correspondence regarding student records and other information;
- 90.18. Supervises the preparation of appropriate communications to different colleges/universities concerning grades and/or records of students; and

- 90.19. Performs such other duties as may be assigned from time to time by the Vice President for Academic Affairs and/or University President.

Section 91. **The University Librarian.** – The library services of EVSU shall be managed by the University Librarian under the direction of the Vice President for Academic Affairs with the following duties and responsibilities:

- 91.1. Plans, manages and supervises the implementation of the library services program of the University;
- 91.2. Supervises the acquisition of books, magazines, journals and other library printed material references and resources for instruction, research, extension services and production;
- 91.3. Recommends the requisition/procurement of the needed computer hardware and other equipment for the improvement of library operations;
- 91.4. Establishes linkages with other government and non-government organization of local and foreign origin in relation to library resource sharing and acquisition;
- 91.5. Prepares and continually updates the library service manual of the University; and
- 91.6. Performs related work/task as may be assigned to him/her by the Vice President for Academic Affairs and/or University President.

Section 92. **The Director of the National Service Training Program (NSTP).** – The Director of the National Service Training Program (NSTP) shall supervise the design, formulation, adoption and implementation of the different NSTP components of the University such as the Reserve Officers' Training Corps (ROTC); Civic Welfare Training Service (CWTS) and Literacy Training Service (LTS). He/she shall be under the supervision of the Vice President for Academic Affairs. His/her duties and functions are specifically provided in the NSTP Manual of the University, pertinent provisions of this Code, and R.A. No. 9163 and its IRR, as expressly authorized by the Board.

Section 93. **The Director for Planning and Development.** – The Director for Planning and Development Office shall be under the supervision by the Vice President for PRES with the following duties and functions:

- 93.1. *Specific Duties and Functions:*
- a. Plans, manages and supervises the implementation of the planning and development programs of the University;
- b. Coordinates with the different Campuses, departments/units and other offices of the University in the development or formulation of the institutional plans and programs of EVSU;

- c. Formulates and constantly updates the EVSU master development plan;
  - d. Manages and maintains sufficient provisions for planning and development of consultancy services in meetings, conferences, seminars, workshops, research forums, program and project development activities;
  - e. Monitors and evaluates the effective management and implementation of the institutional plans and development programs;
  - f. Publishes the development plans and accomplishment reports of the University for public consumption;
  - g. Prepares, maintains and continually updates the service manual of the Office;
  - h. Establishes, develops and maintains strategic linkage with other agencies of both local or foreign entities for institutional development purposes;
  - i. Submits to the President the institutional plans and accomplishment reports of the office; and
  - j. Performs related task assigned by the Vice President for Planning, Research and Extension and/or University President.
- 93.2. *Supervisory Authority.* – The Director of Planning and Development shall supervise the following units: Physical Plant and Infrastructure Development, and the Planning Office.
- a. *The Head of the Physical Plant and Infrastructure Development Office.* – The Head of the Physical Plant and Infrastructures Development Office shall be responsible in the preparation of the master plan of the physical plant and the building program of the University. His/her specific duties and functions are provided in the job description manual of the University.
  - b. *The Head of the Planning Office.* – The Head of the Planning Office shall be responsible in providing the University with economical, efficient and effective services related to planning, programming, and project development. His/her specific duties and functions are provided in the job description manual of the University.

Section 94. ***Director of Research and Development Office.*** – The research and development program of EVSU shall be supervised by the Director under the Office of the Vice President for Planning, Research, and Extension Services (PRES). The Director of Research and Development shall discharge the following functions and duties:

94.1. *Specific Duties and Functions:*

- a. Exercises general supervision of the research and development programs of EVSU;
- b. Encourages the conduct of scientific breakthroughs or improvements in the educational aspects, technological designs, quality work and skills development, methodology, practical science, application of scientific theories in the natural and physical sciences, aesthetic aspects and communication abilities and other similar endeavor;
- c. Invites investors for commerciable technologies;
- d. Maintains and continually updates the Research Manual of the University;
- e. Supervises the publication of research outputs, scholarly investigations, new found concepts and inventive projects, scientific technological news, annual reports, catalogues, research *fora* or colloquia and others;
- f. Organizes Science and Technology (S&T) *fora* or colloquia to continually enhance research culture in the University;
- g. Conducts the information dissemination of research outputs to the academic community and other prospective clientele;
- h. Coordinates with the other operating units of the University and recommends project/research proposals to the Research Advisory Committee;
- i. Facilitates the patenting and copyrighting of new technologies generated, innovations, inventions and other scientific discoveries; and
- j. Performs related task assigned by the Vice President for Planning, Research and Extension and/or University President.

94.2. *Supervisory Authority.* – The Director for Research and Development shall supervise the Heads for Research Development, Commercialization and Intellectual Property Rights, and Dissemination and Publications and the R&D Heads or Chairpersons of the different Colleges and Campuses of the University.

Section 95. ***The Director of the Extension Services Office.*** – The Director of Extension Services under the Office of the Vice President for Planning, Research, and Extension Services (PRES). The Director for Extension Services who shall perform the following functions and duties:

95.1. *Specific Duties and Functions:*

- a. Exercises general supervision of the extension services programs of University;

- b. Formulates plans and organizes extension services activities of the University;
- c. Coordinates the community outreach programs of the University;
- d. Assists/supervises the conduct of community surveys in order to identify community outreach work of the University;
- e. Maintains and continually updates the Extension Services Manual of the University;
- f. Conducts a periodic evaluation/appraisal of the extension service programs of the University for continuous improvement;
- g. Establishes and sustains linkages with local or foreign agencies in the conduct of community extension; and
- h. Performs related task assigned by the Vice President for Planning, Research, and Extension Services and/or University President.

95.2. *Supervisory Authority.* – The Director for Extension Services shall supervise the Heads for Linkages and Community Engagements, Dissemination and Publications of Matured Technology, Poverty Alleviation and Livelihood Program, the Extension Heads or Chairpersons of the different Colleges and Campuses, and Head of National Greening Program (NGP) of the University.

Section 96. ***The Director of External Affairs.*** – The Director of External Affairs shall have the following duties and responsibilities:

96.1. *Specific Duties and Functions:*

- a. Initiates and/or establishes linkages with other government agencies, non-government organizations, universities and colleges, private entities whether local or foreign, to solicit support for the different projects, programs and activities of the University;
- b. Prepares/reviews memorandum of agreement/understanding and such other contracts that the University may enter into with external entities/agencies in pursuit of its efforts to provide effective and efficient delivery of its services in consonance with its four-fold functions;
- c. Acts as Liaison Officer of the University President working closely with the Congress of the Philippines, Commission on Higher Education (CHED), Civil Service Commission (CSC), Department of Budget and Management (DBM) and other agencies;
- d. Maintains directory of all external linkages/networks;

- e. Prepares communications and such other documents necessary to establish networks with external entities/agencies; and
- f. Performs other related tasks as required by the Vice President for Internationalization and External Affairs and/or University President.

96.2. *Supervisory Authority.* – The Director of External Affairs is responsible to supervise the activities of the following sections: Media Affairs Office, On-the-Job Training, Apprenticeship, Job Placement and Go Negosyo Center (JPGNC), University Publications Office, and such related offices that heretofore may be created and/or assigned by the University President.

The duties of the Heads of these offices are follows:

- a. *The Head of the Media Affairs.* – The Head of the Media Affairs shall be responsible for the communication and information development of the University. He/she shall establish public relations linkages with different institutions/agencies in terms of information generation and dissemination of the development plans, programs and projects of the University. His/her specific duties and functions are provided in the job description and/or appropriate manual of the University.
- b. *The Head of the On-the-Job Training, Apprenticeship, Job Placement and Go Negosyo Center.* – The Head of the On-the-Job Training, Job Placement and Go Negosyo Center shall organize annual or periodic job fairs and assist the Director for External Affairs in establishing and maintaining linkages with different institutions/agencies companies or industries both local and abroad. His/her specific duties and functions are provided in the job description and/or appropriate manual of the University.
- c. *The Head of the Publications Office.* – The Head of the Publications Office shall be responsible of managing and sustaining the University Publications and his/her specific duties and responsibilities as the University President may determine and/or as may be provided in the appropriate service manual of the University duly approved by the EVSU Board of Regents upon the recommendation by the University President.

Section 97. ***The Director of Open Distance Learning and Internationalization of Higher Education of the University (ODLIHEU).*** – The Director of Open Distance Learning and Internationalization of Higher Education of the University shall have the following duties and responsibilities:

97.1. *Specific Duties and Functions:*

- a. Exercises general supervision of the internalization of higher education and open distance learning (ODL) programs of University;

- b. Formulates plans and organizes the internalization of higher education and ODL programs and activities of the University;
  - c. Initiates and/or establishes linkages with other universities and colleges, government agencies, non-government organizations, private entities whether local or foreign, in the implementation of the internationalization of higher education and ODL of the University;
  - d. Maintains and continually updates the Internalization of Higher Education and Open Distance Learning Manual/s of the University;
  - e. Conducts a periodic evaluation/appraisal of the internalization of higher education and ODL programs of the University for continuous improvement;
  - f. Prepares/reviews memorandum of agreement/understanding and such other contracts that the University may enter into with Higher Education Institutions ((HEIs) or agencies in pursuit of its efforts to provide effective and efficient delivery of its services in consonance with its four-fold functions;
  - g. Ensure proper, efficient and effective implementation of the policies and standards on the internationalization of higher education and ODL of the University promulgated by the Commission on Higher Education (CHED) and other competent authorities;
  - h. Prepares communications and such other documents necessary to establish networks with external entities/agencies related to internalization of higher education and ODL programs of the University;
  - i. Maintains directory of all linkages on the internalization of higher education and ODL programs of the University; and
  - j. Performs other related tasks as required by the Vice President for Internationalization and External Affairs and/or University President.
- 97.2. *Supervisory Authority.* – The Director of Open Distance Learning and Internationalization of Higher Education of the University is responsible of supervising the activities of the following sections: Office of Foreign Student Affairs, Open Distance Learning Center (ODLC), Continuing Education and Life-long Learning Center (CELLC), ASEAN and International Relations Center, and such other related offices that heretofore may be assigned by the University President.

The duties of the Heads of these offices are follows:

1. *The Head of the Office of Foreign Student Affairs.* – The Head of the Office of Foreign Student Affairs shall be responsible in looking into the welfare of foreign students enrolled in the University. His/her specific duties and functions are provided in the job description and/or appropriate manual of the University.
2. *The Head of Open Distance Learning Center (ODLC).* – The Head of the Open Distance Learning (ODL) Center shall, among others, assist the Director for ODLIHEU in the management of the office and in carrying of his or her duties related to open distance learning programs, projects and activities of the University. His/her specific duties and functions are provided in the job description and/or appropriate manual of the University.
3. *The Head of Continuing Education and Life-long Learning Center (CELLC).* – The Head of the Continuing Education and Life-long Learning Center shall, among others, assist the Director for ODLIHEU in the management of the office and in carrying of his or her duties related to continuing education and life-long learning programs, projects and activities of the University. His/her specific duties and functions are provided in the job description and/or appropriate manual of the University.
4. *The Head of ASEAN and International Relations Center.* – The Head of the ASEAN Center shall, among others, assist the Director for ODLIHEU in the management of the office and in carrying of his or her duties related to ASEAN integration and international relations and sustainability of programs, projects and activities thereof. His/her specific duties and functions are provided in the job description and/or appropriate manual of the University.

Section 98. ***The Director for the University People’s Freedom of Information.*** – The Director of the University People’s Freedom of Information (UPFOI) shall perform the following duties and functions:

98.1. *Duties and functions of the Director:*

- a. Provides progressive leadership in the Office of the University People’s Freedom of Information (UPFOI);
- b. Reviews and approves all requests for information filed and processed at the various University academic and administrative offices, branches, centers, units or sections;
- c. Recommends the procurement of the necessary equipment and facilities necessary in the implementation of the University PFOI Manual;
- d. Directly supervises and monitors the performance of the FROs of the different Campuses, Colleges, Academic and Administrative Centers or Offices of the University;

- e. Represents the University, upon the authority of the University President, in external meetings and where such representation is deemed necessary;
  - f. Formulates and executes such measures deemed essentials in ensuring proper, effective and efficient implementation of this Manual in so far as expressly authorized by the University President and/or EVSU Board of Regents;
  - g. Prepares reports on Freedom of Information and submit the same to the University President for further review and to the appropriate government agencies concerned;
  - h. Determines the agenda of the Committees on FOI created under the University PFOI Manual;
  - i. Submits budget, programs and activities prepared by the heads or coordinators on FOI of the different academic and administrative offices, sections or units; and
  - j. Performs the duties and functions as expressly provided under this University Code, University PFOI Manual and/or as may be delegated by the University President and/or EVSU BOR.
- 98.2. *Supervisory Authority.* – The Director of the University PFOI shall supervise the FOI Receiving Officers (FROs) in various Campuses, offices, sections or units who shall discharge the following duties and functions, to wit:
- a. Receives, on behalf of the University or any of its Campuses, offices, centers, sections or units, all requests for information;
  - b. Maintains a logbook of all requests chronologically received for tracing or tracking and accountability purpose;
  - c. Forwards or refers to the appropriate person which has the custody of the records as defined under the University PFOI Manual;
  - d. Provides assistance and support to the public with regard to FOI requests, compile statistical information as required, and conduct initial evaluation of the request;
  - e. Monitors all FOI requests and appeals, and provides assistance to the FOI Decision Maker (FDM);
  - f. Upon completion of the evaluation within the period set in Executive Order No. 02, advises the requesting party/ies of any decision on request;
  - g. Assists the requesting party/ies or requester/s in the accomplishment, referral and processing of their respective requests for information including appeal or requests for reviews;

- h. Prepares reports on Freedom of Information and submit the same to the Director of the UPFOI and University President for further review and to the appropriate government agencies concerned;
- i. Assists the Director of the UPFOI in the realization of the mandates of the UPFOI Office and in the discharge of his or her duties and functions; and
- j. Performs the duties and functions as expressly provided under this University Code, University PFOI Manual and/or as may be delegated by the Director for UPFOI and/or University President.

Section 99. ***Duties and Functions of the Director of the Data Privacy and Protection Office (DPPO) of the University.*** – The duties and functions of the University DPPO Director be as follows:

99.1. *Specific Duties and Duties:*

- a. Serves as the Data Privacy Compliance Officer or Data Protection Officer of the University and ensures compliance of the University with applicable laws and regulations for the protection of data privacy and security;
- b. Provides leadership of the Data Privacy Management Office of the University and recommends the designation or hiring of personnel of the office consistent with existing laws, rules and regulations.
- c. Coordinates with the different Campuses, Colleges, branches, offices, units of the University in the collection, processing, retention and sharing of personal information of officials or officers, faculty members non-teaching personnel or employees and students of the University and ensures that these are compliant with the provisions of this Code, Data Privacy and Protection Manual of the University, Republic Act No. 10173 and its IRR and subsequent issuances of the National Privacy Commission;
- d. Identifies and recommends to the University President for the procurement of equipment, facilities and materials necessary for the proper, efficient and effective compliance of the University to the requirements and standards set forth under R.A. No. 10173 and its IRR and subsequent issuances by the National Privacy Commission as expressly authorized by the Board upon the recommendation of the University President;
- e. Closely coordinates with the National Privacy Commission and its officials and personnel and such agencies in the conduct of awareness, seminars, conferences, and consultations related to privacy data protection and management;

- f. Prepares and submits periodic reports as the University President may require and/or the National Privacy Commission (NPC) may prescribe;
- g. Represents the University, upon proper authorization by the University President, in meetings and functions where such representation are necessary and incidental to the discharge of the foregoing duties and functions;
- h. Formulates and executes such policies as may be deemed necessary for the proper, effective and efficient implementation of this provision of the Code, Data Privacy and Protection Manual of the University, R.A. No. 10173 and its IRR and subsequent issuances of the Commission subject to the approval of the Board upon the recommendation of the University President; and
- i. Performs such duties and functions as may be provided under this Code, Data Privacy and Protection Manual of the University, R.A. No. 10173 and its IRR and subsequent issuances of the Commission.

99.2. *Supervisory Authority.* – The Director of the Data Privacy and Protection Office of the University shall have direct supervision of the Office of Personal Information Controller and Processing, and Data Protection Coordinators of the different Colleges and Campuses.

The duties of the Heads of these offices shall be as follows:

1. The *Personal Information Controllers and the Personal Information Processors* shall:
  - a. Assists the Director of the Data Privacy and Protection Office (DPPO) of the University in the implementation of appropriate data protection policies that provide for organization, physical, and technical security measures, and, for such purpose, take into account the nature, scope, context and purposes of the processing, as well as the risks posed to the rights and freedoms of data subjects;
  - b. Assists the Director in the discharge of the functions and mandates of the DPPO;
  - c. Discharges such duties and functions provided under this Code, Data Privacy and Protection Manual of the University, R.A. No. 10173 and its IRR and subsequent issuances of the Commission and as expressly authorized by the Board upon the recommendation of the University President; and
  - d. Exercises such duties as the Director of the DPPO and University President may determine from time to time.

2. *The Data Protection Coordinators of Campuses and Colleges.* – The Data Protection Coordinators of University Campuses and Colleges shall assist the DPPO Director in the collection, processing, and retention of data in their respective Campuses and provide necessary assistance as the DPPO Director and personnel may request from time to time.

Section 100. ***The Director of Program on Awards and Incentives for Service Excellence (PRAISE) Center.*** – The Director of Program on Awards and Incentives for Service Excellence (PRAISE) Center shall have the following duties and responsibilities:

100.1. *Specific Duties and Functions:*

- a. Exercises general supervision of the internalization of the Program on Awards and Incentives for Service Excellence (PRAISE) of the University consistent with the provisions of the EVSU PRAISE System Manual;
- b. Formulates plans and organizes PRAISE evaluation processes, conferment of awards and activities incidental to the proper, effective and efficient implementation of the EVSU-PRAISE System;
- c. Closely coordinates with the CSC Regional Office No. VIII for technical assistance and guidance in the proper, effective and efficient implementation of the EVSU PRAISE System;
- d. Organizes and maintains databank system for the proper safekeeping of the records on PRAISE of the University officials or officers, faculty members and non-teaching personnel;
- e. In coordination with the University Officials concerned, prepares the periodic budget necessary in the conduct of PRAISE awards and incentives including the necessary processes or activities thereof.
- f. Represents the Vice President for Administration and Finance during the latter's absence and/or when such representation is deemed necessary and duly authorized by the University President;
- g. Requests for procurement of supplies and materials including facilities and equipment deemed necessary for proper, effective and efficient implementation of the EVSU PRAISE System;
- h. Assists the PRAISE Committees in the conduct of meetings and such official functions;
- i. Conducts a periodic evaluation/appraisal of the PRAISE System for continuous improvement;

- k. Prepares periodic reports on EVSU-PRAISE System and submit the same, to the CSC Regional Office No. VIII and such government agencies concerned, after proper review and clearance by the Vice President for Administration and Finance and/or University President; and
  - l. Performs other related tasks as required by the Vice President for Administration and Finance and/or University President.
- 100.2. *Supervisory Authority.* – The Director of Program on Awards and Incentives for Service Excellence (PRAISE) Center shall directly supervise the PRAISE Secretariat and PRAISE Coordinators of the different Campuses, Colleges or Departments and such other related offices that heretofore may be created and/or assigned by the University President.

Section 101. ***The Director for Alumni Relations and Affairs Office (ARAO)***– The Director for Alumni Relations and Affairs Office (ARAO) shall have the following duties and responsibilities:

101.1. *Specific Duties and Functions:*

- a. Provides progressive leadership and supervises the staff of the Alumni Relations and Affairs Office of the University;
- b. Develops and updates accurate and complete database records; capture contact, biographical and career information of alumni via surveys, projects (e.g. alumni directory), correspondence, website, postal returns, etc.;
- c. Works closely with the Officers and Board of Directors/Trustees of the duly recognized Alumni Association of the different Campuses and the recognized Federation of Alumni Associations of the University in matters such as, but not limited to, in arranging meetings, staffing of its committees and ensuring strong and productive relationships between its members and the academic and leadership of the University, and in implementing fund raising activities and such programs and projects that would help realize the objectives of these associations and of the University;
- d. Serves as the *ex officio* Administrative Officer of the duly recognized Alumni Association of the different Campuses and the recognized Federation Alumni Associations;
- e. Develops and submits for review and approval by the University President annual strategic and operating plans;
- f. Plans, implements and promotes alumni programs that support the University strategic plan as well as to coordinate with the different academic units and the administration to ensure the inclusion of alumni relations in institutional priorities and University policies;

- g. Establishes sustainable relationships with a wide range of alumni, locally, regionally, nationally and internationally; maintains regular communication with alumni via direct contact, email blasts, alumni web pages, and print publications;
  - h. Conducts information and education campaigns (IECs) to graduating students about the rights, duties and benefits of alumni of the University;
  - i. Coordinates with the Director of Affairs and Services Office in the formulation of plans relative to the growth and accessibility of career networking services for students and alumni;
  - j. Coordinates with the different academic units and the administration to ensure the inclusion of alumni programs, projects and activities in the institutional priorities and policies of the University;
  - k. Oversees and balance the budget for Alumni Relations; within the annual program budget;
  - l. Develop an effective Alumni Association a positive image and promote participation and goodwill;
  - m. Submits periodic reports to the University President; and
  - n. Performs such other duties as the Board of Directors/Trustees of the duly recognized Alumni Associations of EVSU Campuses and/or Federation of Alumni Associations of the University may request and/or as the University President may prescribe from time to time.
- 101.2. *The Heads of Alumni Relations and Affairs Office (ARAO) of the University Campuses.* – The Heads of the Alumni Relations and Affairs Office of the University Campuses shall be designated by the University upon the recommendation by the Officers or Board of Trustees of the duly recognized Alumni Association concerned. They shall be responsible in promoting alumni relations and establish strong and solid linkages with all alumni in the University Campus. They assist the Director for ARAO in the discharge of the latter’s duties provided above, and they perform such functions as may be delegated by the ARAO Director and/or University President.

#### Article 17

### **Administrative Offices and Officers**

Section 102. **General Rule.** – The University President shall appoint or designate Administrative Officials from among the ranking and qualified

personnel of the University in accordance with the Civil Service rules and regulations and subject to the confirmation of the EVSU Board of Regents.

The Administrative Departments or Office of EVSU function primarily to support the educational and other programs of the University. The Administrative Services Department covers the major areas of administrative, facilities development and maintenance, human resource development, and other related services or offices as may be provided under this Code and/or as may be determined by the University President as authorized by the EVSU Board of Regents.

Section 103. ***The Director of the Administrative Services.*** – The Director of the Administrative Services shall exercise the following duties and responsibilities:

103.1. *Specific Duties and Functions:*

- a. Provides leadership of the University administrative services;
- b. Supervises and coordinates the operations of administrative services such as, but not limited to, records management, procurement and property management, grounds, water, electrical, physical facilities, infrastructure, maintenance and development, motor vehicle maintenance, general and security services; and such other related services heretofore provided;
- c. Supervises the implementation of office and administrative policies, plans, programs, and regulations of the University as approved by competent authorities and decides on routine employees relation problems and conflicts;
- d. Identifies and recommends the formulation and adoption of appropriate administrative policies, rules and regulations after thorough consultation with concerned offices/divisions for the improvement of office and administrative operations;
- e. Conducts ocular inspection of properties/physical facilities of the University in order to come up with appropriate recommendations for its improvement and development;
- f. Supervises and coordinates the preparation of reports for the Administrative Services Division of the University;
- g. Supervises and facilitates the preparation of plans and programs of the Administrative Services Division such as procurement plan, staff development plan, strategic plan, among others;
- h. Prepares office orders and memoranda for the proper guidance of employees in the office as directed or approved by competent authorities;

- i. Acts as alternate approving and signing officer of the University President of cheques or checks and other financial transactions subject to the limitations as the University President and/or pertinent policies may prescribe;
  - j. Plans and coordinates the conduct of in-service trainings, seminars and workshops on administrative matters; and
  - k. Does other tasks as required by the Vice President for Administration and Finance and/or University President.
- 103.2. *Supervisory Authority.* – The following units or sections shall be direct supervision by the Director for Administrative Services:
- a. Human Resource Management and Development Office;
  - b. Procurement and Property Management Office;
  - c. Records Management Office;
  - d. Security Office;
  - e. Maintenance and Engineering Services Office; and
  - f. Such sections that heretofore maybe assigned by the University President.

Section 104. ***The Head of Human Resource Management and Development Office (HRMDO).*** – The Head of Human Resource Management and Development Office shall be responsible of the human resource management and development of the University pursuant to existing rules and regulations. The HRMD Officer shall recommend the development of a comprehensive and balanced HRM system and programs designed to advance professionalism, promote employee morale, work integrity, service efficiency, values responsiveness, organizational harmony and public courtesy in the four-fold delivery of services of the university. His/her specific duties and functions are provided in the job description and/or appropriate manual of the University.

Section 105. ***The Head of the Records Management Office.*** – The Head of the Records Management Office shall be responsible in the custody, safekeeping, archiving, preservation and management of records of the University. His/her specific duties and functions are provided in the job description and/or appropriate manual of the University.

Section 106. ***The Head of the Procurement and Property Management Office.*** – The Head of the Procurement and Property Management Office shall be responsible in recording and monitoring acquisition of properties through procurement, donations, and other forms. Included among his/her tasks is the storage and/or distribution of acquired equipment, supplies and/or materials to the end-users and safekeeping of all records pertinent to University properties and ensuring that all equipment, supplies and/or materials are properly maintained, safe from negligent deterioration and unnecessary wastefulness due to misuse of the supplies or equipment. His/her specific duties and functions are provided in the job description and/or appropriate manual of the University.

Section 107. **The Head of the Security Office.** – The Head of the Security Office shall be responsible to secure the physical safety and security of EVSU constituents and its properties specifically from theft and losses. He/she shall ensure peace and order in the University campus. Included among his or her tasks is the installation of physical facilities/equipment and implementation of measures promulgated by competent authorities to ensure the safety and security of everyone inside the campus. His/her specific duties and functions are provided in the job description and/or appropriate manual of the University.

Section 108. **The Head of the Maintenance and Engineering Services Office.** – The Head of the Maintenance and Engineering Services Office shall be responsible in the upkeep, maintenance and development of the grounds, physical facilities and infrastructure, office equipment, plumbing, electrical, and motor vehicles of the University. His/her specific duties and functions are provided in the job description and/or appropriate manual of the University.

Section 109. **The Director of Financial Services.** – The Director of Financial Services shall have the following duties and responsibilities:

109.1. *Specific Duties and Functions:*

- a. Provides leadership of the University financial services;
- b. Recommends sound internal control;
- c. Supervises and coordinates the activities of the Finance Services Division composed of the following: Budget, Cashiering, Accounting and such other related sections heretofore created;
- d. Supervises and participates in the preparation of annual, supplemental and special budget of the University and prepares supporting documents and justifications;
- e. Supervises and coordinates the allocation of funds to the different campuses, colleges and departments of the University;
- f. Supervises the implementation of financial policies, plans, programs, rules and regulations of the University as approved by competent authorities;
- g. Acts as adviser/consultant of the University on financial matters;
- h. Acts as alternate approving and signing officer of the University President of cheques or checks and other financial transactions subject to the limitations as the University President and/or pertinent policies may prescribe;
- i. Attends budget hearings and justifies budget proposals to reviewing authorities;

- j. Confers with proper authorities on the releases of funds;
- k. Maintains public relations with the Department of Budget and Management (DBM) and other concerned agencies;
- l. Reviews financial reports, statements and other data which are financial in nature, and ensures proper reporting and timely submission of reports;
- m. Recommends and assists the formulation of fiscal policies, rules and regulations;
- n. Safeguards University funds and promotes efficient and effective operation of the Finance Services Department; and
- o. Does related tasks as required by the Vice President for Administration and Finance and/or University President.

109.2. *Supervisory Authority.* – The Director of the Finance Services shall exercise supervision over the Cashier, Budget, Accounting and such other sections heretofore maybe assigned by the University President.

Section 110. ***The Head of the Budget Section.*** – The Head of the Budget Section shall be responsible in the preparation of the annual, periodic and supplemental budgets of the University in coordination with the different campuses, colleges, and departments. Likewise, he/she is in charge of monitoring the general and special trust fund of the University. His/her specific duties and functions are provided in the job description and/or appropriate manual of the University.

Section 111. ***The Head of the Cashiering Section.*** – The Head of the Cashiering Section shall be responsible in the collection and disbursements of University funds. He/she is in charge in the safekeeping of cash of the University. His/her specific duties and functions are provided in the job description and/or appropriate manual of the University.

Section 112. ***The University Accountant.*** – The University Accountant shall be responsible in the financial recording and safekeeping of the financial records/documents of the University. He/she shall supervise the maintenance of the books of accounts of the University. His/her specific duties and functions are provided in the job description and/or appropriate manual of the University.

#### Article 18

### **Expiration of the Term of Office, Hold-Over Capacity and Entitlements of the Officials and Officers of Offices, Centers, Departments or Units of the University**

Section 113. ***Expiration of the Term of Office of Officials and Officers of Offices, Centers, Departments and Units of the University.*** – Unless otherwise explicitly provided in existing laws, rules and regulations

and/or by the University President, the term of office of the officials and officers of offices, departments and units of the University shall expire on the last day of the term so authorized by the University President pursuant to a Special Order or appropriate issuances thereof.

*Provided*, That this shall not preclude the authority of the University President to shorten the term of office or rescind the designation of any official or officer of the University.

Section 114. ***Hold-over Capacity of Officials and Officers of Offices, Departments and Units of the University.*** – Unless otherwise explicitly provided in existing laws, rules and regulations and/or as may be determined by the University President, all officials and officers of campuses, offices, centers, departments and units of the University shall continue to perform their respective duties and functions after their respective terms of office in an hold-over capacity until their respective replacements are duly designated by the University President.

*Provided*, That the pertinent provisions of this Code and in such Services' Manuals or policies of the University shall strictly be observed in the performance of duties and entitlements of officials during their respective hold-over capacity.

Section 115. ***Entitlements of Representation and Transportation Allowance (RATA).*** – All designated Vice Presidents, College Deans, Campus Directors, Directors and Heads of Departments, Centers or Offices of the University shall be entitled to Representation and Transportation Allowance (RATA), with the general rules below, subject to the provisions of NBC No. 404<sup>68</sup>, NCC No. 67<sup>69</sup>, NBC 461<sup>70</sup>, NBC 548<sup>71</sup> and subsequent issuances thereof:

115.1. *Equivalent Rank of the University Officials or Officers.* - The equivalent rank of the Officials or officers of the University shall be consistent with the provisions of NCC No. 67 and Position Compensation Scheme for Faculty Members of SUCs<sup>72</sup> prescribed by the DBM which shall continually be adjusted based on the SUC Leveling of the University<sup>73</sup>, and subsequent issuances thereof, subject to the requirements provided thereof as provided hereunder, to wit:

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<sup>68</sup> National Budget Circular No. 404 dated March 29, 1989 entitled, "Guidelines Governing the Grant of Representation and Transportation Allowance."

<sup>69</sup> National Compensation Circular No. 67 dated January 1, 1992 entitled, "Representation and Transportation Allowance of National Government Officials and Employees."

<sup>70</sup> National Budget Circular No. 461 dated June 1, 1998 entitled, "Revising and Updating the Compensation and Position Classification for Faculty Positions Embodied in National Compensation Circular (NCC) No. 69."

<sup>71</sup> National Budget Circular No. 548 dated May 15, 2013 entitled, "Amended Rules and Regulations on the Grant of Representation and Transportation Allowances."

<sup>72</sup> Chapter 7 of "Position Compensation Scheme for Faculty Members of State Universities and Colleges."

<sup>73</sup> Joint DBM-CHED Circular No. 2, s. 2016 entitled, "DBM-CHED Joint Circular No. 1, s. 2003 dated May 29, 2003 entitled, "SUC Leveling Instrument and Implementation Thereof" as amended.

| <b>Positions</b>       | <b>SUC Level III per JDBM-CHED Circular No. #B dated June 21, 2007 and Equivalent Rank under Annex A of NCC No. 67 and its Subsequent Issuances</b> | <b>Requirements</b>   |                        |   |   |    |   |    |   |    |   |    |
|------------------------|---|---|------------------------|---|---|----|---|----|---|----|---|----|
| University President   | Assistant Secretary or higher   | SUC Leveling Category   |                        |   |   |    |   |    |   |    |   |    |
| Vice Presidents        | Assistant Bureau Director or higher   | SUC Leveling Category   |                        |   |   |    |   |    |   |    |   |    |
| University Secretary   | Assistant Bureau Director or higher   | SUC Leveling Category   |                        |   |   |    |   |    |   |    |   |    |
| College Deans          | Chief of Division or higher   | <p>a. For designated Dean of Graduate School- must have at least a Master of Arts/Master of Science with 15 faculty members<sup>74</sup>.</p> <p>b. For designated Deans of Colleges of the University Campuses- must have at least four (4) degree programs and a teaching complement of forty (40) full-time faculty members<sup>75</sup>.</p> <p>In case the Campus or College cannot meet the minimum number of programs required as indicated in b above, it may still be entitled to a Dean, if it meets the following:</p> <table border="1" data-bbox="980 1419 1398 1650"> <thead> <tr> <th data-bbox="980 1419 1170 1514"><b>No. of Programs</b></th> <th data-bbox="1170 1419 1398 1514"><b>No. of Full-time Faculty Members</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="980 1514 1170 1549">4</td> <td data-bbox="1170 1514 1398 1549">40</td> </tr> <tr> <td data-bbox="980 1549 1170 1585">3</td> <td data-bbox="1170 1549 1398 1585">50</td> </tr> <tr> <td data-bbox="980 1585 1170 1621">2</td> <td data-bbox="1170 1585 1398 1621">60</td> </tr> <tr> <td data-bbox="980 1621 1170 1650">1</td> <td data-bbox="1170 1621 1398 1650">70</td> </tr> </tbody> </table> | <b>No. of Programs</b> | <b>No. of Full-time Faculty Members</b> | 4 | 40 | 3 | 50 | 2 | 60 | 1 | 70 |
| <b>No. of Programs</b> | <b>No. of Full-time Faculty Members</b>   |   |                        |   |   |    |   |    |   |    |   |    |
| 4                      | 40  |   |                        |   |   |    |   |    |   |    |   |    |
| 3                      | 50  |   |                        |   |   |    |   |    |   |    |   |    |
| 2                      | 60  |   |                        |   |   |    |   |    |   |    |   |    |
| 1                      | 70  |   |                        |   |   |    |   |    |   |    |   |    |
| Campus Director        | Chief of Division or higher   | For designated Director of each satellite campus/branch/center/institute <sup>76</sup> :  |                        |   |   |    |   |    |   |    |   |    |

<sup>74</sup> Item 7.13.2.2.1 of the Manual on Position of Classification and Compensation.

<sup>75</sup> Item 7.13.2.2.2 of the Manual on Position of Classification and Compensation.

<sup>76</sup> Item 7.13.2.3.4 of the Manual on Position of Classification and Compensation.

|                                       |                             |   |
|---------------------------------------|-----------------------------|---|
|                                       |                             | <p>a. Campus is created by law;</p> <p>b. Campus has a complete administrative staff, i.e., at least a budget officer, an accountant or bookkeeper, an administrative officer or administrative assistant, a supply officer or property custodian, a cashier or disbursing officer and other support positions such as clerks, janitors and security guards; and</p> <p>c. At least 1,000 students in the tertiary level.</p> |
| Director for Research and Development | Chief of Division or higher | <p>For designated Director for Research Services of the different University Campuses:</p> <p>a. With a least Php500,000 appropriation for research service function of the Campus; and</p> <p>b. When no authorized research function in the GAA, the Campus shall have at least 10 research projects with a total cost of Php500,000 per annum.</p>   |
| Director for Extension Services       | Chief of Division or higher | <p>For designated Director for Extension Services<sup>77</sup> of the different University Campuses:</p> <p>a. With a least Php500,000 appropriation for extension service function of the Campus; and</p> <p>b. When no authorized extension function in the GAA, the Campus shall have at least 10 extension services with a total cost of Php500,000 per annum.</p>  |
| Director for Auxiliary Services/IGP   | Chief of Division or higher | <p>For designated Director for Auxiliary Services/IGP<sup>78</sup> of the different University Campuses:</p>  |

<sup>77</sup> Item 7.13.2.3.2 of the Manual on Position of Classification and Compensation.

<sup>78</sup> Item 7.13.2.3.3 of the Manual on Position of Classification and Compensation.

|  |                             |   |
|--|-----------------------------|---|
|  |                             | <p>a. With a yearly income from its operations of at least Php60,000; and</p> <p>b. With at least seven (7) personnel involved in such income generating projects.</p>  |
| Director of SASO   | Chief of Division or higher | For designated Director of Student Affairs Services in each University Campus with at least 4,000 college students per Campus <sup>79</sup> .   |
| Administrative Officer V or Director for Administrative Services                         | Chief of Division or higher | The unit has at least seven (7) personnel occupying regular items in the PSI <sup>80</sup> .  |
| Financial and Management Officer (FMO) or Director for Financial Management Office (FMO) | Chief of Division or higher | The unit has at least seven (7) personnel occupying regular items in the PSI <sup>81</sup> .  |
| Director/Head for Administrative and Financial Services                                  | Chief of Division or higher | The unit has at least seven (7) personnel occupying regular items in the PSI <sup>82</sup> .  |
| Department Heads of the different Departments or Colleges                                | Chief of Division or higher | For designated department Heads of different departments/colleges, each one having at least 4 degree programs with each program differentiated from each other by 33% (the distinction of the programs to be certified by the CHED) <sup>83</sup> . |
| Directors of other Departments, Centers or Offices                                       | Chief of Division or higher | Subject to determination by the DBM.  |

**115.2. Entitlement of Faculty Members and Non-Teaching Personnel Designated as Officers-in-Charges (OICs) in the Various Positions.** – The RATA shall also be enjoyed by faculty members who are designated as Officer-in-Charge (OIC) in the Offices of the University President, Vice Presidents, Campus

<sup>79</sup> Item 7.13.2.3.5 of the Manual on Position of Classification and Compensation.

<sup>80</sup> Item 4.5.1 of NBC No. 404 dated March 29, 1989, "SUC Officials entitled to Representation and Transportation Allowances (RATA)."

<sup>81</sup> Item 4.5.2 of NBC No. 404 dated March 29, 1989, "SUC Officials entitled to Representation and Transportation Allowances RATA."

<sup>82</sup> Item 4.5.2 of NBC No. 404 dated March 29, 1989, "SUC Officials entitled to Representation and Transportation Allowances RATA."

<sup>83</sup> Item 7.13.2.3.6 of the Manual on Position of Classification and Compensation.

Directors, College Deans, Directors or Heads of Departments subject to the provisions of NBC No. 548 and subsequent issuances thereof.

Section 116. **Salary Grade and Salary Differentials of the Vice Presidents.** – The Salary Grade of the designated Vice Presidents shall be subject to NBC No. 02, s. 2003<sup>84</sup> and its subsequent issuances. *Provided*, That they shall be entitled to the difference between their present salaries and the 1<sup>st</sup> step of the salary grade of the VP Positions corresponding to the level of the University. Said salary differentials shall form part of their actual salaries as designated VPs. The year-end benefits (YEB) and retirement and life insurance premiums (RLIP) shall be adjusted accordingly during their periods of designation.

Section 117. **Entitlement to Honorarium and Communications Assistance.** – Any official or officer declared by the DBM not entitled to RATA shall be provided with a monthly honorarium of not less than Five Thousand Pesos (Php5,000.00) and communications assistance of not less than Five Thousand Pesos (Php5,000.00) or such rate/s as the EVSU Board of Regents may prescribe upon the recommendation by the University President, subject to the authority by the DBM, availability of funds, and usual accounting and auditing laws, rules and regulations.

Further, Heads of Academic, Research, Extension and Administrative departments shall be entitled to communications assistance of One Thousand Pesos (Php1,000.00) per month subject to availability of funds, and usual accounting and auditing laws, rules and regulations.

Section 118. **Automatic Adjustments of the Rates and Withdrawal of RATA and Honorarium.** – The following conditions shall strictly be observed on the adjustments of rates and withdrawal of RATA and Honorarium, to wit:

- 118.1. The rates of RATA of the official or officer concerned shall be adjusted automatically based on the DBM issuances and/or as may be provided under the annual GAA.
- 118.2. The RATA shall be automatically withdrawn in any of the following grounds:
  - a. The expiration of the designation of the official or officer concerned without explicit extension issued, or has been suspended, rescinded or revoked by the University President and/or EVSU Board of Regents; or
  - b. The designee has tendered resignation and the same has been accepted by the University President and/or EVSU Board of Regents.

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<sup>84</sup> DBM-CHED Joint Circular No. 2, s. 2003 dated July 28, 2003 entitled, "Allowable Vice President Positions in SUCs."

Section 119. **Source of Funds**<sup>85</sup>. – The following shall be the fund sources on the grant of RATA:

- 119.1. The amounts required for the grant of commutable or reimbursable RATA to incumbent OICs of regular positions and to designated officials in the University campuses shall be charged to the respective appropriations/budgets for the purpose. In case of deficiencies, the same shall be charged against the savings of the Campus concerned.
- 119.2. The amounts of required for the grant of RATA to incumbents or OICs of contractual positions shall be charged against the respective University Campus lump sum appropriations from which their salaries are drawn.
- 119.3. Income of the University pursuant to the provisions of CHED Memorandum Order No. 20, s. 2011 approved by the EVSU Board of Regents pursuant to Board Resolution No. 93, s. 2016.

#### Article 19

### **Renaming, Creating, Merging and Combination or Abolishing of Academic or Administrative Branches or Units**

Section 120. **Authority of the University to Rename, Create, Merge or Combine or Abolish of Academic or Administrative Branches or Units.** – The University President, in his/her discretion, with the approval of the EVSU Board of Regents may rename, combine or merge or abolish any of the academic or administrative branches in this Code or create departments necessary to carry its mandate, powers and functions.

Section 121. **Management of Newly Created or Merged or Combined Academic or Administrative Branches or Units.** – The management of the newly created or merged or combined academic or administrative branches or units shall be vested to the official so identified in pertinent policy and/or resolution expressly approved by the EVSU Board of Regents upon the recommendation by the University President.

## **BOOK III**

### **INSTRUCTION SERVICES OF THE UNIVERSITY**

#### Title V

### **ACADEMIC AFFAIRS**

#### Chapter VIII

### **CURRICULAR PROGRAMS AND INSTRUCTION SERVICES**

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<sup>85</sup> Item 3.0 of NBC No. 546 entitled, "Amended Rules and Regulations on the Grant of Representation and Transportation Allowances."

## Article 20

**General Mandate and Curricular Offerings**

Section 122. **General Mandate.**<sup>86</sup> – The purposes of the University shall be to primarily provide advanced education, higher technological, professional instruction and training in trade, fishery, agriculture, forestry, science, education, commerce, architecture, engineering and related courses. It shall also undertake research and extension services and provide progressive leadership in its areas of specialization.

Section 123. **Curricular Offerings.**<sup>87</sup> – The University shall offer undergraduate, graduate and short term technical 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 to meet the needs of the Province of Leyte and the Eastern Visayas Region.

The existing high school/s shall be transferred to the jurisdiction and supervision of the Department of Education: *Provided*, That the high school/s shall be allowed to remain and operate within the campus of the University until the existing students shall have completed their high school education: *Provided, further*, That the University may operate a reasonably-sized laboratory school, if it has a College of Education.

Section 124. **Offering of the K to 12 Programs.** – The University shall offer Senior High School Programs subject to the provisions of R.A. No. 10533<sup>88</sup> and CMO No. 32, s. 2016<sup>89</sup> and their subsequent issuances.

The current Secondary Laboratory Department (SLD) of the University may be maintained to be headed by a Director/Principal subject to the provisions of this Code and pertinent laws, rules and regulations. *Provided*, That the operations of the SLD relative to the Senior High School Program shall be compliant with the standards and requirements set under R.A. No. 10533, CMO No. 32, s. 2016 and their subsequent issuances, and subject to the financial capability of the University.

## Article 21

**Colleges and Academic Departments or Units**

Section 125. **Establishment and Sustainability of Colleges.** – The University shall establish and ensure sustainability of the following Colleges:

125.1. *For the EVSU-Main Campus:*

- a. College of Arts and Sciences
- b. College of Business and Entrepreneurship

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<sup>86</sup> Section 2 of Republic Act No. 9311.

<sup>87</sup> Section 3 of Republic Act No. 9311.

<sup>88</sup> Republic Act No. 10533 otherwise known as the Enhanced Basic Education Act of 2013.

<sup>89</sup> CHED Memorandum Order No. 32, s. 2016 entitled, "Guidelines for the Senior High School (SHS) Program Implementation in State Universities and Colleges."

- c. College of Engineering
- d. College of Technology
- e. College of Architecture and Allied Disciplines
- f. College of Education
- g. College of Open Distance Learning and ETEEAP
- b. College of Information and Communications Technology
- c. Graduate School

125.2. *For the External or Integrated Campuses:*

| <b>Campus</b>        | <b>College Designation and Name</b>   |
|----------------------|---|
| EVSU- Burauen Campus | College of Agri-Tourism and Forestry (ATF)                                  |
| EVSU-Carigara Campus | College of Fishery, Aquatic Resources and Marine Sciences (FARMS)           |
| EVSU- Tanauan Campus | College of Trades, Craftsmanship and Entrepreneurship (TCE)                 |
| EVSU-Ormoc Campus    | College of Engineering and Information and Communications Technology (EICT) |

125.3. Such Colleges as may be created by the EVSU Board of Regents upon the recommendation by the University President.

Section 126. ***Designation of the Campus Director as Dean in Concurrent Capacity.*** – The Campus Directors may also serve as the concurrent Deans of their respective flagship programs or niches: *Provided, however,* That this shall not preclude the University President from designating faculty members or employees as College Deans in the different Campuses who shall discharge the duties and functions of a College Dean provided under this Code, Services' Manual of the University and applicable laws, rules and regulations in so far as expressly authorized by the EVSU Board of Regents upon the recommendation by the University President.

Section 127. ***Delineation of the Duties and Functions of the Campus Directors and Deans of External or Integrated Campuses.*** – The delineation of the duties and functions of Campus Directors shall be confined to the Administration, Planning, Research, Extension and non-academic services of the Campus while the Dean's duties and functions shall primarily related to the instruction or academic services, quality assurance and accreditation, student affairs and services, and NSTP, and such mechanism as the University President may determine to ensure proper, effective and efficient management of the Campus.

*Provided,* That the College Dean of the External or Integrated Campuses shall directly report to the Vice President for Academic Affairs and shall ensure proper coordination with their respective Campus Directors.

*Provided, further,* That the entitlements of the Deans of the External or Integrated Campuses shall be subject to the provisions of Article 18 of this Code and applicable laws, rules and regulations.

Section 128. **Heads and Management of Colleges.** – Each College shall be headed and managed by a Dean who shall be assisted by the heads or coordinators or chairpersons of the different academic departments or units created under this Code and/or in relevant policies duly approved by the Board upon the recommendation by the Academic Council and University President.

Section 129. **Creation of Academic Departments or Units.** – Each college shall have departments or units according to the number of curricular offerings or programs which are necessary to carry out the four-fold functions of the college namely, instruction, research, extension and production services.

Section 130. **Duties and Functions of the Heads, Coordinators or Chairpersons of Academic Departments or Units of the Different Colleges.** – Unless otherwise provided in pertinent services' manuals, the specific duties and functions of Heads, Coordinators or Chairpersons of academic departments or units of the different Colleges shall be determined by their respective Colleges duly approved by the University President upon the recommendation by the Vice President for Academic Affairs.

## Article 22

### **Ladderized Education Program (LEP) of the University**

Section 131. **Declaration of Policies.** – The University shall conform to the declaration policies of the State pursuant to R.A. No. 10647<sup>90</sup>, to wit:

- 131.1. In line with the constitutional guarantee for the State to promote the right of all citizens to quality and accessible education at all levels and to establish, maintain and support a complete, adequate and integrated system of education relevant to the needs of the people and contributory to national development, it is hereby declared the policy of the State to institutionalize the Ladderized interface between technical-vocational education and training (TVET) and higher education to open the pathways of opportunities for career and educational progression of students and workers, create a seamless and borderless system of education, empower students and workers to exercise options or to choose when to enter and exit in the educational ladder, and provide job platforms at every exit as well as the opportunity to earn income.
- 131.2. The State likewise recognizes and supports the promotion and protection of the inherent academic freedom enjoyed by all institutions of higher learning. For this purposes, the government shall uphold the academic standards, equity principles, promptness and consistency of the applications/admissions and equivalency policies of higher education institutions (HEIs).

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<sup>90</sup> "An Act strengthening the Ladderized Interface between Technical-Vocational and Training and Higher Education."

Section 132. **Essential Features and Management and Operations of the Ladderized Education Program (LEP) of the University and Application of Relevant Laws, Rules and Regulations.** – It shall encompass the harmonization of all education and training mechanisms that allow students and workers to progress between technical-vocational and the University, or vice-versa. It opens opportunities for career and educational advancement to students and workers. It creates a seamless and borderless education and training system that will allow transfer in terms of flexible entry and exit between technical-vocational and higher education programs in the post-secondary school educational system<sup>91</sup>.

The Ladderized Education Program (LEP) of the University shall be headed by a Director duly designated by the University President from among the Faculty Members of the University which shall be under the direct supervision of the Vice President for Internationalization and External Affairs of the University.

*Provided*, That the specific duties and functions of the Director shall be similar of a College Dean in accordance with the provisions of this Code and/or such service manuals and/or pertinent CHED rules and regulations in so far as duly approved by the EVSU Board of Regents upon the recommendation by the University President. *Provided, further*, That the operations of the LEP of the University shall be consistent with the provisions of R.A. No. 10647 and its IRR which shall be applied suppletorily and serve as governing guidelines of this Article in so far as expressly authorized by the EVSU Board of Regents.

Section 133. **Application of Academic Freedom of the University.** – Nothing in Republic Act No. 10647 shall be construed as restricting the University in the exercise of its academic freedom. The University shall retain the right to assess the level and standard of previously completed TVET programs by an applicant-student in a manner that is transparent and objective, incorporating therein its own admission requirements. The applicant-student must gain admission to the University's undergraduate program by meeting the prescribed criteria and program requisite's and such other requirements by the University<sup>92</sup>.

#### Article 23

### **Open Distance Learning (ODL) and Expanded Tertiary Education Equivalency and Accreditation Program (EETEAP) of the University**

Section 134. **Declaration of Policies and Guiding Principles.** – The University shall adhere to the policies of the State under Republic Act No. 10650<sup>93</sup>, to wit:

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<sup>91</sup> Section 3(g) of Republic Act No. 10647 otherwise known as the "Ladderized Education Act of 2014".

<sup>92</sup> Section 10 of Republic Act No. 10647 otherwise known as the "Ladderized Education Act of 2014."

<sup>93</sup> "An Act Expanding Access to Educational Services by Institutionalizing Open Distance Learning in Levels of Tertiary Education and Appropriating Funds Therefor."

- 134.1. *Policies*. - It is hereby declared the policy of the State to expand and further democratize access to quality tertiary education through the promotion and application of pen learning as a philosophy of access to educational services, and the use of distance education as an appropriate, efficient and effective system of delivering quality higher and technical educational services in the country.
- 134.2. *Guiding Principles for ODL Courses or Subjects*<sup>94</sup>. - Subject to the authority by the EVSU Board of Regents upon the recommendation by the University President, all courses or subjects offered in the ODL mode shall adhere to the following principles:
- a. *Learner Centeredness* - ODL programs shall focus on the needs of the learner and the goal of facilitating independent learning;
  - b. *Quality and Relevant Programs* - ODL programs shall be equivalent in challenges and depth to conventional classroom or traditional programs in nonconventional delivery;
  - c. *Transparency to Guide Informed Choice* - ODL implementers shall make information about their programs, particularly on the curriculum and delivery system, instructional materials development, delivery mode/strategies, student support services, and other relevant information available to accrediting bodies, academic peers, regulators and students. Updated information shall be made accessible through such media as the internet;
  - d. *Peer Review* - A review by experts in ODL to determine the acceptability of the course or subject shall be institutionalized following the criteria set by the CHED and/or the TESDA, as applicable;
  - e. *Public Responsibility and Accountability* - Implementers shall heed the public impact of ODL programs and shall always exercise due diligence in avoiding harm to program stakeholders, especially students. Consumer protection, in particular, shall be a priority because of the high value that Filipinos put on education; and
  - f. *Quality and Continuous Improvement* - The University shall embed in its program framework the proactive needs assessment of students and stakeholders in terms of the ODL program planning, implementation and evaluation. The interaction of students' needs, interests and perceptions, faculty interests and skills, technology available and Filipino culture should be carefully examined, explored and monitored

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<sup>94</sup> Section 6 of Republic Act No. 10650 otherwise known as the "Open Distance Learning Act."

to continuously improve all aspects of development and delivery.

Section 135. **Admission and Other Academic Policies and Requirements.** – Admission and other academic policies and requirements in the University’s ODL programs shall conform to the minimum policies, standards and requirements set by the CHED and/or the TESDA, as applicable<sup>95</sup>, in so far as expressly authorized by the EVSU Board of Regents upon the recommendation by the University President.

Section 136. **Program, Curriculum and Course Development Offerings and Requirements.** – The curricular offerings using the ODL mode shall ensure that the learning outcomes are clearly articulated in terms of competencies, skills and behavioral attributes and conform to the respective policies, standards and guidelines for ODL set by the CHED and/or the TESDA, as applicable,<sup>96</sup> and in so far as expressly authorized by the EVSU Board of Regents upon the recommendation by the University President.

Section 137. **Mode of Delivery**<sup>97</sup>. – The ODL programs may be delivered using information and communications technology and other approaches, such as the following:

- 137.1. *Print* – textbooks, study guides, workbooks, course syllabi, correspondence feedback and other print formats;
- 137.2. *Audio-Visual* – radio, audio cassettes, slides, film, videotapes, television, telephone, fax, audio-conferencing and video-conferencing;
- 137.3. *Electronic/Computer Technology and Virtual Classrooms* – internet, CD-ROM, electronic mail, e-bulletin boards, podcasts, m-learning, i-lectures, e-learning or online learning management systems; and
- 137.4. *Face-to-Face Sessions* – conducted in learning and study centers.

Section 138. **The Expanded Tertiary Education Equivalency and Accreditation Program (EETEAP) of the University.** – The Expanded Tertiary Education Equivalency and Accreditation Program (EETEAP) of the University shall be governed by CHED Memorandum Order No. 28, s. 2013<sup>98</sup> and its subsequent issuances, and EETEAP Manual, in so far as expressly authorized or approved by the EVSU Board of Regents upon the recommendation by the University President.

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<sup>95</sup> Section 7 of Republic Act No. 10650 otherwise known as the “Open Distance Learning Act.”

<sup>96</sup> Section 8 of Republic Act No. 10650 otherwise known as the “Open Distance Learning Act.”

<sup>97</sup> Section 9 of Republic Act No. 10650 otherwise known as the “Open Distance Learning Act.”

<sup>98</sup> “Policies, Standards and Guidelines for the Implementation of the Expanded Tertiary Education Equivalency and Accreditation Program (EETEAP).”

Section 139. **Management and Operations of the Open Distance Learning and Expanded Tertiary Education Equivalency and Accreditation Program (ODL-EETEAP) of the University and Application of Relevant Laws, Rules and Regulations.** – The Open Distance Learning and Expanded Tertiary Education equivalency and Accreditation Program (ODL-EETEAP) of the University shall be headed by a Director duly designated by the University President from among the Faculty Members of the University which shall be under the direct supervision of the Vice President for Academic Affairs.

*Provided,* That the specific duties and functions of the Director shall be similar of a College Dean in accordance with the provisions of this Code and/or such service manuals and/or pertinent CHED rules and regulations in so far as duly approved by the EVSU-Board of Regents upon the recommendation by the University President. *Provided, further,* That the operations of the ODL of the University shall be consistent with the provisions of R.A. No. 10650 and its IRR which shall be applied suppletorily and serve as governing guidelines of this Article in so far as expressly authorized by the EVSU Board of Regents.

Section 140. **Application of Academic Freedom of the University.** – Nothing in Republic Act No. 10650 shall be construed as restricting the University in the exercise of its academic freedom. The applicant-student must gain admission to the University's undergraduate program by meeting the prescribed criteria and program requirements and such other requirements by the University.

#### Article 24

### **Development of Curriculum, Subject Checklist, and Course Syllabus**

Section 141. **Development and Uniform Application of Curriculum and Subject Checklist.** – The curriculum, subject checklists and course syllabi shall be uniformly developed and applied in the different Campuses of the University. *Provided,* That the curriculum of the different curricular offerings or courses of the University shall comply with the minimum requirements under the appropriate Policy on Standards and Guidelines (PSGs) prescribed by the CHED.

*Provided,* That the subject checklist and syllabus shall ensure that the ever changing needs of the students and industry sectors are taken into consideration in order to reduce if not eradicate mismatch between industry needs and skills acquired by the students.

Section 142. **Course Syllabus and Contents.** – Faculty Members shall submit the course syllabus and contents of the different subjects assigned to them in accordance with PSGs prescribed by CHED and format determined by the College Dean duly approved by the Vice President for Academic Affairs.

#### Article 25

### **Creation, Composition, and Duties and Functions of the Curriculum Committees**

Section 143. **Creation and Composition of the Curriculum Committees.** –The Curriculum Committees shall be created with the following composition:

- 143.1. *University Curriculum Committee (UCC).* – The University Curriculum Committee shall be composed of the Vice President for Academic Affairs, as Chairperson, Private Sector Representative to the Board to be chosen by the University President, as Vice Chairperson, and the College Deans, Campus Directors, Director of the University Quality Assurance and Accreditation Center, President of the Federation of Faculty Associations, President of the Federation of Student Councils, President of the Federation of Alumni Associations, and at least two (2) representatives from the industry sector relevant to the curriculum, as Members.
- 143.2. *College Curriculum Committee (CoCC).* – The College Curriculum Committee shall be composed of the College Dean concerned, as Chairperson, Academic Department Head, as Vice Chairperson, Director of the University Quality Assurance and Accreditation Center, and all Department or Unit Heads, President of Association of Students of the College, President of the Association of Faculty of the College, at least two (2) representatives each from the industry sector and Alumni with services, expertise or job, as the case may be, are relevant to the curriculum under consideration.
- 143.3. *Campus Curriculum Committee (CaCC).* The Campus Curriculum Committee shall be composed of the Campus Director concerned, as Chairperson, Academic Department Head, as Vice Chairperson, Director of the University Quality Assurance and Accreditation Center, and all Department or Unit Heads, President of Association of Students of the College, President of the Association of Faculty of the College, at least two (2) representatives each from the industry sector and Alumni with services, expertise or job, as the case may be, are relevant to the curriculum under consideration.

Section 144. **Duties and Functions, Meetings, Presiding Officer, Quorum, Secretary of the Curriculum Committee.** – The duly constituted Curriculum Committees shall strictly observe the following:

- 144.1. *Duties and Functions.* – The Curriculum Committees shall:
  - a. Review all proposals related to the development of new and amendment or revision of existing curriculum of the different curricular offerings of the University taking into consideration the Policies on Standards and Guidelines (PSGs) promulgated by the CHED, and recommend the same the University President for appropriate action;

- b. Evaluate any proposal related to the requirements for the admission of students and submit the same to the President of the University for appropriate action;
  - c. Conduct consultations with the stakeholders on matters related to the foregoing duties and functions; and
  - d. Discharge such duties and functions as the University President and/or EVSU Board of Regents may determine from time to time.
- 144.2. *Meetings and Presiding Officer.* – The Curriculum Committee shall meet as least once every quarter or as periodic as its Chairperson may determine. The Presiding Officer of all meetings shall be their respective Chairpersons; however, the Vice Chairperson may preside in a particular meeting during his/her absence.
- 144.3. *Quorum.* – The quorum of every meeting shall be fifty percent plus (50+1) of the total membership.
- 144.4. *Secretary.* – The University President shall designate the Secretary of the Curriculum Committee upon the recommendation of its Chairperson.

## **Title VI ACADEMIC CALENDAR AND CLASSES**

### Chapter IX **GENERAL PROVISIONS**

#### Article 26 **The Academic Calendar of the University**

Section 145. ***Preparation of the Academic Calendar.*** – The Director of Student Affairs and Services Office (SASO) in coordination with the different colleges and departments, and consultations with the officers of the Federation of Student Governments (FSG) and Supreme Student Government/Council (SSG/C) of the different Campuses, shall prepare the general framework of the Academic Calendar in reference to the applicable Commission on Higher Education (CHED) issuance/s subject to the approval of the University President

Section 146. ***Mandatory Period per Semester.*** – Each semester shall consist of at least eighteen (18) weeks. Class work in the summer session shall be equivalent to class work in one semester.

Section 147. ***Make up Classes Due to Fortuitous Events Including Attendance Participation in Scientific, Cultural, and Educational Fora, and Official Functions.*** – All class hours lost due to disasters or fortuitous events such as typhoons and earthquakes including attendance and participation in scientific, cultural, and educational *fora*, and official functions

shall be made up for, subject to the rules and procedures prescribed by the University.

#### Article 27

### Schedule and Size of Classes

Section 148. **Schedule of Classes.** – The schedule of classes shall be prepared by the Academic Heads of the University in consultation with the Deans of Colleges subject to the rules and regulations prescribed by the University.

*Provided,* That the scheduling of classes may start at 7:00A.M. in order to maximize room utilization. *Provided, further,* That there must be no class schedule beyond 6:00P.M. for Secondary Laboratory Department and 8:30P.M. for tertiary level except if special night classes will be offered.

Section 149. **Class Size and Its Deviation.** – The size of the class depends on the available school facilities and the nature of the subject matter. Unless otherwise authorized by the University President, the ideal standard class size is forty (40) students.

*Provided,* That deviation from the forty (40) students per class ratio standards shall be subject to the approval of the duly constituted authorities of the University upon the recommendations of the Head of the Academic Department concerned and Dean of College.

Section 150. **Prohibitions on the Utilization of Computer, Speech, Laboratory Rooms, Clinics and Libraries for Lecture Activities.** – In order to maximize usage, computer, speech, clinics, libraries and other laboratory rooms must not be utilized for lecture purposes except if the nature of the subject requires that the same be conducted in a laboratory room. *Provided,* That an area in the library suitable for classroom instructions may be used specifically for Library Science subjects.

Section 151. **Subjects Loading.** – In loading of subjects, specialization and training of faculty members should be considered except if necessity so requires as when there is no other qualified faculty member who will handle the same.

#### Chapter X

### SUSPENSION AND POSTPONEMENT OF CLASSES

#### Article 28

### Authority to Suspend or Postpone Classes

Section 152. **Authority to Suspend Classes.** – Only the University President, and in his/her absence, his/her duly authorized representative, has the authority to suspend or postpone classes taking into account the declarations by competent authorities.

Section 153. **Re-scheduling of Classes.** – No faculty member shall reschedule the holding of his/her class to any other hour nor shall he/she meet his/her students for class in any unassigned room or place except when expressly permitted in writing by the Dean of College.

## **Title VII ADMISSION, REGISTRATION, FEES AND CHARGES**

### **Chapter XI ADMISSION AND REGISTRATION**

#### **Article 29 Admission/Entrance Requirements**

Section 154. **General Rules.** – Admission of students shall be uniformly applied in the University Campuses which shall be governed by the following general rules:

- 154.1. No student shall be denied admission into the University by reason of age, sex, nationality, religion or political affiliation<sup>99</sup>.
- 154.2. Every qualified first year student and/or transferee shall undergo physical and laboratory examinations.

*Provided,* That subject to existing laws, no person shall be admitted who is found by the University physician to be suffering from any dangerous, communicable, contagious, or infectious disease or who is physically unfit to take the courses offered by the University.

- 154.3. Ranking of applicants shall be based on the criteria set by the University which should include the results of the entrance examination formulated by the SASO. The results of the entrance examination results shall be published in the conspicuous places of the University and the official custodian thereof shall be the Office of Guidance Services of the SASO.
- 154.4. All applicants shall comply with the entrance requirements prescribed by the College and shall undergo an entrance examination conducted by the Student Affairs and Services Office.
- 154.5. No person who is not officially enrolled shall be admitted to classes.
- 154.6. Every College shall be involved and coordinated relative to the screening and admission of enrollees.
- 154.7. Every student shall, upon admission, pledge to follow all the rules and regulations laid down by the University.

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<sup>99</sup> Section 15, para. 2 of Republic Act No. 9311.

- 154.8. Admission and entrance forms shall be designed by the SASO, in coordination with the Deans and Campus Directors duly approved by the University President, and the same be used uniformly by all University Campuses.
- 154.9. Relatedly, the following shall strictly be observed:
- a. All officially enrolled students shall be assigned permanently faculty adviser per class or section during their stint in the University until graduation from their respective degrees/or courses.
  - b. All faculty advisers shall be designated by the University President from among the qualified faculty members of the University upon the recommendation by the College Deans concerned and Vice President for Academic Affairs. *Provided*, That as much as practicable, the term of office of the faculty advisers shall be from first curriculum year until last curriculum year level or graduation of the students.
  - c. The duly designated faculty advisers shall undergo relevant trainings on student advising and mentoring for them to assist students in coping with challenges in pursuing their degrees in the University.
  - d. The duly designated faculty advisers shall be entitled to de-loading or load reduction of not more than three (3) units per class. *Provided*, That in no instance a faculty member is assigned to more than two (2) classes at a given time.

Section 155. **Contract.** – Each student shall bind himself/herself with the University upon approval of his/her application of enrollment.

*Provided*, That the reciprocity of the University-student contract<sup>100</sup> must be upheld and respected at all times.

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<sup>100</sup> **Regino v. Pangasinan Colleges of Science and Technology** (G.R. No. 156109. November 18, 2004) citing 161 SCRA 7, May 2, 1988, 185 SCRA 523, May 20, 1990, **Philippine School of Business Administration v. CA**, 205 SCRA 729, February 4, 1992; **University of San Agustin v. CA**, 230 SCRA 761, March 7, 1994, 205 Phil. 307, January 28, 1983, 178 SCRA 637, October 19, 1989, the Supreme Court held:

**“Reciprocity of the School-Student Contract**

In **Alcuaz v. PSBA**, the Court characterized the relationship between the school and the student as a contract, in which a student, once admitted by the school is considered enrolled for one semester. Two years later, in **Non v. Dames II**, the Court modified the termination of contract theory in **Alcuaz** by holding that the contractual relationship between the school and the student is not only semestral in duration, but for the entire period the latter are expected to complete it. Except for the variance in the period during which the contractual relationship is considered to subsist, both **Alcuaz** and **Non** were unanimous in characterizing the school-student relationship as contractual in nature.

The school-student relationship is also reciprocal. Thus, it has consequences appurtenant to and inherent in all contracts of such kind -- it gives rise to bilateral or reciprocal rights and obligations. The school undertakes to provide students with education sufficient to enable them to pursue higher education or a profession. On the other hand, the students agree to abide by the academic requirements of the school and to observe its rules and regulations.

The terms of the school-student contract are defined at the moment of its inception -- upon enrolment of the student. Standards of academic performance and the code of behavior and discipline are usually set forth in manuals distributed to new students at the start of every school year. Further, schools inform prospective enrollees the amount of fees and the terms of payment.

*Provided, further,* That the approval of application of enrollment shall mean submission to and official registration by the University Registrar. *Provided, furthermore,* That any student fails to submit the application of enrollment to the Office of the University Registrar shall render his or her back account payable in the ensuing enrollment period subject to approval of request of deletion thereof.

## Article 30

### Registration and Cross Registration

Section 156. **Registration.** – After the applicants submitted all the requirements/credentials and successfully passed the entrance examination, they shall be officially registered/enrolled in the curriculum year or course they have chosen. No student shall be registered later than the date specified in the school calendar except under reasonable and justified circumstances to be determined by the Deans of the College but not to exceed six (6) days. However, enrolment may be extended at the discretion of the University President upon recommendation of the Vice President for Academic Affairs. Extended enrolment/registration with fine is only good for one (1) week after the last day of the scheduled enrolment.

Section 157. **Cross Enrolment.** – The University President may authorize any student to cross-enroll non-major subjects on a case-to-case basis in other institutions provided the said subjects are not offered during the term in the University. The subject load should not exceed nine (9) units upon the recommendation of the Dean of the College and University Registrar.

*Provided,* That students not enrolled in the University may be allowed to cross-enroll to EVSU, provided that permit to cross-enroll from the Registrar of institution/school where they are enrolled in shall be required. The permit shall state the total number of units for which the students is registered and the subject that the student is authorized to take in the University.

Section 158. **Credit Equivalency and Recognition, and Course Code System.** – The University shall give no credit for any course taken by any

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In practice, students are normally required to make a down payment upon enrollment, with the balance to be paid before every preliminary, midterm and final examination. Their failure to pay their financial obligation is regarded as a valid ground for the school to deny them the opportunity to take these examinations.

The foregoing practice does not merely ensure compliance with financial obligations; it also underlines the importance of major examinations. Failure to take a major examination is usually fatal to the students promotion to the next grade or to graduation. Examination results form a significant basis for their final grades. These tests are usually a primary and an indispensable requisite to their elevation to the next educational level and, ultimately, to their completion of a course.

Education is not a measurable commodity. It is not possible to determine who is better educated than another. Nevertheless, a student's grades are an accepted approximation of what would otherwise be an intangible product of countless hours of study. The importance of grades cannot be discounted in a setting where education is generally the gate pass to employment opportunities and better life; such grades are often the means by which a prospective employer measures whether a job applicant has acquired the necessary tools or skills for a particular profession or trade.

Thus, students expect that upon their payment of tuition fees, satisfaction of the set academic standards, completion of academic requirements and observance of school rules and regulations, the school would reward them by recognizing their completion of the course enrolled in.

The obligation on the part of the school has been established in *Magtibay v. Garcia*, *Licup v. University of San Carlos*, and *Ateneo de Manila University v. Garcia*, in which the Court held that, barring any violation of the rules on the part of the students, an institution of higher learning has a contractual obligation to afford its students a fair opportunity to complete the course they seek to pursue."

student from other schools unless the Academic Head/Dean of College concerned has expressly authorized the same. The authorization shall be in writing to be recorded in the University Registrar's Office.

*Provided*, That University shall adopt a unified course code system and that the courses taken in a University Campus shall be recognized in the other University Campuses subject to usual assessment process by the College concerned.

Section 159. **Registration/Enrolment Procedures.** – Registration or enrollment of students shall be in accordance with the duly prescribed enrolment procedures. *Provided*, That a student is deemed officially enrolled after he/she has submitted his/her appropriate admission or transfer credentials, has paid the required entrance fees which has been accepted by the University, surrendered his Certificate of Registration (COR) to the Office of the University Registrar, and has been authorized to attend classes in the University. *Provided, further*, That the University shall formulate or adopt such mechanisms related to on-line registration and enrolment of students subject to the requirements and standards provided under existing laws, rules and regulations.

Section 160. **Requirement for Foreign Students.** – No foreign student shall be enrolled without prior approval of the Department of Foreign Affairs and the Bureau of Immigration and Deportation.

Section 161. **Appreciation of Source Documents for Personal Information.** – For purposes of enrollment, the name and other personal data or circumstances of each student as indicated in his or her birth certificate or alien certificate of registration, where applicable, shall prevail.

### Article 31 Fees and Charges

Section 162. **General Provision.** – Subject to applicable laws, rules and regulations, the Board of Regents shall fix the tuition fees and other necessary school charges, such as, but not limited to, matriculation fees, graduation fees and laboratory fees, as it may deem proper to impose, after due consultations with involved sectors. *Provided, further*, That the University shall formulate or adopt such mechanisms related to on-line payment of fees and charges subject to the requirements and standards provided under existing laws, rules and regulations.

Section 163. **Socialized Scheme and Indexation to Inflation.** – The University may adopt and implement a socialized scheme of tuition and fees for greater access to poor but deserving students. *Provided*, That the fees and charges shall be indexed to inflation subject to prior approval or authority by the EVSU BOR upon the recommendation by the University President in accordance with the process in Sub-section 5.44, Article 1 hereof and relevant CHED policies on adjustments or increase of fees and charges and taking into account relevant factors, among others, viability of the proposal, capability of students, families or the University, and social acceptability.

Section 164. **Rate and Refund of Fees.** – The following rules shall govern in the refund of fees paid to the University:

- 164.1. No refund shall be made on entrance examination/testing fees.
- 164.2. Subject to the provisions of the approved Academic Calendar, a student who transfers or otherwise withdraws, in writing, within two (2) weeks after the beginning of classes and who has already paid the pertinent tuition and other school fees in full or for any length longer than one (1) month may be charged twenty percent (20%) of the total amount due for the semester if he withdraws within the first week of classes, regardless of whether or not he/she has actually attended classes. A student may be charged all the school fees in full if he or she withdraws not later than two (2) weeks before the mid-term examinations subject to the approval by the University President.

*Provided,* That the University President shall create a Committee on Refund of Fees (CRF) composed of the Vice President for Administration and Finance as Chair, President of the FSG or his or her representative as Vice Chair, Director for Finance Services, and Director for SASO, as Members. The Committee shall recommend to the University President or Campus Director the grant of any student request for refund taking into consideration the unique circumstances or grounds the student concerned may stipulate in the prescribed form on request for refund.

- 164.3. All payments of fees shall be made with the University Cashier.
- 164.4. The Accounting Unit shall publish in strategic places the updated rate of fees to be paid by the students and clients of the University.

## Chapter XII

### **SUBJECT LOAD AND ATTENDANCE**

#### Article 32

#### **Normal, Dropping, Adding, Changing, Validation and Substitution of Subjects**

Section 165. **Normal Load During Regular Term of Degree and Non-Degree Courses.** – One (1) unit of credit shall be eighteen (18) full hours of lecture per semester. For laboratory, one (1) unit of credit is equivalent to fifty-four (54) full hours per semester.

*Provided,* That for summer term, the normal load of the student shall be nine (9) units, but in justifiable cases, the College Dean may allow an undergraduate student a higher load not exceeding twelve (12) units. Except as may be determined by the University President upon the recommendation by

the Vice President for Academic Affairs in consultation with the College Dean concerned, summer classes are for petitioned subjects only.

Section 166. **Subject Load for Employed Students.** – The College Dean may limit the academic load of students who are employed, whether full-time or part-time.

Section 167. **Taking Subjects Beyond the Number of Units in the Curriculum.** – No student shall be allowed to take more than the number of units specified in the curriculum in which he/she is enrolled each semester, except for graduating students and/or students who attain an average grade of 1.75 or higher during the immediate preceding semester upon recommendation of the Head of the Academic Department concerned.

*Provided, however,* That in the case of graduating students, overload shall be allowed only during or within the academic year he or she is about to finish his or her course; *provided,* That the overload or additional subjects shall not be more than nine (9) units per semester but in no case that the total subjects shall be more than twenty eight (28) units for such semester.

*Provided, further,* That in the case of non-graduating students referred to in the preceding article, he/she must have carried the regular load during the immediate preceding semester. Students who will be undergoing On-the Job-Training (OJT) or Apprenticeship on the succeeding year may be allowed an overload of three (3) units.

Section 168. **Normal Load for Graduate School Students.** – Students enrolled in the Graduate School are allowed to carry a load of not more than nine (9) units (for part-time) and fifteen (15) units (for full time) for each regular semester. During summer term, a maximum of nine (9) units load shall be allowed.

Section 169. **Dropping, Adding and Changing of Subjects.** – The following rules shall be observed:

169.1. With the consent of the College Dean concerned, a student may drop a subject by accomplishing the prescribed form with the Registrar's Office before the Midterm Examinations. For failure to observe the said requirement, the student may be given a grade of 5.0. He/she likewise shall be required to pay the full term's fee.

169.2. A student may be allowed to add and/or change subjects until the second week of regular classes by accomplishing the prescribed form at the Office of the College Dean.

Section 170. **Validation and Substitution of Subjects.** – The University shall adopt the following system of accrediting, validating, and/or substituting the equivalency of subjects of transferees and/or shiftees:

170.1. Upon the evaluation of the Head of the Academic Department and approval by the Dean of College, the subject previously taken in the previous curricula may be credited, and that said

subjects satisfy the course contents, number of hours and credit units as prescribed in the curriculum program of the University. The College Dean or any proper official of the school where the course were taken must have submitted the appropriate certification stating, among others, the course description, course outline, units, mode of instruction, or syllabus of the subject.

- 170.2. Student concerned shall be subject to validation process by requiring him or her to take and pass the validation examination developed by the faculty member/s teaching the subject upon submission of an approved request and payment of the corresponding fee.
- 170.3. For transferees and/or shiftees who have previously taken a curriculum that is not related to the curriculum he/she intends to enroll in, only the minor courses shall be credited.
- 170.4. Subjects which may have different descriptive title but have similar course contents as that prescribed in the curriculum may be credited in favor of its similar course, upon the approval of the College Dean. *Provided*, That an authenticated course description of the school from where the subjects were taken will be presented for evaluation purposes.
- 170.5. In case the subjects previously enrolled and taken satisfy the course contents but are lesser in number of hours and/or credit units, the student shall be required to re-enroll in the said subject.
- 170.6. Substitution of courses may be allowed when the curriculum where the student is enrolled in has been superseded by a new curriculum; *Provided*, That the above rules for accrediting and validating the equivalency of courses shall be applied. *Provided, further*, That the substitution of courses shall have prior approval of the College Dean.

### Article 33

#### **Petition of Subjects**

Section 171. ***Conditions for Petition of Subjects.*** – Student/s may petition a subject/s upon accomplishment of the prescribed “Petition and Agreement” to offer a subject form” and approval of authorized University officials subject to the following conditions:

- 171.1. Student/s taking the subjects are from a phased-out curriculum;
- 171.2. Student/s who are graduating;
- 171.3. Regular subject/s not offered within the semester; or
- 171.4. Irregular student/s or repeater/s and those with subject deficiencies.

*Provided,* That petition of subjects shall be allowed upon the recommendation of the Head of the Academic Department concerned, the College Dean and the Vice President for Academic Affairs, subject to the approval of the University President.

*Provided, further,* That faculty member/s who taught the subject under petition shall be prohibited from teaching the said subject/s and the Dean shall resort to other qualified faculty members, whether regular or part-time, to teach the petitioned subject/s.

*Provided, furthermore,* That the Dean and Department Head concerned shall select from the pool of faculty members or experts, within the College or Colleges of the University Campuses, to teach any petitioned subject/s, in so far as expressly authorized by the University President.

Section 172. **Payment for the Petitioned Subjects.** – Student/s shall be required to pay for the petitioned subject/s based on the following formula:

| <b>Subject/s</b>    | <b>Formula</b>  |
|---------------------|---|
| Lecture Subjects    | Teacher's rate x no. of units x no. of weeks in a semester x 1.15 |
| Laboratory Subjects | Teacher's rate x no. of units x no. of weeks in a semester x 1.20 |
| Shop Subjects       | Teacher's rate x no. of units x no. of weeks in a semester x 1.25 |

*Provided,* That the amount paid by the student/s shall be deposited in a Trust Fund of the University to be used in paying for the honoraria of faculty members teaching the petitioned subject/s. Any excess thereof shall form part of the income of the University.

### Chapter XIII **ATTENDANCE, RESIDENCY, LEAVE OF ABSENCE AND TRANSFER OF STUDENTS**

#### Article 34 **Attendance**

Section 173. **Required Attendance.** – Regular and punctual attendance in all classes is required of all students. A student is responsible for all assignments/requirements given during his/her absence. In case of absence due to sickness, the student is required to present a medical certificate from his/her attending physician stating the nature of his/her sickness. In other cases, the student is required to present a written certificate from his/her parents or guardian stating the nature of his or her absence.

Section 174. **Basis of Dropping a Student.** – A student shall be dropped from the class roll when the number of hours of his/her absences and/or late enrolment reaches twenty percent (20%) of the total prescribed number of hours of recitation, lecture, laboratory or shop work in one semester.

*Provided,* That if a student drops all the subjects or files the leave of absence shall secure appropriate certification from the Guidance Office subject

to approval by the Vice President for Academic Affairs upon the recommendation by the Director for SASO and College Dean concerned.

Section 175. **Waiting Time in Case of Failure of the Faculty Member to Arrive on Time.** – Students shall have the right to leave the classroom and shall not be considered absent if the faculty member does not arrive within one-fourth ( $\frac{1}{4}$ ) of the allotted class time.

Section 176. **Special Make-up Classes for Students Who Represented the University.** – Students who participate in any school-sponsored activity or represent the University on official capacity are granted approved absence upon the recommendation of the Director for SASO with the approval of the Dean of the College concerned. They shall be entitled to special quizzes and/or make-up work for missed class requirements.

#### Article 35

### Curricular Residency of the Students

Section 177. **Minimum Residency.** – A minimum residency shall be one (1) year for a four (4) year course. No student shall be allowed to transfer unless, upon the evaluation of the College Dean, he/she could satisfy the minimum residency requirement.

Section 178. **Maximum Residency.** – The maximum residency of the student for a particular course shall be as follows:

|               |   |         |
|---------------|---|---------|
| 5-year course | = | 7 years |
| 4-year course | = | 6 years |
| Secondary     | = | 6 years |
| Masters       | = | 5 years |
| Doctorate     | = | 7 years |

*Provided,* That any student who fails to finish his/her course within the maximum residency period may be allowed to register further in the College subject to completion of refresher subject/s constituting of least ten (10) percent of the coursework per school year subject to the proper determination by the College Dean concerned and approval by the Vice President for Academic Affairs.

*Provided, further,* That a student who quits from the University but plans to return must file a leave of absence. The counting of the maximum period shall be interrupted upon the filing and approval of the said leave of absence.

#### Article 36

### Leave of Absence

Section 179. **Prolonged Leave of Absence.** – A student shall be required to submit a written petition to the College Dean stating the reasons for the leave and shall specify the period of the leave which shall not exceed one (1) academic year. Such petition shall be filed prior to the leave of absence and

be approved within the period prescribed by the College concerned subject to the provisions of the Students' Handbook of the University.

Section 180. **Notification to the Parents/Guardian.** – The College through the Dean/equivalent official or his/her duly authorized representative, shall notify the parent/guardian of the student granted leave of absence and the University Registrar of such leave indicating the reasons for the same, and the amount of money to be refunded, if any.

Section 181. **Withdrawal and Curtailment of Registration Privileges.** – In harmony with Section 179 above, students who withdrew from the College without formal leave of absence may have their registration privileges curtailed or entirely withdrawn subject to proper notice by the Dean of the College concerned and the University Registrar.

#### Article 37

### Transfer of Students

Section 182. **Conditions.** – Transfer of students into the University shall be allowed under the following conditions:

- 182.1. The weighted average grade is 2.5 or higher for undergraduates and 1.75 for graduate students;
- 182.2. Transferee must satisfy the minimum residency requirement for the course; and
- 182.3. Transferee must have complied with the requirements for admission to the College to which he/she seeks transfer.

Section 183. **Crediting of Units.** – The maximum number of units which may be credited upon transfer shall be determined by the College subject to existing policies, rules and regulations.

## Title VIII

### EXAMINATIONS, RULES ON SCHOLARSHIP STANDING, RETENTION POLICY AND GRADUATION

#### Chapter XIV

### BASIC PRINCIPLE AND POLICIES

#### Article 38

### Academic Freedom and Academic Duty and Integrity

Section 184. **Academic Freedom.** – Consistent with pertinent laws, rules and regulations, the University, faculty members and students shall enjoy academic freedom as defined in Section 5.1, Article 2, Chapter I of this Code.

*Provided,* That in the exercise of the academic freedom of the University, the duly constituted Academic Council shall have the power to recommend curricular offerings and rules of the discipline; fix the requirements for

admission as well as for graduation and the conferment of degrees; exercise disciplinary power over the students; and formulate academic policies, rules and regulations on discipline, subject to the approval of the EVSU Board of Regents upon the recommendation by the University President in accordance with existing laws, rules and regulations.

Section 185. **Academic Duty and Integrity.** – Academic freedom is not absolute<sup>101</sup> neither for the University, faculty members or students. It is the duty<sup>102</sup> of the University, faculty members and students to discharge their respective rights in accordance with existing laws, rules and regulations.

Academic integrity<sup>103</sup> imposes upon the entire academic community to strictly conform to the essential values of integrity, honesty, originality, decency, hard work, respect and great responsibility. Students must aim for continuing improvement and aggressively achieve the highest standards of academic excellence and norms acceptable by the society.

Section 186. **Prohibition Against Plagiarism.** – To fully observe academic integrity in the University, students, faculty members and researchers are prohibited from committing any form plagiarism as defined in relevant

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<sup>101</sup> In **Alcuaz v. Philippine School of Business Administration** (G.R. No.76353 September 29,1989), the Supreme Court held:

“In conclusion, We wish to reiterate that while We value the right of students to complete their education in the school or university of their choice, and while We fully respect their right to resort to rallies and demonstrations for the redress of their grievances and as a part of their freedom of speech and their right to assemble, still such rallies, demonstrations, and assemblies must always be conducted peacefully, and without resort to intimidation, coercion, or violence. Academic freedom in all its forms, demands the full display of discipline. To hold otherwise would be to subvert freedom into degenerate license.”

<sup>102</sup> In **Cudia v. The Superintendent of the Philippine Military Academy** (G.R. No. 211362, February 24, 2015) citing **Isabelo, Jr. v. Perpetual Help College of Rizal, Inc.**, supra note 67, at 595-596, **University of the Phils. Board of Regents v. Court of Appeals**, supra note 115, at 306-308 (Citations omitted), **De La Salle University, Inc. v. Court of Appeals**, supra note 116, at 362, citing **Ateneo de Manila University v. Capulong**, supra note 110, at 664, **Ateneo de Manila University v. Capulong**, supra note 110, at 664, and CONSTITUTION (1987), Art. XIV Sec. 5 (3), the High Court ruled:

“Indeed, “academic freedom has never been meant to be an unabridged license. It is a privilege that assumes a correlative duty to exercise it responsibly. An equally telling precept is a long recognized mandate, so well expressed in Article 19 of the Civil Code, that every ‘person must, in the exercise of his rights and in the performance of his duties, act with justice, give everyone his due, and observe honesty and good faith.

x x x

While it is true that the students are entitled to the right to pursue their education, the USC as an educational institution is also entitled to pursue its academic freedom and in the process has the concomitant right to see to it that this freedom is not jeopardized.

It must be borne in mind that schools are established, not merely to develop the intellect and skills of the studentry, but to inculcate lofty values, ideals and attitudes; nay, the development, or flowering if you will, of the total man. Essentially, education must ultimately be religious, i.e., one which inculcates duty and reverence. Under the rubric of “right to education,” students have a concomitant duty to learn under the rules laid down by the school. Every citizen has a right to select a profession or, course of study, subject to fair, reasonable, and equitable admission and academic requirements.<sup>132</sup> The PMA is not different. As the primary training and educational institution of the AFP, it certainly has the right to invoke academic freedom in the enforcement of its internal rules and regulations, which are the Honor Code and the Honor System in particular.”

<sup>103</sup> **University of the Philippines Board of Regents v. Hon. Court of Appeals** (G.R. No. 134625, August 31, 1999), the Supreme Court declared:

“The pursuit of academic excellence is the university’s concern. It should be empowered, as an act of self-defense, to take measures to protect itself from serious threats to its integrity.”

jurisprudence such as, but not limited to, "***In the Matter of the Charges of Plagiarism, etc., Against Associate Justice Mariano C. Del Castillo***"<sup>104</sup>.

## Article 39

### Examination, Grades and Retention Policy

Section 187. ***Examinations per Subject.*** – Examinations are integral components of instruction and shall be administered by the faculty member subject to University policies, rules and regulations for the purpose of formative and/or summative evaluation of student performance.

Section 188. ***Uniformity of Retention Policy.*** – The retention and academic standards policy set forth under this Code and in the Students' Handbook or service' manual shall be applied uniformly to all Colleges and Campuses of the University subject to the Policies on Standards and Guidelines (PSGs) promulgated by the CHED in so far as expressly authorized by the EVSU Board of Regents.

*Provided,* That the academic performance of the students shall be evaluated in accordance with the prescribed grading system and grades submitted at the end of each term and shall serve as basis for the retention of the student in the College or External or Integrated Campus of EVSU.

Section 189. ***Determination of Grades.*** – Faculty members have the authority to determine and give grades to their students, *provided,* That in case a student is dissatisfied with the grade given to him/her the latter may request for re-computation subject to the approval of the Head of the Academic Department concerned.

Section 190. ***Mandatory Submission of Grades.*** – The following provisions shall strictly be observed:

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<sup>104</sup> ***In the Matter of the Charges of Plagiarism, etc., Against Associate Justice Mariano C. Del Castillo*** (A.M. No. 10-7-17-SC, February 8, 2011) citing Blacks Law Dictionary (8th Edition, 2004), <http://www.admu.edu.ph/index.php?p=120&type=2&sec=25&aid=9149>, Websters Third New International Dictionary, p. 2374, the Supreme Court sustained:

"Plagiarism, a term not defined by statute, has a popular or common definition. To plagiarize, says Webster, is to steal and pass off as one's own the ideas or words of another. Stealing implies malicious taking. Blacks Law Dictionary, the world's leading English law dictionary quoted by the Court in its decision, defines plagiarism as the deliberate and knowing presentation of another person's original ideas or creative expressions as one's own. The presentation of another person's ideas as one's own must be deliberate or premeditated taking with ill intent.

There is no commonly-used dictionary in the world that embraces in the meaning of plagiarism errors in attribution by mere accident or in good faith.

Certain educational institutions of course assume different norms in its application. For instance, the Loyola Schools Code of Academic Integrity ordains that plagiarism is identified not through intent but through the act itself. The objective act of falsely attributing to one's self what is not ones work, whether intentional or out of neglect, is sufficient to conclude that plagiarism has occurred. Students who plead ignorance or appeal to lack of malice are not excused.

Original scholarship is highly valued in the academe and rightly so. A college thesis, for instance, should contain dissertations embodying results of original research, substantiating a specific view. This must be so since the writing is intended to earn for the student an academic degree, honor, or distinction. He earns no credit nor deserves it who takes the research of others, copies their dissertations, and proclaims these as his own. There should be no question that a cheat deserves neither reward nor sympathy."

- 190.1. *Deadline of Submission.* – Every faculty member shall submit his/her report of grades at the end of each term not later than the deadline prescribed under the approved University Academic Calendar.
- 190.2. *Penalties for Delay of Submission of Grade Sheets.* – Should a faculty member fails to submit the grading sheet/s within the prescribed period, the following actions shall be taken:
- a. *For Regular Faculty Members:*
    1. Deduction from his or her salary equivalent to One Hundred Pesos (Php100.00) per subject or section or class, as the case may be, for every day of non-submission until actual receipt by the Office of the University Registrar;
    2. Disqualification from teaching of the same subject in the subsequent semester subject to the determination by the Department Head concerned duly approved by the College Dean; and
    3. Disapproval of the clearance for the semester until actual receipt by the Office of the University President.
  - b. *For Part-time Faculty Members:*
    1. All penalties under Section 190.2.a above shall be applied; and
    2. Blacklisting from any of the University Campuses to teach equivalent to one semester for every subject.
- 190.3. *Exemptions.* – A Faculty Member may be exempted from submitting his or her grade sheets within the prescribed period duly approved by the University President on any of the following ground/s:
- a. Execution or completion of travel on official business duly authorized by the University President; or
  - b. Execution or completion of medical leave subject to submission of medical certificate issued by a government physician; or
  - c. Performance of urgent task/s related to the functions and mandates of the University; or
  - d. Such ground/s or justification/s as the faculty member concerned may stipulate duly approved by the University President upon the recommendation by the College Dean concerned and Vice President for Academic Affairs.

Section 191. ***Limitations on the Submission of Grades.*** – No faculty member shall be required to submit grades in any of his/her classes more than once during the semester or term.

Section 192. **Change of Grades.** – The following provisions shall govern in the change of grades:

- 192.1. No faculty member shall change any grades of his or her subject/s thought after the report of record has been submitted to the University Registrar, except in exceptional cases as when an error has been committed, the faculty member may request for authority from the Head of the Department and the College Dean, indicating the reason for the change, but in no case shall the change operate to the prejudice of the student, subject to the approval by the University President.
- 192.2. In case a faculty member becomes incapacitated, dies, transfers, or fails to submit the grading sheets within the prescribed period, or if majority of the students got failing grades without justifiable reasons, the University President shall convene a Committee to determine the circumstances of the students and the determination of the grades therein shall be made of such Committee composed of the concerned Dean as Chair, Department Head as Vice Chair, and faculty member whose profession or expertise is related to the subject. The University Registrar shall immediately expunge the previous grades and replace with the grades determined by the Committee.

Section 193. **Prohibitions of Students to Influence in Giving Grades.** – No student shall directly influence his/her Professor/Instructor to give him/her a certain grade or ask another person to influence his/her professor similarly. Any student violating this rule shall lose credit in the subject/s concerned.

Section 194. **Grading System.** – The University shall have a uniform grading system using number grades from “1” to “5” where “1” is the highest, “3” is passing, “4” is conditional and “5” is failure. Specifically, the work of the student shall be graded with the following rating with their respective percentage and qualitative equivalent:

- 194.1. *For Graduate School Courses/Programs.* – The grading for the Graduate School courses/programs of the University Campuses shall be as follows:

| <b>Rating</b> | <b>Percentage Equivalent</b> | <b>Qualitative Equivalent</b> |
|---------------|------------------------------|-------------------------------|
| 1.0-1.2       | 95-93%                       | Excellent                     |
| 1.3-1.6       | 92-87%                       | Very Good                     |
| 1.7-1.9       | 88-86%                       | Good                          |
| 2.0           | 85%                          | Fair                          |
| 2.1-2.9       | 84-80%                       | Low Pass                      |
| 3.0           | 75%                          | Lowest Pass                   |
| Below 3.0     | 70% and below                | Failure                       |

- 194.2. *For Undergraduate Courses/Post Bacalaureate.* – The grading for the undergraduate courses/post bacalaureate of the University Campuses shall be as follows:

| <b>Rating</b> | <b>Percentage Equivalent</b> | <b>Qualitative Equivalent</b> |
|---------------|------------------------------|-------------------------------|
| 1.0 – 1.4     | 95–91%                       | Excellent                     |
| 1.5 – 1.9     | 90–86%                       | Superior                      |
| 2.0 – 2.4     | 85–81%                       | Very Good                     |
| 2.5 – 2.9     | 80–76%                       | Good                          |
| 3.0           | 75%                          | Passed                        |
| 3.1 – 4.0     | 74-70%                       | Conditional Failure           |
| 4.1 – 5.0     | 69-65%                       | Failure                       |
| INC           | N/A                          | Incomplete                    |
| DRP           | N/A                          | Dropped                       |

Section 195. ***Conditions of Incurring Incomplete Grade.*** – A grade of INC is given if the student, who failed to comply with majority of the requirements of the course. The student should show proof that this failure is due to reasons beyond his/her control and certified by the College Dean concerned.

Section 196. ***Removal of Conditional Failure & Completion of Incomplete Grades.*** – The following guidelines shall be strictly observed in the removal of conditional failure or completion of incomplete (INC) grades:

- 196.1. A grade of INC must be removed by completing the requirements within one school year (two semesters). If the student fails to complete the requirements within the prescribed period, the grade will automatically be recorded as 5.0.
- 196.2. A student is relieved of a CONDITIONAL FAILURE in any subject upon passing a reexamination. If he/she fails in the re-examination, he/she has to repeat the subject. Only one re-examination is allowed which must be taken after the last day of the semester.
- 196.3. A grade of 5.0 is given to a student with a very poor academic performance which is equivalent to a failure.

*Provided,* That a Committee on Conditional and Incomplete Grades Completion (CCIGC) shall be constituted composed of the Dean or Campus Director concerned as Chairperson, Department Head concerned as Vice Chair, and a faculty member concerned and a faculty member with relevant educational preparation designated by the College Dean, as Members. The Committee shall determine the performance and completion grade of the student based on the deficiencies and submissions thereof. The grade obtained by the student shall be submitted to the University Registrar for proper recording and safekeeping.

## Article 40

**Classification, Requirements and Entitlements**

Section 197. ***Scholarships of the University.*** – Scholarships of the University shall be classified with the requirements and entitlements as described below:

- 197.1. *Entrance Scholarship.* – An entrance scholarship consisting of the free tuition fee shall be granted to the following students:
  - a. Graduates of EVSU who were conferred any baccalaureate degree with honors, cum laude or better, and who wish to pursue graduate studies; and
  - b. Valedictorians and salutatorians from public and private high schools.
- 197.2. *Academic Scholarships.* – Academic scholarships are granted by the University based on the following:
  - a. A student who earns a grade of 1.0-1.20 in the preceding semester shall be granted 100% free tuition in the subsequent semester he/she is enrolled;
  - b. A student who earns a grade of 1.21-1.35 in the preceding semester shall be granted 75% free tuition in the current semester he/she is enrolled; and
  - c. A student who gets 1.36-1.45 in the preceding semester shall be granted 50% free tuition in the subsequent semester he/she is enrolled;
- 197.3. *Athletic Scholarships.* – Athletic scholarships are granted by the University based on the following:
  - a. A 100% free tuition is granted to athletes upon enrollment, qualification and compliance of the standards and requirements during the selection process or try out sessions, good performance and with the recommendation from coaches and Head of the Sports Development Office. Winners in National and Regional SCUAA including international competitions shall be given preference;
  - b. A 75% free tuition is granted to athletes upon enrollment, qualification and compliance of the standards and requirements during the selection process or try out sessions, good performance and with the recommendation from coaches and Head of the Sports Development Office. Winners in Regional SCUAA similar competitions shall be given preference;
  - c. A 50% free tuition is granted to athletes upon enrollment, qualification and compliance of the standards and

requirements during the selection process or try out sessions, good performance and with the recommendation from coaches and Head of the Sports Development Office. Winners in Regional SCUAA similar competitions shall be given preference;

- d. A 25% free tuition is granted to athletes upon enrollment, qualification and compliance of the standards and requirements during the selection process or try out sessions, good performance and with the recommendation from coaches and Head of the Sports Development Office. Winners in Provincial and City Meet and similar competitions shall be given preference; and
- e. Athletes should not have a grade below 3.0 and they must comply with the documents required to be submitted to the Sports Development Office.

197.4. *Culture and the Arts Scholarship.* – Culture and the Arts scholarship is granted based on the following:

- a. A 100% free tuition is granted to students who are members of the choir, dance company, title holder of Mr. and Ms. SCUAA, and Mr. and Ms. PASUC in regional level/national, other culture and art groups recognized by the University. For choir, dance, art and other culture groups scholars, students have been active members thereof for at least three (3) months on probationary and upon recommendation of the choreographers, trainers and Head of Culture and the Arts.
- b. A 75% free tuition is granted to students who are members of the choir, dance groups, other culture and art groups recognized by the University, provided said students have been active members thereof for at least three (3) months on probationary and upon recommendation of the choreographers, trainers and Head of Culture and the Arts.
- c. A 50% free tuition is granted to students who are members of the choir, dance company, other culture and art groups recognized by the University provided said students have been active members thereof for at least three (3) months on probationary and upon recommendation of the choreographers, trainers and Head of Culture and the Arts.
- d. Cultural scholars should not have a grade below 3.0 and they must comply with the documents required to be submitted to the Culture and the Arts Office.

197.5. *Institutional Scholarships.* – Institutional Scholarships may also be granted to students upon the approval of the EVSU Board of Regents.

- 197.6. *Government and Private Sponsored Scholarships.* – The University accepts government and private sponsored scholarships upon execution of a Memorandum of Agreement (MOA) with sponsoring agency/individual subject to existing laws, rules and regulations in so far as expressly authorized by the EVSU Board of Regents upon the recommendation of the University President.
- 197.7. *Additional Requirements for Academic Scholarship.* – Aside from the general weighted grade prescribed in the preceding article, academic scholars must comply with the following in order to be eligible for full or partial scholarship:
- a. Must have taken not less than the regular number of units of academic credit prescribed in the curriculum during the previous semester; and
  - b. Must have no grade lower than 2.5 nor have incurred an incomplete (INC) grade or dropped in any academic subjects in the preceding semester.
- 197.8. *Entitlements of Academic Scholars.* – An academic scholarship is for one semester but is renewable if the students meet the requirements prescribed by the University as stated above per recommendation of the College Dean. Academic scholarships include free tuition fee only, thus, the student will still be required to pay all other school fees duly approved by the EVSU Board of Regents upon the recommendation by the University President.

*Provided,* that the University may grant such other incentives or assistance to further improve the capabilities, conditions or welfare and performance of the scholars subject to availability of funds, and usual accounting laws, rules and regulations.

#### Article 41

### **Students' Scholarship Contract and Certificate of Scholarship**

Section 198. ***Students' Scholarship Contract.*** - Each grantee of scholarship programs provided under this Code shall execute a scholarship contract with the University represented by the University President the contents of which shall be determined by the Director of the SASO duly approved by the University President upon the recommendation by the Vice President for Academic Affairs.

*Provided,* That the said contract shall be immediately be suspended or terminate or revoked or withdrawn by the University President if the grantee fails to comply and/or all of the terms and conditions setforth therein and/or as may be provided under the University Students' Handbook duly approved by the EVSU Board of Regents upon the recommendation by the University President.

Section 199. ***Certificate of Scholarship.*** – The University President shall issue a Certificate of Scholarship which shall be validated every semester by the Director of SASO after proper consultations with the scholarship in-charge. The validated certificate shall be presented by the grantee together with the assessment slip during settlement of fees or accounts.

## Chapter XVI

### **SCHOLASTIC DELINQUENCY AND GRADUATION**

#### Article 42

#### **Rules on Scholastic Delinquency**

Section 200. ***Promulgation of Rules.*** – Each college shall promulgate suitable and effective provisions governing undergraduate delinquent students, subject to approval of the EVSU-Board of Regents upon recommendation by the University President.

Section 201. ***Precedence of Courses.*** – The required courses in which a student has failed shall take precedence over other courses in succeeding enrolment.

Section 202. ***Issuance of Honorable Dismissal.*** – Honorable dismissal is granted to a student who voluntarily withdraws from the University, which may be issued after due clearance.

#### Article 43

#### **Graduation Requirements**

Section 203. ***Mandatory Completion of Academic and Other Requirements.*** – No student shall be recommended for graduation unless all academic and other requirements prescribed for graduation are satisfied or complied with.

Section 204. ***Application of the Old Curriculum.*** – Candidates for graduation who belong to the old curriculum that was phased out shall be governed by the following rules:

- 204.1. Those who had completed all the requirements of the curriculum but did not apply for, nor were granted corresponding degree or title, shall have their graduation approved as of the date that they would have originally graduated; and
- 204.2. Those who have to take three (3) subjects or less may follow the old curriculum.

Section 205. ***Minimum Subject Load of Candidates for Graduation with Honors.*** – Students who are candidates for graduation with honors must have taken during each semester not less than fifteen (15) units of credit, or the normal load prescribed in the curriculum in cases where such normal is less than fifteen (15) units, unless the taking of lighter load was due to justifiable

causes duly certified by the proper authority at the time the under load was incurred. Taking subjects during summer term is strictly discouraged and a ground for disqualification from the honor rolls.

Section 206. **Filing of Application for Graduation.** –The filing of Application for Graduation shall be within the first six weeks of classes in every semester upon the recommendation of the Head of the Department, College Dean/Campus Director, and the Registrar provided that the academic requirements have been satisfied or complied with.

Section 207. **Completion of Deficiencies.** – All candidates for graduation shall have their deficiencies cleared and their records completed not later than two (2) weeks before graduation.

Section 208. **Issuance of School Records.** – A student shall be issued diploma, certificate, special order and transcript of records once cleared from all financial and other accountabilities.

#### Article 44

### Conferment of Degrees

Section 209. **Conferment of Degrees.** – The University shall confer the appropriate degree to those students who have completed all the requirements prescribed under respective curriculum and have paid all the fees and charges imposed by the University.

Section 210. **Conferment of Honors and Entitlements.** – Students who completed a program with the following average rating, computed to the second decimal point, shall be conferred graduate with honors, and conferred with appropriate Civil Service Eligibilities subject to CSC laws and rules, to wit:

210.1. Summa Cum Laude--- 1.00 to 1.20

210.2. Magna Cum Laude---- 1.21 to 1.50

210.3. Cum Laude----- 1.51 to 1.75

*Provided, however,* That the student has obtained passing grades in all his/her academic subjects since first year, to exclude Physical Education and National Service Training Program (CWTS, MTS & LTS). *Provided, further,* That the student has complied incomplete (INC) or conditional grade in any subject prescribed in the curriculum, and the student finishes the course within the specified time frame and is not a shiftee from any course/s.

*Provided, furthermore,* That in the case of graduating students with honors in the program, the prescribed length of which is less than four (4) years , the English equivalent namely, "with honors" and "with highest honors", shall be used instead.

*Provided, finally,* That for secondary programs, the DepEd issuances shall be observed on the grading and conferment of honors of students.

Section 211. **Loyalty Award.** – Loyalty Award is given to any college graduating student who has enrolled for at least eight (8) or nine (9) consecutive years in the University, depending on the course/degree taken:

211.1. Four (4) years in the Secondary

211.2. Four or five (4 or 5) years in College (Undergraduate)

*Provided,* That the University Registrar makes the certification and recommendation to the University President for such award.

Section 212. **Conferment of Honorary Degrees.** – The conferment of honorary degrees of the University shall be governed with the provisions of CHED Memorandum Order (CMO) No. 19, s. 2014<sup>105</sup> and such policies adopted by the EVSU Board of Regents in the exercise of its powers and functions under R.A. No. 9311 and R.A. No. 8292 and its IRR. Towards this end, the following rules shall strictly be observed:

212.1. *Scope and Categories.* – The honorary doctorate degrees to be awarded by the University shall be as follows:

- a. **Doctor of Fine Arts (D.F.A)/Music (D.Mus.)** can be interchangeably awarded to individuals whose exemplary performance, creative works, scholarly output and productive advocacy in the field of performing and visual arts have brought honor and distinction to the University and the country at large, as well as contributed to significant advancement of his/her particular field of endeavor/interest.
- b. **Doctor of Humanities (H.D.)** or alternatively **Doctor of Humane Letters (D.HmL.)** is given in recognition of an achievement in humanities, for productive advocacies, and for philanthropic work to honor contributions to society in general.
- c. **Doctor of Laws (LL.D.)** is awarded to outstanding citizens who are lawyers, politicians, public servants and statesmen who have contributed so much to and distinguished themselves in international understanding, leadership, and the rules of law.
- d. **Doctor of Literature (Litt.D.)** is awarded to individuals who have been widely published, who have conducted a large amount of research in their field of humanities, has built a well-attested or authenticated oral and documented body of literary works.
- e. **Doctor of Pedagogy (D.Ped.)** is awarded to outstanding practitioners and exponents who have advanced the frontiers of the science and art of pedagogy.

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<sup>105</sup> “Enhanced Policies and Guidelines on the Conferment of Honorary Doctorate Degrees by Higher Education Institutions (HEIs)”.

- f. **Doctor of Public Administration (D.P.A.)** is awarded to individuals who have distinguished themselves in and contributed so much to the management and administration of public services.
- g. **Doctor of Science (Sc.D.)** is awarded to individuals who have gained eminence in or have conducted a vast amount of science-related research to be considered a credit to a particular field of science.
- h. **Doctor of Technology (D.Tech.)** is awarded to individuals who have gained eminence in or have significant contribution for the advancement of research and development in the field of technology.
- i. Other honorary degrees that will not fall in any of the above categories that the University may consider acceptable and appropriate to award subject to the approval by the Commission on Higher Education.

212.2. *Procedures.* – The following procedures shall be strictly implemented:

- a. *Nomination of Candidates.* – The University President and/or any of the Officials of the University may nominate any individual/s for the conferment of the honorary degrees. The nomination in five (5) copies shall be supported by the necessary documents and consent of the nominee/s.
- b. *Constitution and Mandates of the Evaluation on Conferment of Honorary Degrees Committee (ECHDC).* – There shall be an Evaluation on Conferment of Honorary Degrees Committee composed of a Regent duly designated by the University President as Chairperson, Vice President for Academic Affairs as Vice Chairperson, and Director of the Commission on Higher Education (CHED)-Regional Office No. VIII, President of the Federation of Faculty Associations, President of the Federation of Student Councils, and President of the Federation of Alumni Associations, as Members.

The duly constituted Evaluation on Conferment of Honorary Degrees Committee (ECHDC) shall have the mandate to evaluate the qualifications and requirements and recommend to the University President for the conferment of honorary degree to any nominee or individual. It shall also review any protest/s on the conferment of such honorary degree.

- c. *Evaluation of Qualifications and Documents, and Interview of the Nominees.* – The duly constituted Evaluation on Conferment of Honorary Degrees Committee (ECHDC) shall evaluate the qualifications and documents, and in its

discretion, conduct an interview of the nominees within thirty (30) days upon receipt of the nominations.

- d. *Evaluation Results.* – The evaluation results shall be submitted by the ECHDC to the University President for further review and submission to the Academic Council for information
- e. *Required Approval.* – The list of qualified nominees shall be submitted to the EVSU Board of Regents for further evaluation and approval.

The University shall inform the CHED Central Office through the CHED Regional Office No. VIII at least two (2) months prior to the conferment, for record purposes. *Provided,* That should CHED fails to act on the recommendation by the University within one (1) month prior to the conferment of degrees, the same shall be deemed approved upon the proper notice by the University President and upon proper authority by the EVSU Board of Regents.

- f. *Publication or Posting.* – The list of honoree/s or recipient/s duly approved by the EVSU Board of Regents shall be published in the publications or newsletters of the University and posted in the bulletin boards and other conspicuous places of the different colleges and Campuses of the University.
- g. *Disposition of Protest.* – Any person may file a verified protest against any and/or all honorees before the University President and the same shall be processed and disposed of by the ECHDC within fifteen (15) days from referral by the University President. *Provided,* That the protest shall not restrain or stay the conferment of degrees. *Provided, further,* That the decision of the ECHDC shall be executory unless appealed from the EVSU Board of Regents whose decision shall be final.

212.3. *Conferment Ceremonies.* – The Conferment Ceremonies may be held simultaneously with the regular graduation ceremonies of degree programs or on the schedule as the EVSU Board of Regents may determine upon the recommendation by the University President.

212.4. *Denial, Withdrawal, Withholding and Nullifying the Conferment of Honorary Degrees.* – The Commission on Higher Education (CHED) and/or the EVSU Board of Regents has the prerogative to deny or withdraw, withhold or declare null and void the conferment of an honorary degree due to any of the following causes:

- a. When any of the submitted credentials is fabricated; or

- b. When the recipient's conduct or stand on certain issues contravenes public morals and policy.

## **Title IX STUDENTS OF THE UNIVERSITY**

### Chapter XVII **STUDENT AFFAIRS AND SERVICES OF THE UNIVERSITY**

#### Article 45 **Statement of Policies and Components of Student Affairs and Services**

Section 213. **Statement of Policies.** – The University must conform to the declared policies under CHED Memorandum No. 09, s. 2013<sup>106</sup>, and its subsequent issuances and the same shall be applied suppletorily and serve as governing guidelines under this Article and related policies of the University in so far as expressly authorized by the EVSU Board Regents upon the recommendation by the University President, to wit:

- 213.1. The University seeks to form individuals who can later become productive citizens of the country and the world. Its responsibility is not only confined to the teaching and development of job skills, but also to the acquisition of life skills and values. The individuals produced by the educational institution should be able to contribute positively to the progress of his/her country, and to the upliftment of the human conditions. Student Affairs and Services, therefore, must systematically and deliberately address this end objective of producing citizens suited to the aims of the country and of humanity. The University must provide a set of student centered activities and services in support of academic instruction intended to facilitate holistic and well rounded student development for active involvement as future responsible citizens and leaders. These shall be collectively known as the Student Affairs and Services.
- 213.2. The Students' enjoyment of their rights shall be balanced by the exercise of accountability and social responsibility, that is for every right enjoyed, there is a corresponding duty and accountability.
- 213.3. The rights of students to "self management" with the exercise of right to self-organize on matters that will advance their welfare and maximize their potentials shall be invaluable.
- 213.4. The University shall ensure full implementation of policies promulgated by CHED and provide mechanism for its monitoring

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<sup>106</sup> "Enhanced Policies and Guidelines on Student Affairs and Services."

and evaluation duly approved by the EVSU Board of Regents upon the recommendation by the University President.

Section 214. **Components of Student Affairs and Services of the University.** – Student Affairs and Services are the services and programs in the University that are with academic support experiences of students to attain holistic student development<sup>107</sup>. The academic support services of the University are composed of the following:

- 214.1. *Student Welfare Services.* – These are basic services and programs needed to ensure and promote the well-being of students.
- 214.2. *Student Development Services.* – These include the services and programs designed for the exploration, enhancement and development of student’s full potential for personal development, leadership, and social responsibility through various institutional and/or student –initiated activities.
- 214.3. *Institutional Student Programs and Services.* – These are the services and programs designed to pro-actively respond to the basic health, food, shelter, and safety concerns of students including students with special needs and disabilities and the University.

Section 215. **Student Welfare Services of the University**<sup>108</sup>. – These include the basic services that are necessary to serve the well-being of students such as, but not limited to, (1) Information, Orientation and Awareness, (2) Guidance and Counseling, (3) Career and Placement, (4) Economic Enterprise Development, (5) and University Students’ Handbook.

Section 216. **Institutional Student Programs and Services of the University**<sup>109</sup>. – These are the programs and activities offered by the University to facilitate the delivery of essential services to the students, such as, but not limited to, (1) Admission, (2) Scholarship and Financial Assistances, (3) Food, (4) Health, (5) Security and Safety, (6) Housing and Residential Services, (7) Multi-Faith, (8) Foreign/International Students, (9) Services for Students with Special Needs, and (10) Other programs such as: (a) culture and arts, (b) sports, and (c) social and community involvement.

#### Article 46

### **Educational Tours or Trips, Apprenticeship, On-the-Job-Training (OJT), Practice Teaching, or Off-Campus Engagements/Activities**

Section 217. **General Policies.** – The following policies shall be observed:

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<sup>107</sup> Section 10, Article V of CHED Memorandum Order No 09, s. 2013.

<sup>108</sup> Article VII of CHED Memorandum Order No 09, s. 2013.

<sup>109</sup> Article IX of CHED Memorandum Order No 09, s. 2013.

- 217.1. *General Conditions.* – The University shall support the conduct of educational tours, field trips, apprenticeship, on-the-job-training (OJT), and off-campus engagements of students that are duly required in the approved curriculum to be conducted either in the Philippines or abroad, which strictly be consistent with the provisions of CHED Memorandum No. 17, s. 2012<sup>110</sup> and subsequent issuances thereof, and such applicable laws, rules and regulations in so far as expressly adopted by the Board upon the recommendation of the University President.
- 217.2. *Inclusion in the Course Curriculum or Prospectus and Subject's Syllabus.* – The conduct of educational tours, field trips, apprenticeship, on-the-job-training (OJT), and off-campus engagements of students shall specifically be included in the course curriculum or prospectus and subject's syllabus so that students and parents are aware of the nature, venues, schedules and financial requirements.
- 217.3. *Required Approval by the University Authorities.* – All educational tours, field trips, apprenticeship, on-the-job-training (OJT), and off-campus engagements shall be properly endorsed by the concerned Academic Heads, Deans, and Dean of SASO duly endorsed by the concerned Campus Directors, Director for External Affairs, and recommended by Vice President for Academic Affairs and Vice President for Internationalization and External Affairs, and approved by the University President.
- 217.4. *Imposition of Moratorium by the Commission on Higher Education and the University President.* – The CHED and/or University President may impose moratorium on the conduct of Educational Tours or Trips, Apprenticeship, On-the-Job-Training (OJT), Practice Teaching, or Off-Campus Engagements/Activities anytime as may be deemed necessary.

*Provided,* That the Vice President for Academic Affairs shall, upon the recommendation by the concerned College Dean and faculty member and consultations with the students concerned, institute replacement activities or requirements that will serve the purpose by such off-campus activities, preserve objectives sought to be achieved, and see to it that no student shall be negatively affected by the moratorium<sup>111</sup>.

- 217.5. *A Joint Affidavit of Shared or Several Responsibility.* – In addition to the requirements as may be prescribed under relevant CHED issuances and policies of the University duly approved by the EVSU Board of Regents, a Joint Affidavit of Shared or Several Responsibility (JASSR) shall be executed among the student-participants, parent/s or guardian/s concerned, the organizer/s, Heads of the academic departments and student affairs, Director

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<sup>110</sup> "Policies and Guidelines on Educational Tours and Field Trips of College and Graduate Students."

<sup>111</sup> CHED Memorandum dated February 27, 2017 and its subsequent issuances.

of SASO, Vice President for Academic Affairs and the University President.

*Provided,* That the JASSR shall be duly sworn and subscribed to before an authorized administering officer/s in accordance with existing laws, rules and regulations.

*Provided, further,* That the format of the said Joint Affidavit of Shared or Several Responsibility shall be determined by the Director of SASO duly approved by the University President upon the recommendation by the Vice President for Academic Affairs.

Section 218. **Manual for Educational Tours, Field Trips, Apprenticeship, On-the-Job-Training (OJT), Practice Teaching, or Off-campus Engagements/Activities.** – The Director for External Affairs shall prepare the Manual for Educational Tours, Field Trips, Apprenticeship, On-the-Job-Training (OJT), or Off-Campus Engagements/Activities and the same be submitted to the Board Committee for further review and conduct of consultations, and to the EVSU BOR for approval upon the recommendation by the University President.

## Chapter XVIII **CLASSIFICATION, RIGHTS, DUTIES AND RESPONSIBILITIES OF STUDENTS**

### Article 47 **Classification of Students**

Section 219. **Classification of Students.** – Students of the University are classified according to the academic load they take, to wit:

- 219.1. *Regular Student* – is one who is officially registered and taking all the prescribed subjects in a course at a given semester for the curriculum year.
- 219.2. *Irregular Student* – is one who does not take all the subjects in a course at a given semester prescribed in the curriculum year.
- 219.3. *Working Student* – is one who is officially enrolled for a given semester and is employed on a full-time or part-time basis.
- 219.4. *Transfer Student* – is one who comes from another institution and who is officially enrolled after qualifying for admission in the University.
- 219.5. *Foreign Student* – is one who is officially enrolled in the University and is a citizen/subject or resident of another country.
- 219.6. *Returnee* – is one who temporarily stop from studying within the allowable period and is allowed to enroll in the course of study he/she had previously taken in the University.

- 219.7. *Shiftee* – is one who is allowed to enroll in another course after taking subjects or earning unit credits for a certain course.

#### Article 48

### **Rights, Duties and Responsibilities of Students**

Article 220. ***Rights of the Students.*** – As prescribed by law and University policies, rules and regulations, every student shall have the following rights:

- 220.1. Receive relevant quality education in line with the goals, objectives and standards of the University;
- 220.2. Avail himself/herself of guidance and counseling services and such student services;
- 220.3. Enjoy freedom of expression which includes freedom of speech and the press - to express and pursue his/her opinions on any subject, *provided*, that in the expression and dissemination of such views, he/she observes the laws and conventional norms which govern freedom of expression in a civilized and democratic society;
- 220.4. Be informed of the policies of the University and receive a copy of every school publication, including the Constitution and By-laws of the EVSU Federation of Student Government/s and the University's Students' Handbook;
- 220.5. Enjoy academic freedom pursuant to constitutional and legal principles;
- 220.6. Participate in the formulation and development of policies affecting the University in relation to the locality/region and nation through representation in the Board of Regents;
- 220.7. Participate in curricular and co-curricular activities of the University;
- 220.8. Seek peaceful redress of grievances against any member of the academic community in accordance with the defined channels of authority;
- 220.9. Be respected as a person, develop physical, social, moral and intellectual capabilities and to enjoy quality learning conditions;
- 220.10. Receive reasonable protection and security within the campus premises;
- 220.11. Permitted access to his/her own academic records for the purpose of knowing his/her academic standing;
- 220.12. Enjoy a safe and healthy environment;

- 220.13. Provided with speedy issuance of academic credentials and processing of financial transactions;
- 220.14. Pursue and continue his/her studies until graduation except in cases of academic deficiencies and any violation of pertinent provisions in the University's Students' Handbook;
- 220.15. Avail himself/herself of the use of institutional facilities and services in accordance with the existing rules and regulations of the University;
- 220.16. Be afforded due process in case of any complaint against his/her person for an act done in the University; and
- 220.17. Enroll in and attend review classes of his/her own choice.

Section 221. ***Duties and Responsibilities of Students.*** – Through official enrolment in the Eastern Visayas State University, every student regardless of the circumstances of birth, sex, religion and socio-economic status, voluntarily puts himself/herself under the authority, care, and protection of the University.

*Provided,* That even as the student enjoys rights and privileges, he/she commits himself/herself to abide by the policies, rules and regulations formulated by the authorities of the University aimed at mutual benefits of all concerned. In fulfillment of this aim, it shall be the duty and/or responsibility of every student to:

- 221.1. Strive to know, understand, uphold, and help attain the vision, mission, and goals of the University; to know the history and philosophy of the University and to uphold its good name.
- 221.2. Attend the flag raising ceremony every Monday morning and actively participate in the singing of the Philippine National Anthem, EVSU Hymn and EVSU March.
- 221.3. Be involved in all other activities which require attendance and participation such as convocations and programs, which enrich life in the University.
- 221.4. Wear the prescribed uniform at all times except during wash day and special activities; be decently attired and adhere to what is generally accepted as sartorial decorum and etiquette.
- 221.5. For male students, sporting long hair, wearing knee-torn pants, earrings and other fashion amulets are strictly prohibited. For female students, wearing of sandals, knee-torn pants, hanging, haltered, spaghetti tube blouses and miniskirts are likewise prohibited.
- 221.6. Be regular and punctual in class attendance, and participate diligently and conscientiously in all school functions, whenever required.

- 221.7. Strive for academic excellence and attain the highest standards of excellence in every activity he/she engages in as a student of the University.
- 221.8. Wear the University ID within the campus at all times;
- 221.9. Voluntarily join campus organizations and participate in competitions which would further develop his/her talents, skills and intellectual abilities.
- 221.10. Speak English or Filipino in communicating with friends, teachers, and superiors in the campus.
- 221.11. Help promote and maintain a clean and environment-friendly campus. Smoking inside the campus is strictly prohibited.
- 221.12. Observe honesty, courtesy, obedience, decency in thoughts, words and deeds, and show respect towards school authorities and fellow students.

#### Chapter XIX

### **IDENTIFICATION CARD, UNIFORM, CURRIULAR CONSULTATION SERVICES, AND ASSISTANTSHIP**

#### Article 49

#### **Student's Identification Card**

Section 222. **Issuance of Identification Card.** – Each student enrolled in EVSU is entitled to official student identification (ID) card which shall be issued upon payment thereof.

Henceforth, to attain the said objective, each University Campus shall procure and maintain adequate ID machine, supplies and materials to be used exclusively in the production and distribution of student ID cards, and if resources permits, including those of the officials, faculty and non-teaching personnel of the University.

Section 223. **Validation and Replacement of Identification Card.** – The ID Card shall be submitted to the Director for Student Affairs and Services Office for validation every semester. *Provided*, That the loss, defacement or damage of an ID card should be reported immediately for replacement upon payment of the required fees.

Section 224. **Use of ID Card for Access to and Use of Library Holdings.** – The School ID shall also serve as Library ID subject to the rules and regulations of the University Library and/or as may be prescribed under the Library Services Manual of the University.

#### Article 50

#### **Students' Uniform**

Section 225. **Prescribed Uniform.** – The following rules shall strictly be observed:

- 225.1. For purposes of identification from other students of other institutions, the University shall prescribe the school uniform for male and female students through a Committee on Students' Uniform (CSU).
- 225.2. In no case shall a faculty member require students to wear uniform other than the ones officially prescribe unless there is imprimatur from the University President upon the recommendation of the Committee on Students' Uniform (CSU).
- 225.3. The Committee on Students' Uniform (CSU) shall be composed of the Vice President for Academic Affairs as Chairperson, Director for SASO as Vice Chairperson, President of Federation of Students' Councils or his/her authorized representative, President of the Federation of Faculty Associations or his/her representatives, and at least two (2) coming from the industry sector, as Members. *Provided,* That the industry sector representative may come from the Private Sector Representatives of the EVSU Board of Regents or any representative from the various industries within the curricular offerings of the University.
- 225.4. All proposals in prescribing the school uniforms including any change thereof shall be subjected to the students concerned for proper consultations to be undertaken by the Committee on Students' Uniform and the same be submitted to the University President for further review and approval.

Section 226. **Schedule Wearing the Uniform.** – Students shall wear the prescribed uniform from Monday to Friday except during Wednesdays which shall be considered wash day.

## Article 51

### Curricular Consultation Services

Section 227. **Curricular Consultation and Guidance Counseling.** – There shall be a regular consultation and guidance to be provided by the faculty to students in connection with their registration, assignments, progress in the academic work, and problems encountered in their subject courses. The anecdotal note or journal generated from these activities shall be held with strict confidentiality and be kept properly at the Guidance Services Office of the University.

*Provided,* That the time and services provided by the faculty members in curricular consultation and guidance counseling of their respective students shall be included and counted in the workload as provided under this Code and such relevant policies of the University duly approved by the EVSU Board of Regents upon the recommendation by the University President.

Article 52  
**Student Assistants**

Section 228. **Hiring, Work Load and Benefits of Student Assistants.**  
– The University may hire deserving students, through the Student Affairs and Services Office (SASO), as student assistants to be assigned to the various units of the University, and grant them full free of tuition and miscellaneous and laboratory fees, hourly compensation, and that their working hours and academic load shall be accordance with existing laws, rules and regulations.

*Provided*, That they may be allowed to perform their duties until 7:00PM during working days with corresponding compensation provided in relevant policies of the University. *Provided, further*, That they shall have at least passing grades in all subjects taken.

*Provided, furthermore*, That the University President shall create the screening committee to evaluate applicants and the performance of the student assistants.

Section 229. **Indexation to Inflation Rate of the Benefits of Student Assistants.** – The Benefits of Student Assistants shall be indexed to the inflation rate subject to the mechanisms approved by the EVSU Board of Regents, upon the recommendation by the University President taking into account the process, requirements and relevant factors as provided under Section 163, Article 31 hereof.

Chapter XX  
**RESIDENCE HALLS AND REVIEW CENTER OF THE UNIVERSITY**

Article 53  
**Residence Halls**

Section 230. **Establishment the Residence Halls.** – The University shall establish and maintain residence halls for students subject to the requirements standards prescribed under applicable laws, rules and regulations.

Section 231. **Administration of the Residence Halls.** – The residence halls shall be administered in accordance with the following rules:

231.1. Each residence shall have a full time Resident Manager who shall be under the supervision of the Vice President for Administration and Finance.

231.2. The Resident Manager shall have full authority and responsibility in the management and operation of the residence hall subject to the policies of the University duly promulgated by the EVSU Board of Regents upon the recommendation by the University President.

Article 54  
**Review Center of the University**

Section 232. **Declaration of Policy and Unlawful Acts.** – The University shall adhere to the declared State policies under Section of Republic Act No. 10609<sup>112</sup> and its Implementing Rules and Regulations (IRR), as follows:

232.1. *Declaration of Policy.* – The University adheres to the declared policy under Section 2 of R.A. No. 10609, to wit:

"It is declared policy of the State to promote and protect the right to education as enshrined in the Philippine Constitution. While the State recognizes the complementary roles of public and private institutions in the enhancement and strengthening of the educational system it is also the responsibility the State to ensure the protection of students against possible abuses by Higher Education Institutions (HEIs) in relation to the right of students to choose their review centers.

232.2. *Unlawful Acts*<sup>113</sup>. – In recognition of the student's freedom to choose his/her review center, the following acts by the University shall be considered unlawful:

- a. Compelling students enrolled in courses requiring professional examinations to take review classes, which are not part of the curriculum, in a review center of the University's and/or its official's or faculty member's choice;
- b. Making such review classes a prerequisite for graduation or completion of the course;
- c. Forcing students to enroll in a review center of the University's and/or its official's or faculty member's choice, and to pay the corresponding fees that include transportation and board and lodging; and
- d. Withholding the transcript of scholastic records, diploma, certification or any essential document of the student to be used in support of application for professional licensure examinations so as to compel the students to attend in a review center of the University's and/or its official's or faculty member's choice.

Section 233. **Review Center of the University.** – Each Campus of the University may establish and operate a review center subject to the resources and capabilities of the campus concerned. The Review Center/s of the University shall be under the direct supervision by the Vice President for Academic Affairs subject to the following conditions:

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<sup>112</sup> "An Act Protecting the Right of Students Enrolled in Courses Requiring Professional Licensing Examinations to Enroll in Review Centers of Their Choice and Providing Penalties for Violations Thereof."

<sup>113</sup> Section 4 of Republic Act No. 10609 otherwise known as the Protection of Students' Right to Enroll in Review Centers Act of 2013."

- 233.1. *General Guidelines.* – The general guidelines shall be observed:
- a. The Review Center shall conform with the standards and requirements set forth under CHED Memorandum Order No. 30, s. 2007 dated May 7, 2007<sup>114</sup> and subsequent issuances thereof.
  - b. The Review Center shall offer review courses which are set of non-degree instructional program of study and/or instructional materials/module, offered by the University with a recognized course/program requiring licensure examination, that are intended to merely refresh and enhance the knowledge or competencies and skills of reviewees<sup>115</sup>.
  - c. The University enjoys academic freedom and nothing in the said rules shall prohibit it from including or integrating in the appropriate curriculum review subjects with the corresponding credits as requirement for graduation<sup>116</sup>.
  - d. The Review Center shall primarily cater to the needs of the reviewees of the University hence, they shall be given priority in the availment of the services thereof.
- 233.2. *Fees and Charges.* – Reasonable fees and charges may be imposed to the reviewees to be used for the expenses necessary such as, but not limited to, personal services, procurement of learning materials, MOOE and capital outlay of the Review Centers. *Provided,* That any fee or charge shall be approved by the EVSU Board of Regents upon the recommendation by the University President.
- 233.3. *Exemption from Payment of Fees and Charges.* – The Review Center shall exempt reviewees of the University who belong to poor and less privileged family or sector of the society as may be determined by the Committee created for the purposes by the University President.
- 233.4. *Sources of Funds.* – The funds necessary for the management and operations of the Review Center/s shall be charged against the fees and charges, and/or income or appropriate funds of the University subject to usual accounting and auditing rules and regulations.

## Chapter XXI

### **INTERNATIONALIZATION OF HIGHR EDUCATION OF THE UNIVERSITY, AND FOREIGN STUDENTS**

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<sup>114</sup> "Revised Implementing Rules and Regulations Governing the Establishment and Operation of Review Centers and Similar Entities in the Philippines Pursuant to Executive Order No. 566."

<sup>115</sup> Section 3, Rule II of CHED Memorandum Order No. 30, s. 2007.

<sup>116</sup> Section 3, Rule VI of CHED Memorandum Order No. 30, s. 2007.

## Article 55

**Internationalization of Education**

Section 234. **Concept of Internationalization**<sup>117</sup>. – The internationalization of higher education of the University shall be consistent with the following:

- 234.1. In its broadest sense, international of higher education involves the integration of international/intercultural dimensions of the University's purpose, functions and/or delivery; it involves a process of interchange of higher education between nations, between national systems of higher education, between institutions of higher education. It is the expansion of higher learning within and beyond national borders and centers of scholarly studies. Internationalization of higher education is a much broader concept than cross-border education.
- 234.2. There are two pillars in the internationalization of higher education: internationalization at "home" or home-based internationalization (within national borders) and cross-border internationalization. The two pillars are closely linked and are interdependent.

Section 235. **Purposes of Internationalization of Higher Education of the University**<sup>118</sup>. – Taking into considerations the mandates of the University under R.A. No. 9311 and under this Code, the following purposes of international are hereby added as considerations in developing its internationalization programs:

- 235.1. Facilitation of inclusive access, cost-effectiveness and community development orientation;
- 235.2. Use of home-based internationalization activities to allow more students to benefit from internationalization;
- 235.3. Addressing regional and sectoral needs and conditions in the communities within service areas, in cooperation with local government units and other relevant field agencies; and
- 235.4. Incorporation of international dimensions on the delivery of education to enhance student experience, craft multi-cultural, multi-faceted instruction, research and extension programs, and improve faculty credentials.

Section 236. **Establishment and Management of the Internationalization of University Higher Education Office (IUHEO)**. – There is hereby established Internationalization of University Higher Education Office or IUHEO to be headed by a Director and assisted by staff duly

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<sup>117</sup> Section 1, Article III of CHED Memorandum Order No. 55, s. 2016 dated November 11, 2016 entitled, "Policy Framework and Strategies on the Internationalization of Philippine Higher Education."

<sup>118</sup> Section 9(8), Article IV of CHED Memorandum Order No. 55, s. 2016.

designated by the University President and the same shall be under the direct supervision by the Vice President for Internationalization and External Affairs.

Section 237. **Internationalization of University Higher Education Manual.** – The University President shall, upon the recommendation by the Director for IUHEO and Vice President for Internationalization and External Affairs, formulate such policies necessary to ensure proper, effective and efficient implementation of the Internationalization of the University Higher Education taking into considerations applicable laws, rules and regulations subject to the approval by the EVSU Board of Regents.

Section 238. **Policies and Guidelines Promulgated by the Commission on Higher Education (CHED).** – The provisions of Policies and Guidelines promulgated by the CHED shall be applied suppletorily to and serve as the governing guidelines of this Article and such policies of the University in so far as expressly adopted by the EVSU Board of Regents upon the recommendation by the University President.

#### Article 56

### Foreign Students

Section 239. **Supervision of Foreign Students.** – All enrolled foreign students of the University shall be the duty of the Director for Open Distance Learning and Internationalization Higher Education of the University (ODLIHEU) Center.

Section 240. **Policies on Foreign Students.** – The Director for ODLIHEU shall, in coordination with the Direct of Student Affairs and Services Office, prepare the necessary policies governing foreign students taking into consideration relevant policies, rules and regulations which shall be integrated into the Students' Handbook of the University subject to the approval by the EVSU Board of Regents upon the recommendation by the University President.

## Title X

### CO – CURRICULAR ACTIVITIES

#### Chapter XXII

### STUDENT GOVERNMENT

#### Article 57

### Federation of Student Governments/Councils of the University and Supreme Student Government of University Campuses

Section 241. **General Provision.** – EVSU recognizes the importance of developing leaders who will eventually assume the mantle of leadership in their chosen fields of endeavor. For this purpose, the University seeks to encourage the formation of student groups that pursue clearly established common

objectives and the initiation of student-directed endeavors set up along social, cultural, intellectual, educational, or recreational lines.

Section 242. ***The Supreme Student Governments of Campuses and the Federation of Supreme Student Governments of the University.*** – The following guidelines shall strictly be observed:

242.1. *The Supreme Student Governments/Councils (SSG/C) of Campuses.* – There shall be an autonomous Supreme Student Government/Council, which shall be governed by its duly approved Constitution and by Laws. It shall be under the direct supervision of the Student Affairs and Services Office. Its duties and functions include the following:

- a. Develop school spirit among the ranks of students and promote their genuine welfare;
- b. Consult the University President on student matters, affairs and activities of distinctly inter collegiate concern;
- c. Organize and direct student activities as authorized by the University;
- d. Adopt its own by-laws for its own internal and general governance; and
- e. Exercise such powers and perform other duties as the University authorities may delegate from time to time.

242.2. *Federation of the Supreme Student Governments/Councils (FSG/C) of the University.* – Pursuant to Section 6, Rule IV of implementing Rules and Regulations of R.A. No. 8292, the Students Councils/Governments/Bodies of the different campuses shall be federated to be known as the Federation of Student Governments of EVSU. *Provided,* That its membership shall be composed of *bonafide* students of the tertiary programs offered in the different University Campuses.

242.3. *Government of the Federation of Student Governments or Councils.* – The Federation shall promulgate its Constitution and By-laws that provide its government.

## Article 58

### **Students' Leadership Scholarships and Entitlements**

Section 243. ***Students' Leadership Scholarships.*** – All officers of the SSG/C of Campuses, FSG/C of the University and Presidents of recognized campus organizations of the University shall be entitled to scholarship provided under its duly approved constitution and by-laws or in the University Students' Handbook. *Provided,* That the grantees shall comply the performance requirements by the SASO as provided under the University Students' Handbook.

Section 244. **Entitlements and Requirements.** – Students and their respective advisers duly designated by the University President who are authorized to travel or attend trainings, seminars, conferences, meetings, or competitions on official business by the University President shall be entitled to per diem and transportation allowances, and registration fee/s, whenever applicable, subject to existing laws, rules and regulations. They may also be entitled to financial assistance as provided under the University Students' Handbook subject to the availability funds and usual accounting and auditing rules and regulations.

*Provided,* That all expenses necessary for the implementation of this Section shall be charged against the appropriate trust fund/s and/or income of the University subject to the provisions of CHED Memorandum Order No. 20, s. 2011 duly approved per Board Resolution No. 93, s. 2016, relevant University policies, and usual accounting and auditing rules and regulations.

*Provided, further,* That each grantee shall execute an Students' Scholarship Contract and be issued with the Certificate of Scholarship as provided under Section 198-199, Article 41 of this Code.

### Chapter XXIII

## STUDENTS' ORGANIZATIONS AND ACTIVITIES

### Article 59

#### General Principles

Section 245. **General Principles.** – The following shall be observed

245.1. Student group, society, club, fraternity, sorority, or any similar kind of student organization shall not be permitted to operate directly or indirectly and allowed the use of the name of the University unless the same has been duly recognized and approved by the Director of Student Affairs and Services Office (SASO).

*Provided,* That student organizations shall be accredited by the Committee on Students' Organizations (CSO) composed of the SASO Director as Chair, Head of Student Affairs, as Vice Chair, President of the Federation of Student Governments or his/her authorized representative, as Member. The CSO shall convene as frequent as may be deemed necessary.

245.2. Student organizations or groups must abide by their respective Constitution and by-laws duly registered at the SASO consistent with the provisions of this Code, University Students' Handbook and such policies as the EVSU Board of Regents may promulgate upon the recommendation by the University President.

### Article 60

#### Athletics of the University

Section 246. **Membership to the Athletic Association of the University.** – Every student duly registered in any of the colleges of the University, shall upon payment of the athletic fee, be a member of the EVSU Athletic Association.

Section 247. **Supervision of the Athletics Activities.** – Athletics shall be directly under the Head of Sports Development.

#### Article 61 **Convocations**

Section 248. **Holding of Convocation.** – University convocation shall be held under the auspices of the different colleges and units of the EVSU or college organizations, upon approval of the University President duly recommended by the officials concerned.

Section 249. **Religious Activities.** – Any priest, preacher, or minister of the gospel or any religious denomination may speak before student groups or organizations: *Provided*, That the sponsoring organization or group shall seek clearance from the Office of the University President.

### Chapter XXIV **STUDENTS' PUBLICATION OFFICE**

#### Article 62 **Declaration of Policy**

Section 250. **Declaration of Policy.** – Pursuant to Section 2 of Republic Act No. 7079<sup>119</sup>, "it is hereby declared policy of the State to uphold and protect the freedom of the press even at the campus level and promote the development and growth of campus journalism as a means of strengthening ethical values, encouraging critical and creative thinking, and developing moral character and personal discipline of the Filipino youth. In furtherance of this policy, the State shall undertake various programs and projects aimed at improving the journalistic skills of students concerned and promoting responsible and free journalism."

Section 251. **Establishment of the Student Publications Office (SPO).** – In the realization of the foregoing provision, there is established Student Publications Office (SPO) in the various University Campuses which shall primarily be concerned on publishing the official newspaper/magazine of the students of the University. It shall be devoted primarily to the publication of news that are of general interest to the students; and shall not in any way be used as a medium for promoting personal or sectoral interest/s.

#### Article 63 **General Guidelines**

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<sup>119</sup> Campus Journalism Act of 1991.

Section 252. **General Guidelines.** – The following general guidelines shall be observed:

- 252.1. The publication of the newspaper/magazine for students shall be governed by the rules and regulation governing student activities. The University President shall appoint a faculty adviser on the administrative and editorial work of the student publication on the recommendation of the SPO Editorial Board and Director of Student Affairs and Services Office.
- 252.2. Notwithstanding to the provisions of the preceding paragraph, whenever the University President determines that the Editorial Staff of the Student Publication Office has not been producing a fair, sober and dignified newspaper/magazine, he/she may direct the faculty adviser to confine his/her work to post-publication review. But the University President may restore the powers of the faculty adviser as provided in the next preceding paragraphs if he/she determines that the condition for limiting the adviser's power have ceased to exist.
- 252.3. The Editor-in-Chief and other staff members of the Student Publication's Office shall be chosen solely through an examination to be given during the first ten (10) days of the academic semester by a Committee to be appointed by the University President, on the recommendation of the Director of Student Affairs and Services Office in accordance with the provisions of Republic Act 7079 otherwise known as the Journalism Act of 1991. Only regular, bona fide students having a general weighted average of "2.5" or better or without any grade of "5" or have not dropped in any course during the previous semester, are qualified to take the examinations. Candidates for the position of Editor-in-Chief shall present a certification from the College Dean that they have not been subjected to disciplinary action for misconduct of any kind and that they are responsible persons and are of good moral character.
- 252.4. The student receiving the highest general average rating in the examination shall *ipso facto* qualify as Editor-in-Chief of the student publication. In case of tie, the journalistic training and experience of the candidate shall be taken into consideration to break the tie.
- 252.5. The term of office of the Editor-in-Chief and other staff members of the student publication and his/her staff shall be one (1) semester until their successors have been selected, subject to the provision of the of R.A. No. 7079.
- 252.6. There shall be editorial policies which is a set of guidelines by which a student publication is operated and managed, taking into account pertinent laws as well as the University administration's policies. Said guidelines shall determine the frequency of

publication, the manner of selecting articles and features and other similar matters<sup>120</sup>.

- 252.7. All provisions of the Student Publication shall be in accordance with R.A. No. 7079 and its IRR including the policy, rules and regulations of the University in so far as expressly authorized by the Board upon the recommendation by the University President.

Section 253. **Security of Tenure**<sup>121</sup>. – A member of the publication staff of the University must maintain his or her status as student in order to retain membership in the publication staff. Student shall not be expelled or suspended solely on the basis of articles he or she has written, or on the basis of the performance of his or her duties in the student publication.

Section 254. **Funding of Student Publication**<sup>122</sup>. – Funding for the student publication may include the savings of the University's appropriations, student subscriptions, donations and other sources of funds.

*Provided*, That each student shall be charged a student publication fee to be collected during enrollment by the University Campuses' administration which shall be deposited in special trust fund and utilized solely for the programs, projects and activities of student publication of the University Campus concerned.

*Provided, further*, That in no instance that the University Campus administration concerned withholds the release of funds sourced from the savings of the appropriations of the University or Campus and other sources intended for student publication. Subscriptions fees collected by the University Campus administration concerned shall be released automatically to the student publication.

Section 255. **Suppletory Application of Republic Act No. 7079 and its Implementing Rules and Regulations (IRR) and Subsequent Issuances Thereof, and Other Applicable Laws, Rules and Regulations.** – The provisions of R.A. No. 7079 and its IRR and subsequent issuances thereof, and other applicable laws, rules and regulations shall be applied suppletorily and serve as the governing guidelines of this Chapter and subsequent policies of the University in so far as expressly authorized by the EVSU-Board of Regents upon the recommendation of the University President.

#### Article 64

### Press Articles by Students

Section 256. **Attribution to College or Department to Which the Author is Enrolled.** – Any student of the University who publishes an article, or writes a letter to the press and who desires to be known as a student of

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<sup>120</sup> Section 1(e), Rule III of the Implementing Rules and Regulations of Republic Act No. 7079.

<sup>121</sup> Section 7 of Republic Act No. 7079.

<sup>122</sup> Section 5 of Republic Act No. 7079.

EVSU shall prefix the name of the College or Department where he/she is enrolled.

#### Article 65

### **Students' Involvement in Controversial Issue/Activities**

Section 257. **General Policies.** – The University has for one of its aims the training of leaders of thoughts and action. For this purpose, the students of the University are encouraged to take intellectual involvement in public issues. Therefore, students are free to express their views and sympathizes on any public issues, subject however, to certain self-evident and well-established limitations, among which, are:

- 257.1. The participation of students in parades, demonstrations, mass-meetings, programs, rallies and the like, organized or promoted by parties or interests not expressly authorized by the University shall not interfere with the classes and other activities of the University;
- 257.2. Students who take part in any of the aforementioned activities shall not exhibit any sign that they represent University; their participation is to be strictly indicated that it is on their own free will and individual responsibility;
- 257.3. Students shall at all times observe pertinent laws, rules and regulations and shall act always in fairness, tolerance, moderation, and respect for the opinion and feelings of others, bearing in mind that education stands for broadness of view and the appreciation of understanding of principles; and
- 257.4. Students are expected to be courteous and considerate on all occasions, befitting men, and women of refinement and good breeding.

#### Article 66

### **Regulating Hazing in the University**

Section 258. **General Guidelines.** – The University shall strictly implement the provisions under Republic Act No. 8049<sup>123</sup> and its IRR and their subsequent issuances. Specifically, hazing shall be regulated, if not prohibited, in all areas of the University with the following guidelines:

- 258.1. Hazing, as used in R.A. No. 8049 and in this Code, is an initiation rite or practice as a prerequisite for admission into membership in a fraternity, sorority or organization by placing the recruit, neophyte or applicant in some embarrassing or humiliating situations such as forcing him to do menial, silly, foolish and other similar tasks or activities or otherwise subjecting him to

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<sup>123</sup> "An Act Regulating Hazing and other Forms of Initiation Rites in Fraternities, Sororities, and other Organizations and Providing Penalties Therefor."

physical or psychological suffering or injury. In **Villareal**<sup>124</sup>, the Supreme Court ruled that, hazing, as commonly understood, involves an initiation rite or ritual that serves as prerequisite for admission to an organization. In hazing, the recruit, pledge, neophyte, initiate, applicant or any other term by which the organization may refer to such a person is generally placed in embarrassing or humiliating situations, like being forced to do menial, silly, foolish, or other similar tasks or activities. It encompasses different forms of conduct that humiliate, degrade, abuse, or physically endanger those who desire membership in the organization. These acts usually involve physical or psychological suffering or injury.

- 258.2. The term "organization"<sup>125</sup> shall include any club or the Armed Forces of the Philippines, Philippine National Police, Philippine Military Academy, or officer and cadet corps of the Citizen's Military Training and Citizen's Army Training. The physical, mental and psychological testing and training procedure and practices to determine and enhance the physical, mental and psychological fitness of prospective regular members of the Armed Forces of the Philippines and the Philippine National Police as approved by the Secretary of National Defense and the National Police Commission duly recommended by the Chief of Staff, Armed Forces of the Philippines and the Director General of the Philippine National Police shall not be considered as hazing for the purposes of Republic Act No. 8049 and this Code.
- 258.3. No hazing or initiation rites in any form or manner by a fraternity, sorority or organization shall be allowed without prior written notice to the University authorities or head of organization seven (7) days before the conduct of such initiation. The written notice shall indicate the period of the initiation activities which shall not exceed three (3) days, shall include the names of those to be subjected to such activities, and shall further contain an undertaking that no physical violence be employed by anybody during such initiation rites<sup>126</sup>.
- 258.4. The University President or organization or their representatives must assign at least two (2) representatives of the University or organization, as the case may be, to be present during the initiation. It is the duty of such representative to see to it that no

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<sup>124</sup> **Villareal v. People of the Philippines** (G.R. No. 151258, February 1, 2012), citing *Ex parte Barran*, 730 So.2d 203 (Ala. 1998) (U.S.), *In re Khalil H.*, supra note 137, citing WEBSTER'S THIRD INTERNATIONAL DICTIONARY, 1041 (1986); and *People v. Lenti*, 44 Misc.2d 118, 253 N.Y.S.2d 9 (N.Y. Nassau County Ct. 1964) (U.S.), and Susan Lipkins, *Hazing: Defining and Understanding Psychological Damages*, 2 ANN.2007 AAJ-CLE 2481 (2007).

<sup>125</sup> Section 1, para. 2 of Republic Act No. 8049 otherwise known as the "Anti-Hazing Law."

<sup>126</sup> Section 2 of Republic Act No. 8049 otherwise known as the "Anti-Hazing Law."

physical harm of any kind shall be inflicted upon a recruit, neophyte or applicant<sup>127</sup>.

Section 259. **Consequence of Conducting Hazing.** – Hazing, as a ground for disciplining students, to the extent of dismissal or expulsion, finds its *raison d' etre* in the increasing frequency of injury, even death, inflicted upon the neophytes by their insensate "masters." Assuredly, it passes the test of reasonableness and absence of malice on the part of the school authorities. Far from fostering comradeship and *esprit d' corps*, it has merely fed upon the cruel and baser instincts of those who aspire to eventual leadership in our country<sup>128</sup>.

## Title XI CODE OF CONDUCT

### Chapter XXV GENERAL PROVISIONS

#### Article 67 Application

Section 260. **Application.** – The following provisions shall govern the code of conduct of the students of the EVSU while within the campus premises:

- 260.1. The code of conduct shall apply to all bonafide students of the University. For offenses committed within the University's jurisdiction; the provision of this Code shall apply whenever applicable, otherwise, the laws of the land shall apply.
- 260.2. Every student shall observe the rules and regulations of the University and the norms and conduct of society.

### Chapter XXVI NORMS OF CONDUCT, PERSONAL DISCIPLINE AND CIVIC CONSCIENCE AND PATRIOTISM

#### Article 68 Norms of Conduct

Section 261. **Norms of Conduct.** – A student is imbued with moral character and qualities, if, among others, he/she:

- 261.1. Learns to act, live and think as a person whose values, attitudes and convictions are in accord with the universal ethical norms;
- 261.2. Is receptive to change accepting and overcoming his/her shortcomings;

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<sup>127</sup> Section 3 of Republic Act No. 8049 otherwise known as the "Anti-Hazing Law."

<sup>128</sup> **Ateneo de Manila University v. Hon. Ignacio M. Capulong** (G.R. No. 99327, May 27, 1993).

- 261.3. Is fair and just in dealing with his/her fellow brethren;
- 261.4. Lives by precepts of love, justice, compassion and concern for others; and
- 261.5. Respect the rights of others.

Section 262. **Code of Conduct.** – The following Code of Conduct shall be observed by all students inside the University Campuses:

- 262.1. In their dealings with peers and other members of the community, students are expected to practice acceptable norms of civility, etiquette and decorum, courtesy, sensitivity to the needs and welfare of others, helpfulness and other positive values and virtues which create harmony in human relations must be observed. Administrators and faculty members, in their obligation to exercise the judgment of good parents based on the principle of "in loco parentis" as provided under Article 349<sup>129</sup> and Article 362<sup>130</sup> of the Civil Code of the Philippines, shall call the attention of students whose behavior infringes on the rights and welfare of others;
- 262.2. Students should strictly observe University policies, rules and regulations concerning use and maintenance of properties and in the observance of peace and order within its premises;
- 262.3. Students should follow standard classroom policies and procedures as well as those pre-set and agreed upon by their peers and faculty members. Infraction on such policies and procedures may be a reason for sending out a student from the class. A student in such a circumstance must secure from the Dean of the College concerned or the Director of the Student Affairs and Services Office a temporary permit to enter the class for the next meeting, subject to final judgment of the violation committed in accordance with the provisions in this Code and/or in Students' Handbook of the University;
- 262.4. Unseemly and boisterous conduct (e.g., loud whistling, howling, shouting, jumping and other delinquent acts) which disturb or disrupt classroom/laboratory and other academic activities should be avoided;
- 262.5. Vandalism in any form inside the campus is strictly prohibited;

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<sup>129</sup> Article 349. The following persons shall exercise substitute parental authority:

xxx xxx xxx

2) Teachers and professors

xxx xxx xxx

4) Directors of trade establishments, with regard to apprentices;

<sup>130</sup> Article 362. The relations between teacher and pupil, professor and student, are fixed by government regulations and those of each school or institution xxx"

- 262.6. Destruction of University properties is strictly forbidden;
- 262.7. Particularly in interaction with the opposite sex, students must be gender-sensitive;
- 262.8. Observe honesty and decency in thoughts, words and deeds and conduct himself/herself in a manner befitting the University's vision. Students are exhorted to be respectful, obedient, polite, friendly and cooperative with fellow students as well as faculty members, office personnel and University authorities in order to promote peace and harmony in the University;
- 262.9. Public display of affection inside the campus is strictly prohibited. Curfew in campus starts at 9:00 P.M. for College and Graduate students and 6:00 P.M. for Secondary Laboratory Department (SLD) students. No student is allowed to stay or roam around the University campus beyond this period unless there is permission from the University President or authorized representative. Whoever violates this provision shall be required to leave the premises;
- 262.10. Any report regarding misconduct and other violations of prescribed rules on proper behavior automatically brings about an inquiry by the Director of Student Affairs and Services Office. Such action may render a student liable for investigation by the Students' Disciplinary Tribunal (SDT); and
- 262.11. In theory and in practice, the underlying principle behind this Code of Conduct lies in the ancient maxim known as the Golden Rule: "Do not do unto others what you do not want others do unto you."

Section 263. **Personal Discipline.** – A student is imbued with personal discipline and qualities, if, among others, he/she:

- 263.1. Devotes himself/herself to the fulfillment of his/her obligations and considers rights as means to or rewards for the same;
- 263.2. Seeks the enjoyment for certain rights and privileges that may also benefits others;
- 263.3. Resolves his/her problem and conflicts without prejudicing others;
- 263.4. Is tolerant of others, and humble to accept his/her weaknesses and limitations;
- 263.5. Develops temperance and observes propriety in words and in actions; and
- 263.6. Uses right reasons to guide and control his/her actions and emotions.

Section 264. ***Civic Conscience and Patriotism.*** – A student is imbued with civic conscience and patriotism, if among others qualifies he/she;

- 264.1. Devotes himself/herself to the growth and development of the society;
- 264.2. Puts the general welfare above his/her personal and family interest;
- 264.3. Respects and obeys all duly constituted authorities and laws, rules and regulations; and
- 264.4. Settles all disputes, problems, and conflicts through channels provided by the University's internal rules before resorting to external remedies and strives to bring about necessary changes through peaceful means.

## Chapter XXVII

### **DISCIPLINARY STANDARDS AND PROCESSES**

#### Article 69

#### **Bases of Discipline and Types of Misconduct and Offenses**

Section 265. ***Bases of Discipline.*** – Below are the bases of students' discipline:

- 265.1. At all times, every student must observe and follow the policies and regulations adopted by the University as well as the laws of the land. The investigation, disposition, and corresponding sanction on student disciplinary cases shall follow the procedures set in this Code.
- 265.2. Any employee of the University should report to proper University authorities any act of student misconduct for investigation and appropriate action.
- 265.3. The maintenance of student conduct and discipline is anchored on the willful acceptance by the student of all policies, rules and regulations prescribed by the University as signified by their enrolment pledge, and the guidance and counseling provided by the faculty who shall be exercising substitute parental authority.
- 265.4. All University personnel are mandated to enforce and supervise overall compliance with this Code of Conduct in their respective areas of responsibility.

For the purpose of implementing University policies, rules and regulations as well as the provisions of this Code, the University President, Vice Presidents, Deans, Campus Directors, Directors, Heads of Department, Chiefs of sections/units and members of the faculty are all deemed to be persons in authority

except, the members of the safety and security personnel who are deemed agents or persons in authority.

- 265.5. The University shall not take any action on complaints regarding ordinary debts of students to private parties. However, if the case clearly involves the moral character of students, the Director of Student Affairs and Services Office or his/her representative may execute appropriate disciplinary action. If, it is the case of indebtedness to the university the existing rules on withholding of credentials or grades or barring students from taking examinations shall apply without prejudice to the university authorities taking actions as the circumstances may warrant.

Section 266. **Offenses and Penalties.** – The penalty or penalties to be imposed to the student/s upon due process and conviction shall be in the form of suspension, expulsion or community service or such other penalties which may warrant to the offense/s or violation/s committed subject to the limitations as maybe provided for under the University Students’ Handbook duly approved by the University President and confirmed by the Board.

#### Article 70

### **Student’s Disciplinary Tribunal (SDT)**

Section 267. **Composition.** – There should be a Student’s Disciplinary Tribunal (SDT), hereinafter referred to as the SDT composed of a Chairman, who shall be a member of the bar or shall have some legal background or relevant experience, and four (4) members to be designated by the University President for a period of one (1) year. *Provided*, That two (2) of the designated members shall come from among the faculty or other staff of the University and the other two (2) shall come from the students.

Section 268. **Jurisdiction.** – The SDT shall have the original jurisdiction over cases involving students or organizations accused of violating University’s policies, rules and regulations. All cases involving discipline of students under these rules are likewise subject to the jurisdiction of the SDT, except those cases, which shall fall under the jurisdiction of the concerned College, and/or as may be expressly determined under this Code or in applicable laws, rules and regulations.

#### Article 71

### **Summary Proceedings**

Section 269. **Filing of Charges.** – A disciplinary proceeding shall be instituted *motu-proprio* by the appropriate authority upon the filing of a written charge specifying the act or commissions constituting the misconduct and subscribed to by the complainant, or upon submission of an official report of any violation of existing rules and regulations. Upon filing the said charge or report with the SDT or the Office of the Director of Students Affairs and Services, as the case may be. An entry shall be made in an official entry book

kept for the purpose, specifying the person or persons charged, the complainant, his/her witness if any, the date of filing, and the substance of the charge.

Section 270. **Preliminary Inquiry.** – Upon receipt of the complaint or report, which should be under oath, the Director of Student Affairs and Services Office should determine whether such complaint or report is sufficient to warrant formal investigations. Notice to the respondent/s is required but presence of the respondent/s during the preliminary investigation may be waived.

In cases where the complaint or report is found sufficient, formal charge/s shall be filed and served upon each respondent and his or her parents/guardians.

Section 271. **Answer.** – Each respondent shall be required to answer in writing within seven (7) days from the receipt of the charges. Formal investigation shall be held on notice as provided by law.

Section 272. **Notice of Hearing.** – All parties concerned shall be notified of the time/date set for hearing at least three (3) days before such hearing. Notice to counsel of record or duly authorized representative of a party shall be considered sufficient notice to such party for the purpose of this Article.

Section 273. **Hearing.** – As scheduled by the Chairman, hearing shall begin the soonest possible time upon receipt of the respondent's answer.

Section 274. **Duration of Hearing.** – No hearing on any case shall last beyond two (2) calendar months.

Section 275. **Failure to Appear at Hearing.** – In case either complainant or respondents fails to appear at the place set for the initial hearing after due notice and without sufficient justification, this fact shall be noted and the hearing shall proceed *ex parte* without prejudice to the party's right of appearance of the subsequent hearings.

Section 276. **Postponement.** – Application for postponement may be granted for valid cause for such period as the ends of justice and the right of parties to the speedy hearing require. *Provided*, That not more than three (3) postponements per party to the litigation shall be allowed.

Section 277. **Committee Report.** – With each report and recommendations, the University/College/Campus investigating committee shall forward to the Dean concerned within fifteen (15) days after the termination of the hearing the complete record of the case. The report must be signed by at least the majority of the members of the committee shall state the findings of fact(s), conclusion(s) and recommendation(s) as well as the bases/grounds on which the findings is based.

Section 278. **Resolution of the Committee on the Student Discipline.** – The Committee resolves each case within fifteen (15) days after

final submission. The resolution shall be in writing and signed by at least the majority of each member, and shall contain a brief statement of the findings of fact(s), conclusion(s) and recommendation(s) as well as the specific regulations on which the resolution is based.

Section 279. **Action of the Dean.** – The College Dean shall, within ten (10) days after receipt of the committee report decide on the matter except for cases, which involve the penalty of expulsion, and suspension for thirty (30) days in which case must be transmitted together with his/her recommendation to the University President for decision.

Section 280. **Finality of the Decision.** – The Dean's decision shall become final and executory fifteen (15) days after receipt thereof, unless a motion for reconsideration of the same is filed, in which case, the decision shall be final fifteen (15) days after receipt of the denial of the motion for reconsideration.

Section 281. **Appeal with the University President.** – In all cases in which final decision made is conferred by the Dean, the respondent may file an appeal with the University President within ten (10) days after the receipt of the Dean's decision. In case of expulsion, the University President shall consult the Administrative Council before rendering a decision.

*Provided,* That the decision of the University President in all cases specified in the next succeeding section may be appealed with the EVSU Board of Regents within (10) days after respondent receives a copy of such decision.

Section 282. **Power of the Board of Regents to Review.** – The Board shall review the decision of the University President, when the penalty imposed is expulsion or suspension for more than one (1) calendar year, or any other penalty of equivalent severity and render final judgment thereof.

Section 283. **Rights of Respondents.** – Every respondent shall have the following rights:

- 283.1. To be subjected to any disciplinary penalty only after requirement of the due process shall have been fully complied with;
- 283.2. To be convicted on the basis of substantial evidence(s) the burden of proof being with the person filing the charge;
- 283.3. To be convicted only on the basis of evidence(s) introduced at the proceeding of which the respondents have been properly appraised and given the opportunity to rebut the same;
- 283.4. To enjoy, pending final decision on the charges, all his/her rights and privileges as a student, subject to the power of the College Dean or the SDT to order the preventive suspension of the respondent for not more than fifteen (15) days where suspension is necessary to maintain the security; and

283.5. To depend himself/herself personally or by counsel, or by representative of his/her choice. If the respondents desires, but is unable to secure the services of counsel, he/she shall manifest that fact at least two (2) days before the date of hearing, and request SDT to designate a counsel for him/her from among the faculty members and staff of the University.

Section 284. **Summary Investigation by the College Dean.** – Notwithstanding with the provision of the foregoing Articles, the Dean may proceed summarily against students of the college for any of following acts:

284.1. Violation of rules and regulations of the college; and

284.2. Misconduct committed during class session in the presence of a faculty member in the course of an official function.

The respondent shall be summoned to appear before the Dean of the College and informed of the charge(s) against him/her, and afforded the opportunity to present his/her side.

Every decision rendered in this Article shall be in writing, stating the facts of the case and the basis of the penalty imposed. Such decision shall be final and executory immediately after the issuance of the order. The penalty of suspension if imposed shall not exceed fifteen (15) days.

Section 285. **Effectivity.** – Decision(s) shall take effect as provided in this rules: *Provided*, That any final decision involving suspension shall take effect thirty (30) days prior to any final examination otherwise it shall take effect during the immediate subsequent semester. *Provided further*, That when the respondent is graduating, the penalty shall take effect immediately.

Section 286. **Records.** – All proceedings before any committee on student discipline shall be taken down in writing. Original records pertaining to the students discipline shall be under the custody of the Director of Student Affairs and Services Office. Such records are hereby declared confidential and no person shall have access to the same for inspection or copying unless he/she is officially involved therein, unless he/she has the legal right which cannot be protected or vindicated without access to or copying such records. Any official or employee of the University who shall violate the confidential nature of such records shall be subjected to disciplinary action.

Section 287. **Cheating and Dishonesty.** – All forms of cheating or dishonesty shall be punishable. The penalty shall be determined by the Director of Student Affairs and Services Office (SASO) according to the circumstance of the case and due process.

Section 288. **Prohibition Against Carrying of Firearms, Dangerous Weapons, or Explosives.** – No person, whether connected with the University or not, shall carry in the University premises any firearms, dangerous weapon, or explosive, unless such is required in the performance of official duties or in his/her course or purpose of study.

*Provided,* That private persons entering the campus shall deposit prohibited material with the University' Safety and Security Unit. Employees, faculty members, and students violating this rule shall be subjected to disciplinary action.

Section 289. ***Prohibition of Smoking within the University Premises.*** – No smoking shall be allowed in offices, classrooms, shops, laboratories, libraries, canteen/cafeteria, hallways or corridors.

#### Article 72

### **Disciplinary Action**

Section 290. ***Initiation of an Investigation.*** – Whenever a student, either as an officer or as a member of an organization, has been reported as, or has been suspected as, of having violated the rules and regulations concerning students' extra-curricular and curricular activities and of student organizations, the Director of Student Affairs and Services shall immediately direct an investigation of the case.

## **BOOK IV**

### **RESEARCH, EXTENSION, AND PRODUCTION SERVICES**

#### **Title XII**

### **RESEARCH SERVICES**

#### Chapter XXVIII

### **RESEARCH AND DEVELOPMENT PLAN, PROGRAMS, THRUSTS, AND POLICIES OF THE UNIVERSITY**

#### Article 73

### **Establishment and Management of the University Research and Development (R&D) Center**

Section 291. ***The University Research and Development Center.*** – The University shall establish Research and Development (R&D) Center in each of its Campuses which shall be responsible in planning, managing and coordinating the conduct and development of researches, scholarly investigations, new found technologies and inventive projects and facilitate the dissemination and utilization of the research outputs to the prospective clientele, to improve instruction and quality of life.

Section 292. ***Management of the University Research and Development Center.*** – The University Research and Development Center shall be managed by the Vice President for Planning, Research and Extension Services who shall be assisted by a Director for Research and Development (R&D), and Heads for Research Development, Commercialization and

Intellectual Property Rights, and Dissemination and Publications and the R&D Heads or Chairpersons of the different Colleges and Campuses of the University.

*Provided*, That program, project and study Leaders may be made as ex-office members of the R&D personnel within the period by which their respective contract/s or agreement/s are subsisting and enforceable.

*Provided*, That the duties and functions of the Heads or Chairpersons of Coordinators of the different R&D of Colleges and Campuses shall be determined by the University President and/or as may be provided under the Research and Development (R&D) Services Manual of the University duly approved EVSU Board of Regents upon the recommendation by the University President.

Section 293. ***The Research and Development (R&D) Advisory Committee of the University.*** – There shall be a Research and Development (R&D) Committee of the University composed of the Vice President for Planning, Research and Extension Services, as Chairperson, Director of Research and Development, as Vice Chairperson, and Vice Presidents, Campus Directors, Deans, and President of the Federation of Faculty Associations, as Members.

*Provided*, That the University President may constitute the R&D Advisory Committee in the different Campuses to be composed of the Vice President for Planning, Research and Extension Services, as Chairperson, Campus Director as Vice Chairperson, Heads of R&D, Academic, Administration and Finance, and President of the Faculty Association of the Campus, as Members.

The duties and functions of R&D Advisory Committee/s shall be determined by the University President and/or as may be provided under the Research and Development (R&D) Services Manual of the University duly approved EVSU-BOR upon the recommendation by the University President.

#### Article 74

### **Research and Development (R&D) Financial Matters**

Section 294. ***Financial Sources for Research and Development Plan, Programs, Projects, Activities and Studies.*** – The funding requirements of the R&D programs, projects, activities and studies of the University shall be charged from the following sources:

- 294.1. Fund allocations from the annual General Appropriations Act (GAA);
- 294.2. Fund Allocation from the Income of the University; and
- 294.3. External funding or financial support from Department of Science and Technology (DOST), Commission on Higher Education (CHED) and such government agencies, Local Government Units (LGUs), Research and Development (R&D) Institutions, both private and public, Non-government Organizations (NGOs).

- 294.4. Fund sourced out from foreign governments, and other funding institutions, agencies or organizations.

Section 295. **Research Fund Administrator.** – The Vice President for Planning, Research and Extension Services or in his/her absence, the Director for R&D, shall be the fund administrator for research. *Provided, however,* That the University President may designate the Campus Director to be the fund administrator, subject to the recommendation by the Vice President for Planning, Research and Extension Services, with the end view of promoting administrative efficiency and empowerment.

#### Article 75

### **Research as a Major Function of Colleges and Faculty Members, and Incentive and Recognition for Their R&D Involvement and Achievements**

Section 296. **Research as a Major Function of Colleges.** – Research shall be a major function of the different Colleges and henceforth, in coordination with the Office of the Research Services Unit, shall conduct programs, projects, activities and studies such as, but not limited to the following: scientific breakthroughs/improvements in the educational aspects, technological designs, quality work and skills development, methodology, practical science, application of scientific theories in the natural and physical sciences, aesthetic aspects and communication abilities and other similar endeavor.

Section 297. **Research as a Function of the Faculty.** – Faculty members shall conduct or undertake research study or activity consistent with the R&D priorities and thrusts of the University and their respective Colleges and/or departments subject to the requirements and qualifications provided under the Research and Development Services Manual.

Section 298. **Benefits.** – Subject to applicable policies of the University, Faculty members shall be provided with reasonable benefits for their involvement in R&D programs, projects, activities and studies of the University and their respective Colleges or Departments such as, but not limited to:

- 298.1. Point equivalent under NBC 461;
- 298.2. Financial assistance for the conduct of research program, project, activity or study;
- 298.3. Incentives for the successful completion, presentation or dissemination and publication of research outputs; and
- 298.4. All expenses necessary in the conduct of research related programs, projects, activities and studies shall be charged against the appropriate research funds and/or income of the University or campus concerned.

Section 299. **Presentation, Dissemination and Publications of Research Outputs.** – The University shall provide the necessary assistance and incentives to faculty members, students and researchers to present, disseminate and publish their respective studies and research outputs in various R&D *fora*, conferences and publications, both local and abroad.

Section 300. **Refereed Research Journal of the University.** – The University shall have a referred Research Journal to be accredited by the CHED and such international accrediting bodies duly recognized by the CHED and/or government agencies.

#### Article 76

### **Preparation and Approval of the Research and Development (R&D) Plans, Programs, Thrusts and Policies**

Section 301. **University R&D Plan, Programs, Thrusts and Policies.** – There Vice President for R&D shall, in consultation with different researchers and R&D coordinators, prepare the University R&D Plan, Programs, Thrusts, and Policies consistent and contributory to the national, regional and local development goals and thrusts as well as the R&D priorities of higher education, science and technology and industry sector as determined by the CHED, DOST and government agencies, as the case may be.

Section 302. **Review and Approval of the University R&D Plan, Programs, Thrusts and Policies.** - The University R&D Committee shall review the University R&D Plan, Programs, Thrusts and Policies and the same be approved by the Board upon recommendation by the University President.

## **Title XIII**

### **EXTENSION SERVICES OF THE UNIVERSITY**

#### Chapter XXIX

### **EXTENSION SERVICES PLAN, PROGRAMS, THRUSTS, AND POLICIES OF THE UNIVERSITY**

#### Article 77

### **The University Extension Services Center**

Section 303. **The Extension Services Center.** –The University shall establish an Extension Services Center in each of its Campuses which shall be responsible in planning, managing and coordinating the conduct of extension services of the University and promoting its development.

The University, through its extension services unit, commits to promote self-reliance and productivity among the community youth, the unemployed and underemployed adults, working men and women from low income communities, differently-abled persons and their organizations and communities through continuous education, transfer of knowledge and technology, and shares the University resources.

Section 304. **Management of the University Extension Services Center.** – The University Extension Services Center shall be managed by the Vice President for Planning, Research and Extension Services who shall be assisted by a Director for Extension Services, and Heads for Linkages and Community Engagements, Dissemination and Publications of Matured Technology, Poverty Alleviation and Livelihood Program, and the Extension Heads or Chairpersons of the different Colleges and Campuses of the University.

*Provided,* That duties and functions of the Heads or Chairpersons of Coordinators of the different extension services department or units of Colleges and Campuses shall be determined by the University President and/or as may be provided under the Extension Services Manual of the University duly approved Board upon the recommendation by the University President.

Section 305. **The Extension Services Advisory Committee of the University.** – There shall be an Extension Services Advisory Committee (ESAC) of the University composed of the Vice President for Planning, Research and Extension Services, as Chairperson, Director of Extension Services, as Vice Chairperson, and Vice Presidents, Campus Directors, Deans, and President of the Federation of Faculty Associations, as Members.

*Provided,* That the University President may constitute the ESAC of the different Campuses to be composed of the Vice President for Planning, Research and Extension Services, as Chairperson, Campus Director as Vice Chairperson, Heads of Extension, Academic, Administration and Finance, and President of the Faculty Association of the Campus, as Members.

The duties and functions of the Extension Services Advisory Committee/s shall be determined by the University President and/or as may be provided under the Extension Services Manual of the University duly approved EVSU Board of Regents upon the recommendation by the University President.

## Article 78

### **Extension Services Financial Matters**

Section 306. **Financial Sources for Extension Services.** – The funding requirements of the extension programs, projects, activities and studies of the University shall be charged from the following sources:

- 306.1. Fund allocations from the annual General Appropriations Act (GAA);
- 306.2. Fund Allocation from the Income of the University; and
- 306.3. External funding or financial support from Commission on Higher Education (CHED) and such government agencies, Local Government Units (LGUs), and Non-government Organizations (NGOs).

Section 307. **Extension Fund Administrator.** – The Vice President for Planning, Research and Extension Services (PRES), or in his/her absence, the

Director for Extension Services, shall be the fund administrator for research. *Provided, however,* That the University President may designate the Campus Director to be the fund administrator, subject to the recommendation by the Vice President for Planning, Research and Extension Services, with the end view of promoting administrative efficiency and empowerment.

#### Article 79

### **Preparation and Approval of the Extension Services Plans, Programs, Thrusts and Policies**

Section 308. ***University Extension Services Plan, Programs, Thrusts and Policies.*** – There Vice President for PRES shall, in consultation with the different researchers and extension services coordinators, prepare the University Extension Services Plan, Programs, Thrusts, and Policies consistent and contributory to the national, regional and local development goals and thrusts as well as the Extension Services priorities of higher education, science and technology and industry sector.

Section 309. ***Review and Approval of the University Extension Services Plan, Programs, Thrusts and Policies.*** – The University Extension Services Advisory Committee shall review the University Extension Services Plan, Programs, Thrusts and Policies and the same be approved by the Board upon further review and recommendation by the University President.

#### Article 80

### **Extension as a Major Function of Colleges and Faculty Members and Incentive and Recognition for their Extension Services Involvement and Achievements**

Section 310. ***Extension as a Major Function of Colleges.*** –The various colleges/departments/units of the University are mandated to render or undertake extension services in coordination with the Office of the Extension Services Unit which shall include but not limited to the following: conduct of Community Continuing Education Program; Community Partnership Program; Capability Building; Institutional Training Program; Technology Transfer, Adoption and Utilization; Expanded Linkages; Gender and Development Program; Industry Association Development Program; Good Governance Program; Environmental Management Program; Health and Nutrition Program; Technical Consultancy Services; Cultural and Sports Development Program; Relief and Rescue Operation Program; Extension Research Program; and Non-formal Education Program.

Section 311. ***Extension as a Function of the Faculty.*** – Faculty members shall conduct or undertake extension services program, project, activity or study consistent with the extension priorities and thrusts of the University and their respective Colleges and/or departments subject to the requirements and qualifications provided under the Extension Services Manual.

Section 312. ***Benefits.*** –Faculty members shall be provided with reasonable benefits for their involvement in extension programs, projects,

activities and studies of the University and their respective Colleges or Departments such as, but not limited to:

- 312.1. Point equivalent under NBC 461;
- 312.2. Financial assistance for the conduct of extension services, program, project, activity or study;
- 312.3. Incentives for the successful completion, presentation or dissemination and publication of extension services, program, project, activity or study; and
- 312.4. All expenses necessary in the conduct of extension related programs, projects, activities and studies shall be charged against the appropriate extension funds and/or income of the University or campus concerned.

Section 313. ***Presentation, Dissemination and Publications of Extension Outputs.*** - The University shall provide the necessary assistance and incentives to faculty members, students and researchers to present, disseminate and publish their respective studies and extension outputs in various extension *fora*, conferences and publications, both local and abroad.

Section 314. ***Information, Education and Communications (IECs) Materials and Publications for Extension Services.*** - The University shall have IECs materials and publications or journals on extension services programs, projects and activities to ensure wide dissemination to and information of the stakeholders of the University.

## **Title XIV PRODUCTION SERVICES**

### Chapter XXX

## **INCOME GENERATING PROJECTS (IGP) OF THE UNIVERSITY**

### Article 81

## **The Board of Management and Officials of the Income Generating Projects (IGPs) of the University**

Section 315. ***The Board of Management, its Composition and Functions.*** - The Board of Management of the IGPs is composed of the University President as Chairperson, and at least three (3) to seven (7) members, one member of which shall have expertise on business and economics. The University President shall designate the Chairman of the Board of Management and its members which should include the Income Generating Project (IGP) Director. The duties and functions of the Board of Management are as follows:

- 315.1. Formulates plans and programs for the different projects;

- 315.2. Reviews proposals of new projects and recommends to the University President and such office/s for funding and/or implementation;
- 315.3. Reviews, evaluates and recommends for approval of annual project plans and operating budget;
- 315.4. Recommends for approval and the implementation of an incentive scheme commensurate to the performance of IGP personnel and support staff;
- 315.5. Recommends suspension and/or termination of the operation of non-viable projects;
- 315.6. Formulates and approves credit terms and policies upon consultation and recommendation of the IGP Director;
- 315.7. Approves the hiring of project workers as recommended by the project manager; and
- 315.8. Recommends the designation of IGP Director to the University President.

#### Article 82

### **Auxiliary Services/Income Generating Projects (IGP)**

Section 316. ***Joint Venture and Privatization of Management of Non-Academic Services.*** – Pursuant to existing laws, the University is authorized to enter into joint ventures with any business and industry for the profitable development and management, of the economic assets of the University, the proceeds of which is to be used for the development and strengthening of the University. It is likewise, authorized to privatize, where most advantageous to the University, the management of non-academic services such as health, food, building or grounds, or property maintenance, and similar such other activities.

*Provided,* That all proposals for privatization of the management of non-academic services be subjected consultations with the stakeholders or sectors of the University.

Section 317. ***Promulgation of Internal Rules and Regulations.*** – In consonance with the laws mentioned in the preceding Article and other laws, rules and regulations in so far as expressly authorized by the EVSU Board of Regents upon the recommendation by the University President, the University shall promulgate its manual or internal rules and regulations governing income generating projects (IGP) in order to encourage all its colleges/departments/units to initiate, engage or participate in such projects in order to contribute not only in the augmentation of the income of the University but also to provide social and economic benefits to the community and to the country's economy as a whole.

**BOOK V**  
**THE UNIVERSITY PERSONNEL**

**Title XV**  
**ACADEMIC STAFF**

Chapter XXXI

**COMPOSITION AND CLASSIFICATION OF THE ACADEMIC STAFF**

Article 83

**Composition of Academic Staff**

Section 318. **Composition of the Academic Staff.** – The academic staff of the University shall be composed of the teaching staff and the academic non-teaching staff.

Section 319. **Teaching Staff.** – The University shall have the following teaching staff:

- 319.1. The Faculty of the Graduate Programs
- 319.2. The Faculty of Arts and Sciences
- 319.3. The Faculty of Business and Entrepreneurship
- 319.4. The Faculty of Engineering
- 319.5. The Faculty of Architecture and Allied Disciplines
- 319.6. The Faculty of Education
- 319.7. The Faculty of Technology
- 319.8. The Faculty of Information and Communications Technology
- 319.9. The Faculty of Agri-Tourism and Forestry
- 319.10. The Faculty of Fishery, Aquatic Resources and Marine Sciences
- 319.11. The Faculty of Trades, Craftsmanship and Entrepreneurship
- 319.12. The Faculty of Engineering and ICT
- 319.13. The Faculty of Open Distance Learning and ETEEAP
- 319.14. Other Faculty of Instruction, which maybe hereinafter created by the Board of Regents upon recommendation of the University President.

Section 320. **Classification of Teaching Staff.** – The members of the teaching staff shall be classified as regular and non-regular.

320.1. The regular members of the faculty shall include the following categories who may serve full-time:

- a. University Professor
- b. College Professor
- c. Professor
- d. Associate Professor
- e. Assistant Professor
- f. Instructor
- g. Professor Emeritus

320.2. The non-regular members of the faculty shall include the following categories with the terms and conditions of their appointment:

- a. Professorial Lecturer
- b. Associate Lecturer
- c. Assistant Lecturer
- d. Part-time Instructor
- e. Special Lecturer
- f. Exchange Professor
- g. Visiting Professor
- h. Others whose designations shall be determined at the time of their appointments.)

*Provided,* That except as may be expressly provided under applicable laws or and in this Code, non-regular members of the staff classification and compensation/honoraria shall be based on their educational attainment, relevant trainings, experiences in teaching, research and management, as well as other special attributes such as, published researches, books, and manuals, including awards, honors, and recognitions received subject to the approval by the EVSU BOR upon the recommendation by the University President.

## **Title XVI THE ACADEMIC NON -TEACHING STAFF**

### Chapter XXXII

#### **COMPOSITION OF THE ACADEMIC NON-TEACHING PERSONNEL**

#### Article 84

#### **Composition of Academic Non-Teaching and Administrative Staff**

Section 321. ***The Academic Non-Teaching Staff.*** – The members of the academic non-teaching staff shall include the:

- 321.1. University Registrar
- 321.2. Education Program Specialist
- 321.3. Assistant Educational Researcher
- 321.4. Assistant S&T Researchers
- 321.5. Extensionists/Extension Specialist
- 321.6. University Librarian

Section 322. ***The Administrative Staff.*** – The administrative staff is composed of all other non-teaching employees who are not enumerated in the preceding article of this code.

### Chapter XXXIII

#### **GENERAL PRINCIPLES GOVERNING UNIVERSITY PERSONNEL**

## Article 85

**Accountability and Duties of Personnel**

Section 323. **Declaration of Statement Assets, Liabilities, and Networth (SALN).** – All University officials or officers, faculty members, non-teaching personnel or employees shall, upon assumption to office and as often thereafter as may be required by law, submit a declaration under oath of their respective Statement of Assets, Liabilities, and Net worth (SALN).

Section 324. **Professional and Technical Ethics.** – In addition to as expressly provided under this Code, all University officials or officers, faculty members, non-teaching personnel or employees shall be bound by the Code of Ethics of their respective professions and technical expertise as provided under applicable laws, rules and regulations.

Section 325. **Oath of Office.** – Except as may be expressly provided under this Code, all University officials or officers, faculty members, non-teaching personnel or employees shall, before entering upon the discharge of his/her duties, take an oath or affirmation to uphold and defend the Constitution; that he/she will bear true faith and allegiance to it; obey the laws, legal orders and decrees promulgated by the duly constituted authorities; will faithfully discharge to the best of his/her ability the duties of the office or position upon which he/she is about to enter; and that he/she voluntarily assumes obligation imposed by his/her oath of office without mental reservation or purpose of evasion.

*Provided,* That copies of the oath shall be submitted to the Human Resource Management Office of the University.

**Title XVII****EMPLOYMENT CONDITIONS AND APPOINTMENTS**

## Chapter XXXIV

**CONDITIONS OF EMPLOYMENT**

## Article 86

**General Provisions**

Section 326. **Authority to Fix Compensation, Hours of Service and Duties and Condition.** – The Board of Regents shall confirm all appointments made by the University President and shall fix the compensation, hours of service, and such other duties and conditions as the EVSU Board of Regents may promulgate in accordance with existing laws, rules and regulations.

Section 327. **Contagious Diseases as Grounds for Disapproval of Appointment.** – No person who is found by the University physician to be suffering from any contagious diseases or who is physically or mentally unfit to perform academic or administrative functions shall be appointed to serve the University.

Section 328. **Recognition of Basic Rights.** – The University recognizes the basic rights of its employees on living wage, security of tenure and humane working conditions.

#### Article 87

### **Nature of Appointment, Change of Status and Adjustments or Movements of Personnel**

Section 329. **General Policy.** – Reappointment to any non-regular position shall not create a right to another appointment or to tenure.

Appointments of non-regular members of the faculty are deemed terminated at the end of the term.

Section 330. **Nature of Appointment.** – The nature of appointment shall be as follows:

- 330.1. *Original* – refers to the initial entry into the career and non-career service.
- 330.2. *Promotion* – is the advancement of an employee from one position to another with an increase in duties and responsibilities as authorized by law, and usually accompanied by an increase in salary. Promotion may be from one department or agency to another or from one organizational unit to another within the same department or agency.
- 330.3. *Transfer* – is the movement of employee from one position to another which is of equivalent rank, level or salary without break in the service involving the issuance of an appointment.
- 330.4. *Reemployment* – is the reappointment of a person who has been previously appointed to a position in the career or non-career service under permanent status but was separated therefrom as a result of reduction in force, reorganization, retirement, voluntary resignation, or of any non-disciplinary actions such as dropping from the rolls and other modes of separation. Reemployment presupposes a gap in the service.
- 330.5. *Reappointment* – is the re-issuance of an appointment during reorganization, devolution, salary standardization, re-nationalization or similar events. Reappointment presupposes no gap in the service.
- 330.6. *Reinstatement* – is the issuance of an appointment to a person who has been previously appointed to a position in the career service and who has, through no delinquency or misconduct, been separated therefrom or to one who has been exonerated of the administrative charges unless the decision exonerating him specifies restoration to his previous position. It is understood that one who has been exonerated or who has been illegally terminated is deemed not to have left the service.

- 330.7. *Renewal* – refers to the subsequent appointment issued upon the expiration of the appointment of the contractual/casual personnel, or temporary appointment, if a qualified eligible is not actually available, as certified by the Civil Service Regional Director or Field Officer. Renewal presupposes no gap in the service.

Section 331. ***Change of Status.*** – The appointment issued to a temporary employee/faculty member when he/she acquires the appropriate eligibility or becomes fully qualified for the position to which he/she is appointed.

- 331.1. *Demotion* – is the movement of an employee from one position to another with reduction in duties, responsibilities, status or rank, which may or may not involve reduction in salary and is not disciplinary in nature. In case a demotion involves reduction in salary but is non-disciplinary, a written consent shall be secured from the demoted employee. Appointment as a result of voluntary demotion shall be at the hiring rate for the class of the position.
- 331.2. Upgrading/Reclassification – refers to the change in position title with the corresponding increase in salary grade. Positions are upgraded in order to attain effectively the functions and duties attached to the position and for the employee to perform an all-around adaptability in meeting diverse work assignments. This requires issuance of appointment.

Upgrading/reclassification usually involve the abolition and collapsing of positions which the agency finds insignificant to augment the salaries assigned to the upgraded/reclassified position.

Section 332. ***Adjustments or Movements.*** – Adjustments or movements of personnel which do not involved changes in position title, rank or status do not need the issuance of an appointment, *provided*, that the existing appointment does not specify the working station. Such adjustments shall include the following:

- 332.1. Change in item number only
- 332.2. Salary adjustment
- 332.3. Step-increment
- 332.4. Reinstatement (to the same position)

Section 333. ***Other Personnel Movements.*** – The following movements which will not require issuance of an appointment shall nevertheless require an office order by duly authorized official.

- 333.1. *Reassignment* – movement of an employee across the organizational structure within the same department or agency,

which does not involve a reduction in rank, status or salary. *Provided*, That reassignment shall be governed by the following for the employees appointed to first and second level positions in the career and non-career services:

- a. Reassignment of employees with station-specific place of work indicated in their respective appointments shall be allowed only for a maximum period of one (1) year. An appointment is considered station-specific when the particular office where the position is located is specifically indicated on the face of the appointment paper. Station-specific appointment does not refer to a specified plantilla item number since it is used for purposes of identifying the particular position to be filled or occupied by the employee.
  - b. If the appointment is not station-specific, the one-year maximum period shall not apply. Thus, reassignment of employees whose appointments do not specifically indicate the particular office or place of work has no definite period unless otherwise revoked or recalled by the University President, the Civil Service Commission or a competent court.
  - c. If an appointment is not station-specific, reassignment to an organizational unit within the same building or from one building to another or contiguous to each other in one work area or compound is allowed. Organizational unit refers to sections, divisions, and departments within an organization.
  - d. Reassignment outside geographical location if with consent shall have no limit. However, if it is without consent, reassignment shall be for one (1) year only. Reassignment outside geographical location may be from one campus to another.
- 333.2. *Detail* – temporary movement of an employee from one department or agency to another which does not involve a reduction in rank, status or salary. The employee detailed receives his/her salary only from his/her mother unit/agency. *Provided*, That detail shall be allowed only for a maximum period of one year in the case of employees occupying professional, technical and scientific position. In the case of other employees, detail beyond one year may be allowed provided it is with the consent of the detailed employees.
- 333.3. *Secondment* – movement of an employee from one department or agency to another which is temporary in nature and which may or may not require the issuance of an appointment which may either involve increase in compensation and benefits. Acceptance thereof is voluntary on the part of the employee.
- 333.4. *Job rotation* – the sequential or reciprocal movement of an employee from one office to another or from one division to

another within the same agency as a means for developing and enhancing the potentials of people in an organization by exposing them to the other work functions of the agency.

- 333.5. *Designation* – is merely an imposition of additional duties to be performed by a public official which is temporary and can be terminated anytime at the pleasure of the appointing authority.

Section 334. ***Authority of the University on Appointments, Reclassification, Promotions and/or Other Personnel Movement.*** – Appointments, reclassification, promotions and/or other personnel movement of the faculty, administrative officials and staff shall be made by the University President in accordance with the University's policies, criteria, guidelines and Civil Service laws, rules and procedures and confirmed by the Board of Regents.

Section 335. ***Substitutes and Part-time Instructors.*** – All appointments given to substitutes and part-time instructors shall undergo an evaluation process to be determined by the Faculty Selection Board constituted by the University President. *Provided*, That the EVSU Board of Regents shall review and approve all substitutes and part-time instructors of the University Campuses upon the recommendation by the University President subject to the requirements provided under this Code and or relevant policies of the University duly approved by the Board.

Section 336. ***Hiring of Casual, Contract of Service/Job Order.*** – Hiring of casual, contract of services/job orders shall be in accordance with existing laws, rules and regulations. *Provided*, That contract of services/job orders shall refer to employment described as follows:

- 336.1. The contract covers lump sum work or services such as janitorial, security, or consultancy services where no employer-employee relationship exist;
- 336.2. The job order covers piece work or intermittent job of short duration not exceeding six months on a daily basis;
- 336.3. Except as may be provided in subsequent issuances by competent authority/ies, the contracts of services and job orders are not covered by Civil Service law, rules and regulations, but covered by COA rules; and
- 336.4. Except as may be provided in subsequent issuances by competent authority/ies, the employees involved in the contracts or job orders do not enjoy the benefits enjoyed by government employees, such as PERA, COLA and RATA.

Section 337. ***Authority to Teach Required from Mother Agencies/Offices of Non-Regular (Part-time) Faculty Members.*** – Non-regular (part-time) faculty members shall not be given teaching load unless they present written permits from the Head of their respective offices/agencies

stating therein the total number of hours a week they are teaching and/or studying in other schools/colleges.

Section 338. **Permit of the Non-Teaching Personnel of the University to Teach After Office Hours in the University.** – Non-teaching employees may be given part-time teaching load in the University outside their office hours subject to the limitation on the maximum load allowable in a semester similar to faculty members as prescribed under Section 422.2, Article 101 of this Code, *provided*, that they submit the necessary permit to teach and has the needed qualification, thus, they shall be classified as non-regular faculty member for purposes of determining their hourly compensation for the teaching assignment given them.

Section 339. **Disqualification of Appointment or Reinstatement in the University of Elected Official.** – No person shall be eligible for appointment or reinstatement as a regular member of the faculty, administrative official or staff during the term for which he/she has been elected to any political office.

Section 340. **Disqualification of Appointment or Reinstatement in the University of Defeated Candidate in any Election.** No person who has been defeated as a candidate for any political office in an election shall be eligible for appointment or reinstatement as a regular member of the faculty, administrative official or staff within one year after the election.

Section 341. **Execution of an Agreement for Faculty Exchange Program.** – The University may enter into a Memorandum of Agreement with other Colleges/Universities, local or foreign, for a faculty exchange program.

Section 342. **Appointment of a Visiting Professor.** – The University President may appoint a visiting professor subject to the confirmation of the Board of Regents with the recommendation of the Dean concerned and endorsement of the Vice President for Academic Affairs.

Section 343. **Secondment and Consultancy Services of Faculty Members.** – Faculty members may be allowed to go on secondment and/or render consultancy services subject to existing CSC laws, rules and regulations subject to the approval by the EVSU Board of Regents upon the recommendation by the University President.

## Article 88 Qualifications

Section 344. **General Policy.** – The following rules shall strictly be observed:

- 344.1. **Minimum Requirements and Standards.** – All appointments to the faculty and administrative positions shall be made strictly on the basis of merit and fitness. No religious or political test shall be required, nor shall religious or political beliefs/affiliations of the

faculty of the University be made a matter of examination or inquiry.

*Provided,* That the appointee must meet the approved qualification standards for the position for which he/she is being appointed.

*Provided, further,* That the members of the faculty shall be exempt from the requirement of civil service eligibility as a requisite for appointment pursuant to existing Civil Service laws, rules and regulations.

344.2. *Application of Republic Act No. 10911 and its Implementing Rules and Regulations.* – The University shall adhere to the policies and guidelines mandated under R.A. No. 10911<sup>131</sup> and its IRR, to wit:

a. *Prohibition of Discrimination in Employment on Account of Age.* – (a) It shall be unlawful for an the University to:

1. Print or publish, or cause to be printed or published, in any form of media, including the internet, any notice of advertisement relating to employment suggesting preferences, limitations, specifications, and discrimination based on age;
2. Require the declaration of age or birth date during the application process;
3. Decline any employment application because of the individual's age;
4. Discriminate against an individual in terms of compensation, terms and conditions or privileges of employment on account of such individual's age;
5. Deny any employee's or worker's promotion or opportunity for training because of age;
6. Forcibly lay off an employee or worker because of old age; or
7. Impose early retirement on the basis of such employee's or worker's age.

b. It shall be unlawful for a labor contractor or subcontractor, if any, to refuse to refer for employment or otherwise discriminate against any individual because of such person's age.

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<sup>131</sup> "An Act Prohibiting Discrimination Against any Individual in Employment on Account of Age and Providing Penalties Therefor."

- c. It shall be unlawful for a labor organization or faculty association or non-teaching personnel association of the University to:
    - 1. Deny membership to any individual because of such individual's age;
    - 2. Exclude from its membership any individual because of such individual's age;
    - 3. Cause or attempt to cause an employer to discriminate against an individual in violation of R.A. No. 10911; and
  - d. It shall be unlawful for a publisher to print or publish any notice of advertisement relating to employment suggesting preferences, limitations, specifications, and discrimination based on age.
- 344.3. *Exceptions.* – It shall not be unlawful for the University to set age limitations in employment if:
- a. Age is a *bona fide* occupational qualification reasonably in the normal operation of a particular College or office or office of the University where the differentiation is based on reasonable factors other than age;
  - b. The intent is to observe the terms of a *bona fide* seniority system that is not intended to evade the purpose of R.A. No. 10911;
  - c. The intent is to observe the terms of a *bona fide* employee retirement or a voluntary early retirement plan consistent with the purpose of R.A. No 10911. *Provided,* That such retirement or voluntary retirement plan is in accordance with the relevant laws; and
  - d. The action is duly certified by the Secretary of Labor and Employment or Civil Service Commission in accordance with the purpose of R.A. No. 10911.

Section 345. ***Employment Status of Administrative Personnel.*** – The employment status of University Personnel is classified as follows:

- 345.1. *Permanent* – issued to a person who meets all the minimum qualification requirements of the position to which he/she is being appointed, including the appropriate eligibility prescribed, in accordance with the provision of law, rules and standards promulgated in pursuance thereof. This includes all levels of positions.
- 345.2. *Temporary* – issued to a person who meets the education, experience and training requirements for the position to which he/she is being appointed except for the appropriate eligibility

but only in the absence of a qualified eligible actually available, as certified by the Civil Service Regional Director or Field Officer. The appointment shall not exceed twelve (12) months, reckoned from the date it was issued but the appointee may be replaced sooner if a qualified eligible, who is willing to accept the appointment, becomes actually available.

- 345.3. *Substitute* – issued when the regular incumbent of a position is temporarily unable to perform the duties of his or her position, as when he or she is on approved leave of absence or is under suspension or is on scholarship grant or is on secondment. This is effective only until the return of the former incumbent. A substitute appointment is issued only if the leave of absence of the incumbent is at least three (3) months, except in the case of teachers.
- 345.4. *Casual* – issued only for essential and necessary services where there is not enough regular staff to meet the demands of the service.

Section 346. ***Employment Status of Faculty Members.*** – The employment status of faculty members can be any of the following:

- 346.1. *Regular Permanent* – issued to a faculty member who meets all the requirements of the position.
- 346.2. *Temporary* – issued to a faculty member who does not meet the qualification requirements of the position as required by law, rules and regulations.
- 346.3. *Substitute* – issued to a faculty member when the regular incumbent of the position is temporarily unable to perform the duties of the position.
- 346.4. *Non-regular (Part-time)* – refers to non-teaching personnel of the University, personnel with mother units/agencies, and other personnel who are given teaching load and are paid on a per-hour basis.

## Chapter XXXV

### **COMPENSATION AND LEAVE PRIVILEGES**

#### Article 89

#### **Authority to Fix and Adjust Salaries**

Section 347. ***Fixing and Adjusting the Salaries.*** – Pursuant to Section 7(j) of R.A. No. 9311, the EVSU Board of Regents shall, upon the recommendation by the University President, fix and adjust salaries of faculty members, administrative officials and employees subject to the provisions of the Revised Compensation and Position Classification System and other pertinent budget and compensation laws governing hours of service, and such

other duties and conditions as it may deem proper; to grant them, at its discretion, leaves of absence under such regulations as it may promulgate, any provision of existing laws to the contrary notwithstanding.

Section 348. **Compensation of Non-Regular or Part-time Faculty Members.** – Non-regular or part-time faculty members shall be paid for each hour of actual service and for such other compensable services in accordance with existing laws and policies subject to approval by the EVSU Board of Regents upon the recommendation by the University President.

Section 349. **Authority to Teach of Regular Faculty Members After Office Hours.** – Regular faculty members may be allowed to teach after their official office hours in the University subject to the limitation on the maximum load allowable in a semester as provided under Section 422.2 of this Code and shall be compensated thereof pursuant to University rules and regulations.

Section 350. **Compensation of Actual Service.** – Compensation for each hour of actual service shall be based on the honorarium rate schedule approved by the EVSU-Board of Regents upon the recommendation of the University President.

Section 351. **Compensation of Job-Orders Employees and Laborers.** – Job-order (JO) employees and laborers shall be duly compensated pursuant to existing laws, rules and regulations.

Section 352. **Compensation of Faculty Members as Advisers for Thesis and Dissertation.** – Faculty members assigned as advisers of students for thesis or dissertations shall be properly compensated pursuant to University policies, rules and regulations.

Section 353. **Allowances for Exchange Professors.** – Sufficient allowance, in addition to regular salary, may be granted to an Exchange Professor of the University upon the recommendation of the Head and the Dean concerned, with the endorsement of the Vice President for Academic Affairs and with the approval of the University President and the EVSU Board of Regents.

Section 354. **Leave and Privileges of Academic and Administrative Officials and Employees.** – Academic and administrative officials and employees shall enjoy leave privileges pursuant to applicable laws, rules and regulations provided proper documentary requirements are duly complied with.

Section 355. **Clearance from Money, Property and Other Accountabilities.** – University officials/employees who will go on leave for more than thirty (30) days shall be required to submit a clearance as a requirement for the payment of his/her salaries.

*Provided,* That at the end of every school year, all regular faculty members shall be required to submit clearance from money, property and other accountabilities in the prescribed form provided by the University. Non-regular faculty members shall be required to submit the said clearance at the end of every semester. Any member of the faculty who fails to comply with this

requirement shall not be entitled to receive his/her compensation for part-time load/overload/ and the last half of his or her proportional vacation salary (PVS). He/she shall also be subject to disciplinary/administrative action. During the pendency of the administrative case, the faculty member shall be preventively suspended for a period not exceeding ninety (90) days.

## Article 90 Leaves

Section 356. **General Provisions.** – Except as expressly provided under applicable laws, rules and regulations in so far as authorized by the EVSU Board of Regents upon the recommendation by the University President, the following policies shall strictly be observed:

356.1. *Application and Interpretation of Terms on Leave.* – The following terms shall be applied and interpreted as hereunder provided:

- a. *Leave of Absence* – is generally defined as a right granted to officials and employees not to report for work with or without pay as may be provided by law and as the rules prescribed by the Civil Service Commission.
- b. *Commutation of Leave Credits* – refers to conversion of unused leave credits to their corresponding money value.
- c. *Cumulating of Leave Credits* – refers to incremental acquisition of unused leave credits by an official or employee.
- d. *Sick Leave* – refers to leave of absence granted only on account of sickness or disability on the part of the employee concerned or any member of his/her immediate family. Immediate family refers to the spouse, children, parents, unmarried brothers and sisters and any relative living under the same roof or dependent upon the employee for support.

356.2. *Application for Sick Leave.* – All applications for sick leave of absence for one full day or more shall be made on the prescribed form and shall be filed immediately upon employee's return from such leave. Notice of absence, however, should be sent to the immediate supervisor and/or to the University President. Application for sick leave in excess of five (5) successive days shall be accompanied by a proper medical certificate.

- a. Sick leave may be applied for in advance in cases where the official or employee will undergo medical examination or operation or advised to rest in view of ill health duly supported by a medical certificate.
- b. In ordinary application for sick leave already taken not exceeding five (5) days, the University President may duly determine whether or not granting of sick leave is proper

under the circumstances. In case of doubt, a medical certificate may be required.

- 356.3. *Approval of Sick Leave.* – Sick leave shall be granted only on account of sickness or disability on the part of the employee concerned or of any member of his immediate family.

*Provided,* That approval of sick leave, whether with pay or without pay, is mandatory provided proof of sickness or disability is attached to the application in accordance with the requirements prescribed under the preceding section. Unreasonable delay in the approval thereof or non-approval without justifiable reason shall be a ground for appropriate sanction against the official concerned.

- 356.4. *Vacation Leave.* – refers to leave of absence granted to officials and employees for personal reasons, the approval of which is contingent upon the necessities of the service.

- 356.5. *Application for Vacation Leave.* – All applications for vacation leave of absence for one (1) full day or more shall be submitted on the prescribed form for action by the University President or his or her duly authorized representative five (5) days in advance, wherever possible, of the effective date of such leave.

- 356.6. *Approval of Vacation Leave.* – Leave of absence for any reason other than illness of an official or employee or of any member of his or her immediate family must be contingent upon the needs of the service. Hence, the grant of vacation leave shall be at the discretion of the University President or his or her duly authorized representative.

- 356.7. *Accumulation of Vacation and Sick Leave.* – Vacation and sick leave shall be cumulative and any part thereon which may not be taken within the calendar year may be carried over to the succeeding years. Whenever any official or employee retires, voluntarily resigns, or is allowed to resign or is separated from the service through no fault of his own, he or she shall be entitled to the commutation of all the accumulated vacation and/or sick leave to his or her credit, exclusive of Saturdays, Sundays, and holidays, without limitation as to the number of days of vacation and sick leave that he or she may accumulate provided his or her leave benefits are not covered by special law.

When a person whose leaves have been commuted following his or her separation from the service is reemployed in the government before the expiration of the leave commuted, he/she shall no longer refund the money value of the unexpired portion of the said leave. Insofar as his or her leave credits are concerned, he/she shall start from zero balance.

Section 357. **Entitlement to Leave Privileges.** – In general, appointive officials up to the level of heads of executive departments, heads of departments and employees of the University, whether permanent, temporary, or casual, who render work during the prescribed office hours, shall be entitled to fifteen (15) days vacation and fifteen (15) days sick leave annually with full pay exclusive of Saturdays, Sundays and Public Holidays, without limitation as to the number of days of vacation and sick leave that they may accumulate.

Section 358. **Basis for Computation of Salary during Leave with Pay.** – An official or employee who applies for vacation or sick leave shall be granted leave with pay at the salary he or she is currently receiving.

Section 359. **Computation of Leave for Employees Observing Flexible Working Hours.** – Employees observing flexible working hours who render less than the usual eight (8) hours of work per day but complete the forty (40) hours of work a week, shall be deducted from their leave credits only the number of hours required to be served for a day but which was not served. Any absence incurred must be charged in proportion to the number of hours required for a day's work. The number of hours to be served for a day refers not to the eight (8) regular hours but to the number of hours covered by the core hours prescribed by the University President.

Section 360. **Compensatory Service.** – Compensatory service may be availed of outside of the regular working hours, except Sundays, to offset non-attendance or undertimes during the regular office hours subject to the written approval of the University President. The University shall formulate policies for this purpose subject to applicable laws, rules and regulations promulgated by competent authority/ies.

Section 361. **Absence on a Regular Day for which Suspension of Work is Announced.** – Where an official or an employee fails to report for work on a regular day for which suspension of work is declared after the start of regular working hours, he/she shall not be considered absent for the whole day. Instead, he/she shall only be deducted leave credits or the amount corresponding to the time when official working hours start up to the time the suspension of work is announced.

Section 362. **Deducting Tardiness and Undertime Against Vacation Leave Credits.** – Tardiness and undertime are deducted from vacation leave credits and shall not be charged against sick leave credits, unless the undertime is for health reasons supported by medical certificate and application for leave.

Section 363. **Monetization.** – refers to payment in advance under prescribed limits and subject to specified terms and conditions of the money value of leave credits to an employee upon his/her request without actually going on leave.

- 363.1. Officials and employees in the University whether permanent, temporary, or casual, who have accumulated fifteen (15) days of vacation leave credits shall be allowed to monetize a minimum of

ten (10) days: *Provided*, That at least five (5) days is retained after monetization and provided further that a maximum of thirty (30) days may be monetized in a given year.

- 363.2. Monetization of fifty percent (50%) or more of the accumulated leave credits may be allowed for valid and justifiable reasons subject to the discretion of the University President and the availability of funds<sup>132</sup>. The valid and justifiable reasons shall refer any of the following:
- a. Health, medical and hospital needs of the employee and the immediate members of his/her family;
  - b. Financial aid and assistance brought about by force majeure events such as calamities, typhoons, fire, earthquake and accidents that affect the life, limb and property of the employee and his/her immediate family;
  - c. Payment of mortgages and loans which were entered into for the benefit or which inured to the benefit of the employee and his/her immediate family; educational needs of the employee and the immediate members of his/her family;
  - d. In cases of extreme financial needs of the employee or his/her immediate family where the present sources of income are not enough to fulfill basic needs such as food, shelter and clothing; and
  - e. Other analogous cases as may be determined by the Commission.
- 363.3. Sick leave credits may be monetized if an employee has no available vacation leave credits, in accordance with the general rule under Section 23 of the Omnibus Rules on Leave, that vacation leave credits must be exhausted first before sick leave credits may be used<sup>133</sup>.

## Article 91

### **Maternity and Paternity Leaves**

Section 364. **Maternity Leave**<sup>134</sup>. – refers to leave of absence granted to female government employees legally entitled thereto in addition to vacation and sick leave. The primary intent or purpose of granting maternity leave is to extend working mothers some measure of financial help and to provide her a period of rest and recuperation in connection with her pregnancy. Pregnancy

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<sup>132</sup> Section 23 of CSC Resolution No. 98-3142 dated December 14, 1998 otherwise known as the Omnibus Rules on Leave.

<sup>133</sup> CSC Resolution No. 000034 dated January 5, 2000 entitled, "Monetization of Leave Credits."

<sup>134</sup> Commonwealth Act No. 647 otherwise known as "An Act to Grant Maternity Leave to Married Women who are in the Service of the Government or of any of its Instrumentalities."

refers to the period between conception and delivery or birth of a child. For purposes of maternity leave, miscarriage is within the period of pregnancy<sup>135</sup>.

- 364.1. *Conditions for the Grant of Maternity Leave*<sup>136</sup>. - Every woman employed in the University who has rendered an aggregate of two (2) or more years of service, shall, in addition to the vacation and sick leave granted to her, be entitled to maternity leave of sixty (60) calendar days with full pay.

In the case of faculty members, maternity benefits can be availed of even if the period of delivery occurs during the long vacation, in which case, both the maternity benefits and the proportional vacation salary shall be received by the faculty member concerned.

Maternity leave of those who rendered one (1) year or more but less than two (2) years of service shall be computed in proportion to their length of service, *provided*, that those who have served for less than one (1) year shall be entitled to sixty (60) maternity leave with half pay.

It is understood that enjoyment of maternity leave cannot be deferred but it should be availed of either before or after the actual period of delivery in a continuous and uninterrupted manner, not exceeding 60 calendar days.

- 364.2. *Every woman, married or unmarried may be granted maternity leave more than once a year.* - Maternity leave shall be granted to female employees in every instance of pregnancy irrespective of its frequency.
- 364.3. *Every married or unmarried woman may go on maternity leave for less than sixty (60) days.* - When a female employee wants to report back to duty before the expiration of her maternity leave, she may be allowed to do so provided she presents a medical certificate that she is physically fit to assume the duties of her position.

The commuted money value of the unexpired portion of the leave need not be refunded and that when the employee returns to work before the expiration of her maternity leave, she may receive both the benefits granted under the maternity leave law and the salary for actual services rendered effective the day she reports to work.

- 364.4. *Maternity leave with pay may be granted even if delivery occurs just a few days after the termination of an employee's service.* - Maternity leave with pay may be granted even if the delivery

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<sup>135</sup> CSC Resolution No. 98-3142 dated December 14, 1998 and Omnibus Rules on Leave, Rule XVI of the Omnibus Rules Implementing Book V of Executive Order No. 292, July 2010.

<sup>136</sup> CSC Resolution No. 021420 dated October 22, 2002 entitled, "Amendment to the Maternity Leave Rules."

occurs not more than fifteen (15) calendar days after the termination of an employee's service as her right thereto has already accrued.

- 364.5. *Maternity leave of an employee on extended leave of absence without pay.* – If already entitled, a woman employee can still avail of sixty (60) days maternity leave with pay even if she is on extended leave of absence without pay.
- 364.6. *Maternity leave of a female employee with pending administrative case.* – Every woman employee in the government service is entitled to maternity leave of absence with pay even if she has a pending administrative case.

Section 365. ***Paternity Leave.*** – refers to the privilege granted to a married male employee allowing him not to report for work for seven (7) days while continuing to earn the compensation therefor, on the condition that his legitimate spouse has delivered a child or suffered a miscarriage, for purposes of enabling him to effectively lend care and support to his wife before, during and after childbirth as the case may be and assist in caring for his newborn child<sup>137</sup>.

- 365.1. *Conditions for the grant of paternity leave.* – Every married male employee is entitled to paternity leave of seven (7) working days for the first four (4) deliveries of his legitimate spouse with whom he is cohabiting.
- 365.2. *Paternity leave non-cumulative/non-commutative.* – Paternity leave of seven (7) days shall be non-cumulative and strictly non-convertible to cash. The same may be enjoyed either in a continuous or in an intermittent manner by the employee on the days immediately before, during and after the childbirth or miscarriage of his legitimate spouse. Said Leave shall be availed of not later than sixty (60) days after the date of the child's delivery<sup>138</sup>.

Section 366. ***Five Days Forced/Mandatory Leave.*** – All officials and employees with ten (10) days or more vacation leave credits shall be required to go on vacation leave whether continuous or intermittent for a minimum of five (5) working days annually under the following conditions:

- 366.1. The University President shall, upon prior consultation with the employees, prepare a staggered schedule of the mandatory five-day vacation leave of officials and employees, *provided*, that he/she may, in the exigency of the service, cancel any previously scheduled leave.

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<sup>137</sup> Section 3 of Republic Act No. 8187 otherwise known as "An act Granting Paternity Leave of Seven (7) Days with Full Pay to All Married Male Employees in the Private and Public Sectors for the First Four (4) Deliveries of the Legitimate Spouse with Whom He is Cohabiting and for Other Purposes."

<sup>138</sup> CSC MC No. 01, s. 2016 entitled, "Amendment to Section 20 of the Omnibus Rules on Leave on the Period Within Which to Avail of Paternity Leave."

- 366.2. The mandatory annual five-day vacation leave shall be forfeited if not taken during the year. However, in cases where the scheduled leave has been cancelled in the exigency of the service by the University President, the scheduled leave not enjoyed shall no longer be deducted from the total accumulated vacation leave.
- 366.3. Retirement and resignation from the service in a particular year without completing the calendar year do not warrant forfeiture of the corresponding leave credits if concerned employees opted not to avail of the required five-day mandatory vacation leave.
- 366.4. Those with accumulated vacation leave or not. However, officials and employees with accumulated vacation leave of fifteen (15) days who availed of monetization for ten (10) days, under Section 363 hereof, shall still be required to go on forced leave.

## Article 92

### **Terminal and Special Privilege Leaves**

Section 367. ***Terminal Leave.*** – refers to money value of the total accumulated leave credits of an employee based on the highest salary rate received prior to or upon retirement date/voluntary separation. Terminal leave is applied for by an official or an employee who intends to sever his/her connection with the University. Accordingly, the filing of application for terminal leave requires as a condition *sine qua non*, the employee's resignation, retirement or separation from the service. It must be shown first that public employment ceased by any of the said modes of severances.

- 367.1. *Approval of terminal leave.* – Application for commutation of vacation and sick leave in connection with separation through no fault of an official or employee shall be sent to the University President for approval. In this connection, clearance from the Ombudsman is no longer required for processing and payment of terminal leave as such clearance is needed only for payment of retirement benefits.
- 367.2. *Payment of terminal leave.* - Any official/employee of the government who retires, voluntarily resigns, or is separated from the service and who is not otherwise covered by special law, shall be entitled to the commutation of his/her leave credits exclusive of Saturdays, Sundays and Holidays without limitation and regardless of the period when the credits were earned.
- 367.3. *Period within which to claim terminal leave pay.* - Request for payment of terminal leave benefits must be brought within ten (10) years from the time the right to action accrues upon an obligation created by law.
- 367.4. *Basis of computation of terminal leave.* - Payment of terminal leave for purposes of retirement or voluntary resignation shall be

based on the highest monthly salary received at anytime during his or her period of employment in the government service and not on his or her latest salary, unless the latter is the highest received by the retiree.

Section 368. **Official/Employee on Terminal Leave Does Not Earn Leave Credits.** – The official/employee who is on terminal leave does not earn any leave credit as he/she is already out of the service. While on terminal leave, he/she merely enjoys the benefits derived during the time of such employment. Consequently, he/she is no longer entitled to the benefits or salary increases that may be granted thereafter.

Section 369. **Special Leave Privileges.** – refer to leave of absence which officials and employees may avail of for a maximum of three (3) days annually over and above the vacation, sick, maternity and paternity leaves to mark personal milestones and/or attend to filial and domestic responsibilities. This privilege shall be granted to all officials and employees of the University except faculty members and those covered by special leave laws, subject to the conditions hereunder stated:

- 369.1. Personal milestones such as birthdays/wedding/wedding anniversary celebrations and other similar milestones, including death anniversaries.
- 369.2. Parental obligations such as attendance in school programs, PTA meetings, graduations, first communion, medical needs, among others where a child of the University employee is involved.
- 369.3. Filial obligations to cover the employee's moral obligation toward his or her parents and siblings for their medical and social needs.
- 369.4. Domestic emergencies such as sudden urgent repairs needed at home, sudden absence of a kasambahay or maid, and the like.
- 369.5. Personal transactions to cover the entire range of transactions an individual does with government and private offices such as paying taxes, court appearances, arranging a housing loan, etc.
- 369.6. Calamity, accident, hospitalization leave pertain to force majeure events that affect the life, limb, and property of the employee of his immediate family.
- 369.7. An employee can still avail of his/her birthday or wedding anniversary leave if such occasion falls on either a Saturday, Sunday or Holiday, either before or after the occasion.
- 369.8. Employees applying for special privilege leaves shall no longer be required to present proof that they are entitled to avail of such leaves.
- 369.9. Three-day limit for a given year shall be strictly observed: an employee can avail of one special privilege leave for three (3)

days or a combination of any of the leaves for maximum of three (3) days in a given year. Special leave privileges are non-cumulative and strictly non-convertible to cash.

Section 370. **Relocation Leave.** – refers to a special leave privilege granted to official/employee whenever he/she transfers residence.

Section 371. **Rehabilitation Leave for Job-related Injuries.** – Applications of officials and employees for leave of absence on account of wounds or injuries incurred in the performance of duty must be made on the prescribed form, supported by the proper medical certificate and evidence showing that the wounds or injuries were incurred in the performance of duty. The University President shall direct that absence of any employee during his/her period of disability thus occasioned shall be on full pay, but not to exceed six (6) months. He/she shall also authorize the payment of medical attendance, necessary transportation, subsistence and hospital fees of the injured person. Absence in the case contemplated shall not be charged against sick leave or vacation leave, if there are any.

Section 372. **Parental Leave.** – refers to the leave benefits granted to a solo parent to enable him/her to perform parental duties and responsibilities where physical presence is required. Parental leave of not more than seven (7) working days every year shall be granted to any solo parent employee who has rendered services of at least one (1) year.

Section 373. **Study Leave.** – Officials and employees of the University may apply for study leave in accordance with the implementing guidelines of the Staff Development Program approved by the EVSU Board of Regents. The leave shall be covered by a contract between the University and the official/employee concerned. *Provided,* That the study leave is a time-off from work not exceeding the period specified in the contract executed between the grantee and the University, to help qualified officials and employees to complete a degree or help them prepare for their bar or board examinations.

Section 374. **Sabbatical Leave.** – May be granted to a member of the faculty to enhance scholarly pursuits and revitalize his/her academic competence provided that the grantee is a regular member of the faculty with at least a rank of Associate Professor with a minimum of six (6) years service to the University, which can be availed of once every seven (7) years subject to the implementing guidelines approved by the EVSU Board of Regents upon the recommendation of the University President. The sabbatical leave shall be no longer than one (1) year, with full salary, which may be commuted.

Section 375. **Teacher's Leave.** – Teachers shall not be entitled to the usual vacation and sick leave credits but to the proportional vacation salary (PVS) of seventy (70) days of summer vacation plus fourteen (14) days of Christmas vacation. A teacher who has rendered continuous service in a school year without incurring absences without pay of not more than 1 ½ days is entitled to eighty four (84) days of proportional vacation salary.

Section 376. **Teachers Who are Designated to Perform Non-teaching Functions.** – Teachers who are designated to perform non-teaching functions and who render the same hours of service as other employees shall be entitled to vacation and sick leave.

Section 377. **Vacation Service Credits of Teachers.** – Teachers' vacation service credits refer to the leave credits earned for services rendered on activities – during summer or Christmas vacation, as authorized by proper authorities. These vacation service credits are used to offset absences of a teacher due to illness or to offset proportional deduction in vacation salary due to absences for personal reasons or late appointment.

Section 378. **Conversion of Vacation Service Credits of Teachers to Vacation and Sick Leave Credits and Vice-Versa; Payment Thereof.** – Teachers and other school personnel on the teachers' leave basis who resigned, retired, or are separated from the service through no fault of their own on or after January 16, 1986 shall be paid the money value of their unused vacation service credits converted to vacation and sick leave using the formula:

$$378.1. \text{ Vacation and Sick Leave}^* = 30Y/69$$

Where: 30 = Number of days in a month  
 Y = Total number of teacher's service credits  
 69 = 58 days of summer vacation plus  
 11 days Christmas vacation

\*No. of days derived shall be divided equally into vacation and sick leave.

378.2. Formula in obtaining 69 days

84 Total number of days of summer/Christmas vacation  
 15 (12 days Saturdays/Sundays during summer vacation  
 days – Christmas Day, Rizal Day, New Year's Day)  
 -----  
 69 days

378.3. Conversely, the formula in the conversion of sick and vacation leave credits to vacation service credits of teachers is as follows:

$$Y = \frac{VL + SL}{30} \times 69$$

Section 379. **Transfer from Teaching to Non-teaching Service during Summer Vacation/Entitlement to Proportional Vacation Salary.** – A faculty member who transferred to the non-teaching service or who resigned from government service ten (10) days before the close of the school year, is entitled to proportional vacation salary inasmuch as his or her right thereto has already accrued; *Provided, further,* That the service will not be prejudiced and, *provided further,* that he/she fulfills his or her responsibilities and obligations.

Section 380. **Transfer of Leave Credits.** – When an official or employee transfers from one government agency to another, he or she can either have

his or her accumulated vacation and/or sick leave credits commuted or transferred to his or her new agency.

The second option can be exercised as a matter of right only by an employee who does not have gaps in his or her service. However, a gap of not more than one month may be allowed provided same is not due to his/her fault.

The option to transfer accumulated leave credits can be exercised within one (1) year only from the employee's transfer to the new agency.

Section 381. **Period Within Which to Act on Leave Application.** – Whenever the application for leave of absence, including terminal leave, is not acted upon by the University President or his or her duly authorized representative within five (5) working days after receipt thereof, the application for leave of absence shall be deemed approved.

Section 382. **Effect of Unauthorized Leave.** – An official/employee who is absent without approved leave shall not be entitled to receive his/her salary corresponding to the period of his or her unauthorized leave of absence. It is understood, however that his or her absence shall no longer be deducted from his/her accumulated leave credits, if there are any.

Section 383. **Leave Without Pay and its Limitations.** – All absences of an official or employee in excess of his or her accumulated vacation or sick leave credits earned shall be without pay. When an employee had already exhausted his sick leave credits, he/she can use his or her vacation leave credits but not vice versa.

*Provided,* That leave without pay not exceeding one year may be granted, in addition to the vacation and/or sick leave earned. Leave without pay in excess of one month shall require clearance from money, property and other accountabilities.

Section 384. **Effect of Failure to Report for Duty After Expiration of One Year Leave.** – If an official or an employee who is on leave without pay pursuant to the preceding Section, fails to report for work at the expiration of one year from the date of such leave, he or she shall be considered automatically separated from the service.

Section 385. **Effect of Absence Without Approved Leave.** – An official or an employee who is continuously absent without approved leave for at least thirty (30) working days shall be considered on absence without official leave (AWOL) and shall be separated from the service or dropped from the rolls without prior notice. He or she shall, however, be informed, at his or her address appearing on his or her 201 files or at his or her last known written address, of his or her separation from the service, not later than five (5) days from its effectivity.

If the number of unauthorized absences incurred is less than thirty (30) working days, a written Return-to-Work Order shall be served to him or her at his or her last known address on record. Failure on his or her part to report for

work within the period stated in the Order shall be a valid ground to drop him or her from the rolls.

Section 386. **Status of the position of an Official or Employee on Vacation or Sick Leave.** – While the incumbent is on vacation or sick leave with or without pay, his or her position is not vacant. During the period of such leave, therefore, only substitute appointment can be made to such position.

## Chapter XXXVI PROMOTIONS

### Article 93

#### **Nature of Promotion, Three-Salary Grade Limitation on Promotion**

Section 387. **Promotion.** – A promotion is a movement from one position to another with an increase in duties and responsibilities as authorized by law and usually accompanied by an increase in pay. The movement may be from one department or agency to another or from one organizational unit to another in the same department or University<sup>139</sup>.

Section 388. **Three-Salary Grade Limitation on Promotion.**<sup>140</sup> For consistency and uniformity, as a general rule, all appointments issued in violation of the Policy on the Three-Salary Grade Limitation on Promotion shall be disapproved/invalidated, except when the promotional appointment falls within the purview of any of the following exceptions:

- 388.1. The position occupied by the person is next-in-rank to the vacant position as identified in the Merit Promotion Plan and the System of Ranking Positions (SRP) of the University.
- 388.2. The vacant position is a lone or entrance position, as indicated in the University staffing pattern.
- 388.3. The vacant position is hard to fill, such as Accountant, Medical Officer/Specialist, Attorney, or Information Technology Officer/Computer Programmer positions and/or such positions as may be provided under this Code and/or the Merit Selection Plan and the System of Ranking Positions (SRP) of the University.
- 388.4. The vacant position is unique and/or highly specialized, such as Actuarial, Airways Communicator positions and/or such positions as may be provided under this Code and/or the Merit Selection Plan and the System of Ranking Positions (SRP) of the University.
- 388.5. The candidates passed through a deep selection process, taking into consideration the candidates' superior qualifications in regard to:

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<sup>139</sup> Section 26(2), Chapter 5, Subtitle A, Title I, Book V of Executive Order No. 292.

<sup>140</sup> CSC MC No. 18, s. 2016 dated August 23, 2016 entitled, Policy Guidelines on the Three-Salary Grade Limitation on Promotion."

- a. Educational achievements
  - b. Highly specialized trainings
  - c. Relevant work experience
  - d. Consistent high performance rating/ranking
- 388.6. The vacant position belongs to the closed career system, i.e., those that are scientific, or highly technical in nature that include the faculty and academic staff of the University, and the scientific and technical positions in scientific or research institutes or centers of the University, all of which establish and maintain their own merit systems.
- 388.7. Other meritorious cases, such as:
- a. When the appointee is the lone applicant who meets all the requirements of the position and passed through the deep selection process.
  - b. When the qualified next-in-rank employees waived their right over the vacant position in writing.
  - c. When the next-in-rank position, as identified in the University SRP, is vacant.
  - d. When the next-in-rank employee/s is/are not qualified.
  - e. When the qualified next-in-rank employees did not apply.

Section 389. **Exemptions.** – The policy on the three-salary grade limitation shall apply only to the promotion within the University. This prohibition shall not apply to the following human resource actions which involve issuance of an appointment:

- 389.1. Transfer incidental to promotion, *provided*, that the appointed was subjected to deep selection.
- 389.2. Reappointment from career to non-career position.
- 389.3. Reappointment involving promotion from non-career to career provided the appointee was subjected to deep selection.
- 389.4. Reemployment.
- 389.5. Reclassification of position.

Section 390. **Submission of the System of Ranking Positions (SRP) of the University.** – Subject to the determination on the applicability and approval by the EVSU Board of Regents, the University President shall submit the SRP to the CSC Regional Office No. VIII which shall be used as one of the bases for determining whether University observes the policy on the three-salary grade limitation on promotion as herein provided.

#### Article 94

### Merit Promotion Plan of the University

Section 391. **General Policies.** – The Merit Promotion Plan (MPP) of the University shall conform to the following policies<sup>141</sup>, to wit:

- 391.1. Selection of faculty members and employees for appointment in the University shall be open to all qualified men and women according to the principle of merit and fitness.

There shall be equal employment opportunity for men and women at all levels of position in the University, *provided*, that they meet the minimum requirements for the position to be filed.

- 391.2. The Merit and Promotion Plan of the University shall cover positions in the first, second and third levels and shall also include original appointments and other related personnel actions.

There shall be no discrimination in the selection of employees on account of gender, civil status, disability, region, ethnicity or political affiliation.

- 391.3. When a position in the first, second or third level becomes vacant, applicants for employment who are competent, qualified and possess appropriate civil service eligibility shall be considered for permanent appointment.

In addition to the required qualifications, applicants for third level positions must possess executive and managerial competence.

- 391.4. Vacant positions marked for filling shall be published in accordance with Republic Act No. 7071 (Publication Law). The published vacant positions shall also be posted in at least three (3) conspicuous places in the University for at least ten (10) calendar days. Other appropriate modes of publication shall be considered.

- 391.5. Filling of vacant positions in the University shall be made after ten (10) calendar days from their publication.

The publication of a particular vacant position shall be valid until filled up but not to extend beyond six (6) months reckoned from the date the vacant position was published.

- 391.6. The following positions are exempt from the publication requirement:

- a. Primarily confidential positions;
- b. Positions which are policy determining;
- c. Highly technical positions;
- d. Other non-career positions;
- e. Third level positions (Career Executive Service); and

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<sup>141</sup> CSC MC No. 03, s. 2001 entitled, "Revised Policies on Merit Promotion Plan."

- f. Positions to be filled by existing regular employees in the University in case of reorganization.
- 391.7. Subject to the confirmation by the EVSU Board of Regents, the University President shall assess the merits of the PSB's recommendation for appointment and in the exercise of sound discretion, select, in so far practicable, from among the top five (5) ranking applicants deemed most qualified for appointment to the vacant position.
- 391.8. Subject to the confirmation by the EVSU Board of Regents, the University President may appoint an applicant who is not next-in-rank but possesses superior qualification and competence, and has undergone selection process.
- 391.9. The comparative competence and qualification of candidates for appointment shall be determined on the basis of:
  - a. Performance;
  - b. Education and Training;
  - c. Experience and Outstanding Accomplishments;
  - d. Psycho-social Attributes and Personality Traits; and
  - e. Potential
- 391.10. An employee should have rendered at least very satisfactory service for the last rating period in the present position before being considered for promotion.
- 391.11. An employee who is on local or foreign scholarship or training grant or on maternity or paternity leave may be considered for promotion. For this purpose, performance rating to be considered shall be the rating immediately prior to the scholarship or training grant or maternity leave or paternity leave. *Provided*, That if promoted, the effectivity date of the promotional appointment shall be on the assumption of duty.
- 391.12. Promotion within six (6) months prior to the compulsory retirement shall not be allowed except as otherwise provided by law.
- 391.13. A notice announcing the appointment of an employee shall be posted in three conspicuous places in the University a day after the issuance of the appointment for at least fifteen (15) calendar days. For this purpose, a certified copy of the appointment paper duly signed by the University President and attested to by the CSC Regional Office No. VIII may be posted instead of such notice.
- 391.14. The approved University Merit Promotion Plan shall be used as of the bases for the expeditious approval of appointments, for attestation and accreditation to take final action on appointments.

Section 392. **Personnel Selection Board.** – The University President shall constitute a separate Personnel Selection Boards for Faculty Members hereinafter referred to as the Faculty Selection Board (FSB) and for Non-teaching Personnel hereafter referred to as the Non-teaching Personnel Selection Board (NTPSB). The composition, duties and functions and its internal rules of procedures shall be provided in the Merit Promotion Plan of the University.

Section 393. **Merit Promotion Plan of the University.** – The University shall submit a Merit Promotion Plan to the Civil Service Commission which shall take effect immediately upon approval. All subsequent amendments shall take effect immediately upon approval by the CSC.

Section 394. **Suppletory Application of CSC and DBM Laws, Rules and Regulations.** – Classification, promotions and modification of positions of faculty members, administrative officials and employees shall be based on existing CSC and DBM laws, rules, regulations or circulars and the same shall apply suppletorily and serve as governing guidelines, in so far as made applicable by the Board upon the recommendation by the University President.

## Chapter XXXVII

### **ACADEMIC FREEDOM, ACADEMIC DUTY AND RIGHTS OF THE MEMBERS OF THE TEACHING STAFF**

#### Article 95

#### **Academic Freedom, Duty and Integrity**

Section 395. **Academic Freedom.** – All the members of the teaching staff shall enjoy academic freedom as defined under this Code and in such laws and jurisprudence.

Section 396. **Prohibition Against Inculcating Sectarian Tenets.** – No faculty member shall inculcate sectarian tenets in any of his/her teachings, nor use his/her position directly or indirectly to influence students for or against any particular church or religious sect, ideology, or political party.

Section 397. **Doubts on the Conduct or Behavior and Fitness of a Faculty Member.** – If the conduct/behavior of a faculty member in the classroom or elsewhere shall give rise to doubts concerning his/her fitness for the position, the question shall in all cases be submitted to the Grievance Committee, if applicable, otherwise, his/her deeds shall be subject to disciplinary action pursuant to existing laws, rules and regulations.

#### Article 96

#### **Tenure**

Section 398. **Entry Requirements.** – Entry to faculty and academic staff positions shall be based on qualification and experience subject to existing laws, rules and regulations.

Section 399. **Hiring of Transferee-Faculty Members from Other State Universities and Colleges (SUCs).** – Transferees from other State Universities and Colleges may be admitted at his/her present faculty rank subject to the availability of an equivalent item/s. *Provided,* That applicants shall be evaluated in accordance with relevant policies of University duly approved by the Board upon the recommendation by the University President.

Section 400. **Completion of Master's Degree.** – Faculty members on temporary status of appointment shall be provided a maximum period of five (5) years to complete a Masters' degree pursuant to University policy on renewal of temporary appointments. Failure to finish the required master's degree in the field of specialization the prescribed period would mean non-renewal of temporary appointment.

*Provided,* That the University President, upon the recommendation by the immediate supervisors of the faculty member concerned, has the authority to extend the said prescribed period subject to the approval by the EVSU-Board of Regents.

*Provided,* That the provisions of CHED Memorandum Order (CMO) No. 17, s. series of 2008<sup>142</sup>, CSC MC No. 1-A, s. 1997 dated April 14, 1997<sup>143</sup>; CSC MC No. 10, s. 2012 dated June 5, 2012<sup>144</sup> and such policies, rules and regulations shall apply in so far as expressly authorized by the EVSU Board of Regents upon the recommendation by the University President.

*Provided, further,* That this prescribed period shall not apply to the faculty members whose professions and positions are classified as hard to fill positions under this Code and such positions as determined by the EVSU Board of Regents duly approved by the CSC upon the recommendation by the University President subject to existing laws, rules and regulations.

Section 401. **Conditions of Granting Permanency of Faculty Members with Professional License.** – In case a professional license is a requirement for a faculty member to teach in a particular course, he/she shall be required to finish at least eighteen (18) professional education units and fifty percent (50%) Masters units for them to qualify for permanency.

*Provided,* That this shall not apply to those faculty positions that are classified as hard to fill positions under this Code and such position as may be provided by the EVSU Board of Regents duly approved by the CSC upon the recommendation by the University President.

## Article 97

### Minimum Degree Requirement for Teaching Positions

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<sup>142</sup> "Clarificatory Guidelines Relative to the Offering of the Bachelor of Laws (LL.B) Program and Juris Doctor (JD) Degree Program."

<sup>143</sup> "Amendment of CSC MC No 1, s. 1997 (Qualifications Standards-First Revision).

<sup>144</sup> "Education Requirement for Faculty Positions in State Universities (SUCs) and Local Colleges and Universities (LCUs)."

Section 402. **Minimum Requirements for Permanent Appointment.**  
– A Master’s degree is the minimum requirement for a permanent appointment except for those faculty members teaching courses which require professional license and those professions or positions which are hard to fill as classified under this Code and applicable laws, rules and regulations.

*Provided,* That no faculty member shall be issued a permanent appointment unless he/she undergoes personnel selection evaluation. *Provided, further,* That he/she shall have the proper recommendations from the Head and the Dean of the College duly approved by the University President subject to confirmation by the EVSU Board of Regents.

Section 403. **Cancellation of Appointment Due to Failure for Duty for One (1) Month Upon Receipt Thereof.** – An appointment shall automatically be cancelled upon failure of the appointee to report for duty one month after the receipt of his/her appointment papers without any written and reasonable justification.

Section 404. **Security of Tenure.** – Only regular faculty members and administrative employees shall enjoy security of tenure subject to the provisions of this Code and CSC laws, rules and regulations in so far as expressly authorized by the EVSU Board of Regents upon the recommendation by the University President. On the other hand, non-regular faculty members shall have no security of tenure.

## Chapter XXXVIII

### **STUDY GRANTS AND WORKERS’ EDUCATION PROGRAM**

#### Article 98

#### **Study Grants**

Section 405. **General Provision.** – All study grants shall be in accordance with the implementing guidelines of the Staff Development Program of the University as formulated by the Staff Development Committee and duly approved by the Board of Regents upon the recommendation by the University President.

Section 406. **Study Grant Contract.** – The study grantees shall enter into a contract with the University and bind themselves to comply with the terms and conditions stipulated in the scholarship agreement. Study grants are classified into:

- 406.1. **Institutional Study Grants.** – Study grants may be granted on the basis of the priority need of the University. The scholarship shall be approved by the Board of Regents upon the recommendation of the President based on the evaluation conducted by the Staff Development Committee pursuant to the staff development guidelines of the University.

406.2. *Study Grants from External Sources.* – Any member of the faculty or administrative staff may obtain fellowships or scholarships from other entities under such terms and conditions as may be determined by the Staff Development Committee and approved by University President and confirmed by the EVSU Board of Regents.

Section 407. ***Authority of the President to Approve Study Grants, Assistantships and Fellowships.*** – All forms of local scholarship grants; graduate or research assistantships; or fellowships study abroad sponsored by external agencies of faculty members or administrative employees shall be with the approval of the University President after the conduct of evaluation by the Staff Development Committee subject to confirmation by the Board of Regents. No faculty member or employee shall be allowed to go on scholarship if he/she has a pending administrative case.

Section 408. ***Authorization of Faculty Members and Administrative Personnel to Pursue Advanced Studies After Office Hours.*** – Regular faculty members and administrative employees may be allowed to pursue advanced studies after their official office hours in the University after securing the necessary permit to study from concerned authorities.

#### Article 99

### **Workers' Education Programs**

Section 409. ***Entitlement of Faculty Members and Administrative Personnel during Workers Education Programs, Seminars, Meetings and Similar Activities.*** – The University shall grant official time/business and appropriate budget for the attendance of faculty members, administrative officials and employees in workers' education programs, seminars, meetings, conventions, conferences, symposia and other similar activities conducted by government agencies and non-government organizations, subject to the prevailing laws, rules and regulations.

Section 410. ***Authority to Conduct In-House Trainings, Seminars and Similar Professional and Technical Enhancement Activities.*** – The University shall also conduct in-house trainings or seminars for the development of its faculty members, administrative officials and employees.

#### Chapter XXXIX

### **WORKLOAD, WORKING HOURS, AND RECORD OF ATTENDANCE**

#### Article 100

### **Workload for Regular and Non-Regular Faculty Members, Faculty Members with Administrative Designations**

Section 411. ***Faculty Workload.*** – Faculty workload shall be based on academic rank and consist of teaching (whether lecture or laboratory), research, or a combination of teaching and/or any of the following: research, creative writing, student consultation, extension and production work as

provided under Section 422, Article 101 of this Code and such University policies duly approved by the EVSU Board of Regents upon the recommendation by the University President.

Section 412. **Normal Teaching Workload.** – A normal workload of eighteen (18) units per week shall be required of every faculty member in undergraduate level and twelve (12) at the graduate level regardless of the number of preparations as prescribed by the EVSU Board of Regents upon the recommendation by the University President. *Provided,* That the computation of laboratory workload shall be based on existing standards prescribed by concerned authorities/agencies duly adopted by the EVSU BOR upon recommendation by the University President.

Section 413. **Teaching Workload of Faculty Members with Administrative Designation/s.** – Faculty members with administrative designations shall have reduced teaching load assignments pursuant to the provisions of Section 422 of this Code and such University policies, rules and regulations duly approved by the EVSU Board of Regents upon the recommendation by the University President.

Section 414. **Teaching after Office Hours by the Regular Faculty Members and with Administrative Designations.** – Regular faculty members and those that have administrative designations may be allowed to teach after office hours in the University subject to the limitation on the maximum load of nine (9) units in a semester as prescribed under Section 422.3 of this Code and such University policies, rules and regulations.

Section 415. **Prioritization of Regular Faculty Members in Teaching Load Distribution.** – In subject loading, regular faculty members must be given priority first the mandatory number of units per semester before allocating or assigning subject overload to other faculty members or part-time load to non-regular faculty members.

Section 416. **Basis of the Non-Regular Teaching Load.** – The teaching load given to non-regular teaching staff should not exceed the maximum teaching load of a regular faculty member.

Section 417. **Considerations of Specialization and Training in Subject Loading.** – In loading of subjects, the specialization and training of faculty members should be considered except if necessity so requires as when there is no other qualified faculty member who will handle the same.

Section 418. **Authority to Adjust Teaching Load.** – Whenever conditions in the University are such that the foregoing rules on teaching load are inapplicable, the University President shall be authorized to make proper adjustments subject to the approval of the Board of Regents.

Section 419. **Performance of Duties and Job Rotation.** – Administrative employees, academic or non-academic, are mandated to perform their assigned tasks and responsibilities as provided in the job description manual of the University. The University may conduct sequential or

reciprocal movement or job rotation of employees as a means for developing and enhancing potentials of people in an organization by exposing them to its other work functions subject to Civil Service laws, rules and regulations.

## Article 101

### Working Hours and Attendance Reports

Section 420. **General Rule.** – It shall be the duty of the University President to require all officials and employees of the University to strictly observe the prescribed office or work hours. All officials and employees are prohibited from taking extended lunch breaks and spending outside the office doing unauthorized and non-work related activities during office hours<sup>145</sup>.

*Provided,* That when the University President allows officials, faculty members and employees to leave the office during office hours on unofficial business, the same shall be reflected in their time cards and charged to their leave credits.

Section 421. **Proof of Rendition of Service.** – The University President shall, upon authority from the EVSU Board of Regents, prescribe the appropriate monitoring scheme pertaining to attendance of faculty members, academic and administrative officials and employees as proof of rendition of service pursuant to Civil Service laws, rules and regulations, without prejudice to existing binding or subsisting agreements in so far as expressly authorized by the EVSU Board of Regents.

Section 422. **Required Working Hours and Performance Evaluation System (PES) Instrument, and Teaching Overload With Pay.** – Academic and administrative officials and staff are required to render forty (40) working hours per week pursuant to Civil Service laws, rules and regulations, with the components or functions, as hereunder provided:

#### 422.1. For Regular Faculty Member:

| Academic Rank            | Components/Functions |          |           |            |                                   |   | Total (hr) |
|--------------------------|----------------------|----------|-----------|------------|-----------------------------------|---|------------|
|                          | Instruction          | Research | Extension | Production | Students Consultation or Advising | Intervening Assignment or Class Adviser |            |
| University Professor     | 6                    | 16       | 9         | 3          | 3                                 | 3                                       | 40         |
| Professor 1-VI           | 9                    | 12       | 9         | 3          | 3                                 | 4                                       | 40         |
| Associate Professor I-V  | 12                   | 9        | 9         | 3          | 3                                 | 4                                       | 40         |
| Assistant Professor I-IV | 15                   | 6        | 9         | 3          | 3                                 | 4                                       | 40         |
| Instructor I-III         | 18                   | 6        | 6         | 3          | 3                                 | 4                                       | 40         |

<sup>145</sup> Memorandum Circular No. 03, s. 2016 issued by the Office the President on August 8, 2016 entitled, "Enjoining all Government Officials and Employees to Strictly Observe and Comply with the Required Work Hours."

422.2. *For Regular Faculty Member with Designation:*

| Administrative Designation/Position                                     | Components/Functions           |             |          |           |            |   | Total (hr) |
|---|--------------------------------|-------------|----------|-----------|------------|---|------------|
|   | Administration and Supervision | Instruction | Research | Extension | Production | Students Consultation /Advising/ Intervening Assignment |            |
| Vice President  | 18                             | 3           | 10       | 3         | 3          | 3   | 40         |
| Campus Director   | 18                             | 3           | 10       | 3         | 3          | 3   | 40         |
| Dean  | 18                             | 6           | 7        | 3         | 3          | 3   | 40         |
| Director  | 15                             | 9           | 7        | 3         | 3          | 3   | 40         |
| Head  | 12                             | 12          | 7        | 3         | 3          | 3   | 40         |
| Chairperson/<br>Coordinator/<br>As Officer in<br>Faculty<br>Association | 9                              | 15          | 7        | 3         | 3          | 3   | 40         |

*Provided,* That the foregoing distribution of the functions or workload shall be indicated in the Faculty Workload and proofs shall be submitted duly attested to or issued by the appropriate offices or departments of the University on a periodic basis as may be determined by the University President.

*Provided, furthermore,* That the Performance Evaluation System (PES) instrument or its equivalent shall be designed in accordance with the weight allocations of the components or functions taking into consideration the performance indicators under NBC No. 461, Strategic Performance Management System (SPMS) of the University and such policies of the University duly approved by the EVSU-Board of Regents upon the recommendation by the University President.

422.3. *Teaching Overload with Pay.* – The University President may grant teaching overload with pay to faculty members subject to the maximum load as hereunder provided:

| Highest Educational Attainment | Maximum Teaching Overload with Pay |                                  |
|--------------------------------|------------------------------------|----------------------------------|
|                                | Regular Faculty                    | Regular Faculty with Designation |
| Doctoral                       | 9 units                            | 6 units                          |
| Master's                       | 6 units                            | 6 units                          |
| Baccalaureate                  | 6 units                            | 6 units                          |

Section 423. **Attendance During Meetings and Activities.** – Academic staff and administrative employees shall attend department, College and Institutional faculty meetings and activities as required by the Head, Dean, Director or other higher officials of the University.

Section 424. **Extension of Daily Working Hours.** – When the exigency of the service and the interest of the University so requires, the Head, Dean and/or Director may request the University President to extend the daily hours of work of any or all of the faculty and employees under him/her, and may likewise require any or all of them to do overtime work, provided that such overtime work shall be compensated in accordance with law.

Section 425. **Mandatory Rendition of Consultation.** – Each member of the faculty shall be available for consultation during the week. The Head of the Academic Department in consultation with the faculty member shall determine these hours at the beginning of every semester and shall be reflected on the respective teaching loads.

Section 426. **Flexible Time Work Schedule.** – University officials or officers, faculty members, academic and administrative staff or employees shall be allowed to flexible time work schedules on grounds, among others, to cope with the traffic, taking graduate courses, and other situation or circumstances obtaining in the area of work subject to the approval by the University President in accordance with existing laws, rules and regulations.

Section 427. **Undertime.** – A working time that is less than the full time or the required minimum. This is usually incurred by an officer or employee of the University who leaves or quits from work earlier than the usual eight-hour work schedule in a given working day<sup>146</sup>. Uvertime is not classified as tardiness<sup>147</sup>, however, due to the inimical effect of undertime to public service, which cannot be countenanced, the following guidelines shall be strictly applied to and observed by the University officials or officers and personnel<sup>148</sup>, to wit:

427.1. Any officer or employee who incurs undertime, regardless of the number of minutes/hours, ten (10) times a month for at least two months in a semester shall be liable for Simple Misconduct and/or Conduct Prejudicial to the Best Interest of the Services, as the case may be.

427.2. Any officer or employee who incurs undertime, regardless of the number of minutes/hours, ten (10) times a month for at least two (2) consecutive months during the year shall be liable for Simple Misconduct and/or Conduct Prejudicial to the Best Interest of the Services, as the case may be.

Section 428. **Half-day Absence.** – Half-day absence is incurred when an officer or employee does not report for work either for the whole morning or the whole afternoon<sup>149</sup>. The following guidelines on half-day absence shall be applied to and strictly observed by all officers and employees of the University<sup>150</sup>, to wit:

428.1. Any officer or employee who is absent in the morning is considered to be tardy and is subject to the provisions on Habitual Tardiness; and

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<sup>146</sup> CSC Resolution No. 00-0970 dated April 7, 2000.

<sup>147</sup> CSC Resolution No. 10-1357 dated July 6, 2010.

<sup>148</sup> CSC MC No. 16, s. 2010 entitled, "Policy on Uvertime."

<sup>149</sup> CSC Resolution No. 00-0970 dated April 7, 2000.

<sup>150</sup> CSC MC No. 17, s. 2010, entitled "Policy on Half-day Absence."

- 428.2. Any officer or employee who is absent in the afternoon is considered to have incurred undertime, subject to the provisions on Undertime.

Section 429. **Report on Tardiness, Undertime and Half-day Absences.** – The Vice Presidents, Campus Directors, Deans, or Directors or Heads/Chairpersons/Coordinators of academic and administrative Departments or Units or office, shall submit a monthly report on tardiness, undertime and half-day absences incurred by their respective faculty members and academic and administrative staff to the Human Resource Management Office (HRMO) of the University for consolidation and submission to the Office of the University President for appropriate action in accordance with the provisions of this Code and applicable CSC rules and regulations.

## Chapter XL

### **PERFORMANCE EVALUATION, RECOGNITION, AWARDS AND INCENTIVES**

#### Article 102

#### **Performance Evaluation System of the University**

Section 430. **General Provisions.** – The University shall establish performance evaluation system, which shall be administered in accordance with the rules, regulations and standards promulgated by the Commission for all officers and employees of the University. Such performance evaluation system shall be administered in such a manner as to continually foster the improvement of individual employee efficiency and organizational effectiveness<sup>151</sup>.

In addition, a performance-based incentive scheme which integrates personnel and organizational performance shall be established to reward exemplary civil servants and well performing institutions<sup>152</sup>. The University shall institute a Performance Evaluation System based on objectively measured output and performance of personnel and units, such as the Performance Management System-Office Performance Evaluation System developed by the CSC<sup>153</sup>.

The performance evaluation system of the University shall be aligned with the unified and integrated Results-Based Performance Management System (RBPMS) across all departments and agencies within the Executive Branch of Government incorporating a common set performance scorecard, and creating an accurate, accessible, and up-to-date government-wide, sectoral and organizational performance information system<sup>154</sup>.

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<sup>151</sup> Section 33, Chapter 5, Book V of Executive Order No. 292 or the "Administrative Code of the Philippines."

<sup>152</sup> Item 1(d) of Joint Resolution No. 4 entitled, "Governing Principles of Modified Compensation and Position classification System and Base Pay Schedule of the Government."

<sup>153</sup> Section 5 of Administrative Order No. 241 dated October 2, 2008 otherwise known as, "Mandating the Speedy Implementation of Republic Act No. 9485 otherwise known as the "Anti-Red Tape Act of 2007""

<sup>154</sup> Administrative Order No. 25 dated December 21, 2011 entitled, "Creating an Inter-Agency Task Force on the Harmonization of National Government Performance Monitoring, Information and Reporting Systems."

Section 431. **Required Submission of Performance Evaluation Report.** – All academic and administrative officials and employees are mandated to submit a performance evaluation report periodically to the Human Resource Management Office subject to the requirements and qualifications prescribed under this Code and such existing rules and regulations.

#### Article 103

### **Strategic Performance Management System (SPMS) of the University**

Section 432. **Strategic Performance Management System of the University.** – Pursuant to the provisions of CSC Circular No. 6, s. 2012<sup>155</sup>, the University shall establish and sustain a Strategic Performance Management System hereafter referred to as the EVSU-SPMS or University SPMS, *for brevity*.

Section 433. **General Objectives of the EVSU-SPMS**<sup>156</sup>. – The EVSU-SPMS is prepared and administered to:

- 433.1. Concretize the linkage of the organizational performance with the Philippine Development Plan, the University Strategic Plan, and the Organizational Performance Indicator Framework;
- 433.2. Ensure organizational effectiveness and improvement of individual faculty member or employee efficiency by cascading institutional accountabilities to the various levels of the University anchored on the establishment of rational and factual basis for performance targets and measures; and
- 433.3. Link performance management with other Human Resource (HR) systems and ensure adherence to the principle of performance-based tenure and incentive system.

Section 434. **Basic Elements of the EVSU-SPMS.** – The EVSU-SPMS shall have the following elements<sup>157</sup>:

- 434.1. *Goal Aligned to Agency Mandate and Organizational Priorities.* – Performance goals and measurement are aligned to the national development plans, University mandate/vision/mission and strategic priorities and/or organizational performance indicator framework. Standards are pre-determined to ensure efficient use and management of inputs and work processes. These standards are integrated into the success indicators as organizational objectives are cascaded down to operational level.
- 434.2. *Outputs/Outcomes-based.* – The system puts premium on major final outputs that contributes to the realization of organizational

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<sup>155</sup> CSC MC No. 6, s. 2012 entitled, "Guidelines in the Establishment and Implementation of Agency Strategic Performance Management System (SPMS)."

<sup>156</sup> Item III of CSC MC No. 6, s. 2012.

<sup>157</sup> Item IV of CSC MC No. 6, s. 2012.

mandate, mission/vision, strategic priorities, outputs and outcomes.

- 434.3. *Team-approach to Performance Management.* – Accountabilities and individual roles in the achievement of organizational goals are clearly defined to give way to collective goal setting and performance rating. Individual's work plan or commitment and rating form is linked to the division/unit/office work plan or commitment and rating form to establish clear linkage between organizational performance and personnel performance.
- 434.4. *User-friendly.* The forms used for both the organizational and individual performance are similar and easy to accomplish. The organizational and individual major final outputs and success indicators are aligned to facilitate cascading of organizational goals to the individual staff members and the harmonization of organizational and individual performance ratings.
- 434.5. *Information System and Supports Monitoring and Evaluation.* Monitoring and Evaluation (M&E) mechanisms and Information System are vital component of the SPMS in order to facilitate linkage between organizational and employee performance. The M&E and Information System will ensure generation of timely, accurate, and reliable information for both performance monitoring/tracking, accomplishment reporting, program improvement and policy decision-making.
- 434.6. *Communication Plan.* A program to orient University officials and employees on the new and revised policies on SPMS shall be implemented. This is to promote awareness and interest on the system, generate employees' appreciation for the University SPSMS as a management tool for performance planning, control and improvement, and guarantee employees' internalization of their role as partners of management and co-employees in meeting organizational performance goals.

Section 435. **Key Players and Responsibilities.** – The following are the key SPMS players with the respective duties and responsibilities:

- 435.1. Acting as the SPMS Champion, the *University President* shall:
  - a. Primarily responsible and accountable for the establishment and implementation of the SPMS of the University.
  - b. Sets University's performance goals/objectives and performance measures.
  - c. Determines the University's target setting period.
  - d. Approves office performance commitment and rating; and
  - e. Assesses performance of Offices, Units and Sections of the University.

- 435.2. *Performance Management Team of the University (EVSU-PMT)*. – The EVSU-PMT is hereby established with the following composition:

Chairperson: Executive Official designated by the University President, as Chairperson  
Vice Chair: Any of the Vice Presidents  
Members: Vice Presidents  
Campus Directors  
Director of Human Resource Management Office  
Director of Planning and Development Office  
Director of Financial Management Office  
Director for Quality Assurance and Accreditation  
President of the Federation of Faculty Associations  
President of the Federation of Non-Teaching Personnel

Section 436. ***Uses of Performance Ratings***. – The performance ratings by the faculty members and non-teaching personnel generated or obtained from the SPMS implementation shall be used on the following:

- 436.1. Security of tenure of those holding permanent appointments is not absolute but is based on performance.

Faculty members or non-teaching personnel who obtained Unsatisfactory rating for one rating period or exhibited poor performance shall be provided appropriate developmental intervention by the University President and/or their supervisors (Vice President, Campus Director, Dean, Director or Head), in coordination with the Human Resource Management Office of the University, to address competency-related performance gaps.

If after advise and provision of developmental intervention, the faculty member or non-teaching personnel still obtains Unsatisfactory ratings in the immediately succeeding rating period or Poor rating for the immediately succeeding rating period, he/she may be dropped from the rolls. A written notice/advise from the University President at least three (3) months before the end of the rating period is required.

- 436.2. The EVSU-PMT shall validate the Outstanding performance ratings and may recommend concerned faculty members or nonteaching personnel for performance-based awards. Grant of performance-based incentives shall be based on the final ratings of the faculty members or non-teaching personnel by the University President.

- 436.3. Performance ratings shall be used as basis for promotion, training and scholarship grants and other personnel actions.

Faculty members or non-teaching personnel with Outstanding and Very Satisfactory performance ratings shall be considered for

the above mentioned personnel actions and other related matters.

- 436.4. Officials, faculty members or non-teaching personnel who shall be on official travel, approved leave of absence or training or scholarship programs and who have already met the required minimum rating period of ninety (90) days shall submit the performance commitment and rating report before they leave the office. For purposes of performance-based benefits, officials, faculty members and non-teaching personnel who are on official travel, scholarship or training within a rating period shall use their performance ratings obtained in the immediately preceding rating period.
- 436.5. Officials, faculty members or non-teaching personnel who are on detail or secondment to another office shall be rated in their present or actual office, copy the University. The ratings of those who were detailed or seconded to another office during the rating period shall be consolidated in the University, either the University (Plantilla) office or present office, where the official, faculty member or non-teaching personnel have spent majority of their time during the rating period.

Section 437. ***EVSU- SPMS Manual.*** – The University shall promulgate its Strategic Performance Management System Manual in accordance with CSC circulars or resolutions and enabling laws in so far as expressly authorized by the EVSU Board Regents upon the recommendation by the University President.

#### Article 104

### **Performance Recognition, Awards and Incentives**

Section 438. ***Performance-Based Bonus (PBB).*** – The grant of the Performance-Based Bonus (PBB) shall be subject to the requirements and processes provided under DBM guidelines, Inter-Agency Task Force (ITAF) guidelines and pertinent laws, rules and regulations.

Section 439. ***Program on Awards and Incentives for Service Excellence (PRAISE).*** – The University shall establish its own employee suggestions and incentive awards system<sup>158</sup> to be known as the Program on Awards and Incentives for Service Excellence (PRAISE)<sup>159</sup> System of the University or “University PRAISE System” or “EVSU-PRAISE System”, *for brevity*, which shall be under the direct supervision by the Office of the University President and/or his/her authorized representative<sup>160</sup>. Notwithstanding as may be specifically provided under the EVSU-PRAISE System Manual, the following general guidelines shall be strictly observed:

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<sup>158</sup> Item 1 of CSC MC No. 01, s. 2001 entitled, “Program on Awards and Incentives for Service (PRAISE).”

<sup>159</sup> Item 2 of CSC MC No. 01, s. 2001.

<sup>160</sup> Item 10 of CSC MC No. 01, s. 2001.

- 439.1. The EVSU-PRAISE System shall be designed to encourage creativity, innovativeness, efficiency, integrity and productivity in the public service by recognizing and rewarding officials and employees of the University, individually or in groups for their suggestions, inventions, superior accomplishments and other personal efforts which contribute to the efficiency, economy, or other improvement in University or government operations, or for other extraordinary acts or services in the public interest<sup>161</sup>.
- 439.2. The EVSU-PRAISE System shall adhere to the principles of providing incentives and awards based on performance, innovative ideas and exemplary behavior of the officials, faculty members and non-teaching personnel of the University<sup>162</sup>.
- 439.3. The EVSU-PRAISE System shall give emphasis on the timeliness of giving award or recognition. Aside from conferment of awards during the traditional or planned awarding ceremonies, the spirit of on-the-spot grant of recognition shall be institutionalized in the University<sup>163</sup>.
- 439.4. The EVSU-PRAISE System shall provide both monetary and non-monetary awards. Monetary awards shall be granted only when the suggestions, inventions, superior accomplishments and other personal efforts result in monetary savings which shall not exceed 20% of the savings generated<sup>164</sup>.
- 439.5. At least five percent (5%) of the Human Resource Development (HRD) Funds shall be allocated for the EVSU-PRAISE System incorporated in the University's annual work and financial plan and budget<sup>165</sup>.
- 439.6. The EVSU-PRAISE System is hereby institutionalized<sup>166</sup> and PRAISE Committees<sup>167</sup> shall be constituted in the University-wide and in the different Campuses and Colleges of the University.

Section 440. ***Duties and Functions of the EVSU-PRAISE Committee.***

– Notwithstanding as may be provided under existing laws, rules and regulations duly approved by the EVSU BOR, the EVSU-PRAISE Committees above shall have the following duties and functions:

- 440.1. To ensure that productivity, innovative ideas, suggestions and exemplary behavior can be identified, considered, managed and

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<sup>161</sup> Item 3 of CSC MC No. 01, s. 2001.

<sup>162</sup> Item 4 of CSC MC No. 01, s. 2001.

<sup>163</sup> Item 5 of CSC MC No. 01, s. 2001.

<sup>164</sup> Item 6 of CSC MC No. 01, s. 2001.

<sup>165</sup> Item 7 of CSC MC No. 01, s. 2001.

<sup>166</sup> Item 8 of CSC MC No. 01, s. 2001.

<sup>167</sup> Item 9 of CSC MC No. 01, s. 2001.

implemented on a continuing basis to cover employees at all levels of the University Campuses<sup>168</sup>.

- 440.2. To develop, administer, monitor and evaluate the awards and incentives system of the University<sup>169</sup>.
- 440.3. To establish its own internal procedures and strategies. Membership in the Committee shall be considered part of the member's regular duties<sup>170</sup>.

Section 441. **PRAISE Awards.** – The University shall develop and initiate the search for deserving employees who may be included in the screening candidates for awards to be given, such as, but not limited:

- 441.1. *Best Employees Award* – granted to an individual or individuals who excelled among peers in various positions, academic ranks, professions, departments, units, colleges and campuses of the University. A cash award of not less than the amount provided under relevant existing laws shall be given to outstanding employees plus a certificate of recognition or other forms of incentives as the PRAISE Committee may determine subject to the approval by the Board, upon recommendation by the University President.
- 441.2. *Gantimpala Agad Award* – given outright to faculty members and employees commended by clients for their courtesy, promptness, efficiency and dedication to duty.
- 441.3. *Exemplary Behavior Award* –based on the eight norms of conduct as provided under Republic Act No. 6713<sup>171</sup>. The awardee will be automatically nominated by the University PRAISE Committee to the Dangal ng Bayan Award.
- 441.4. *Best Organizational Unit Award* – granted to the top organizational unit such as, Campuses, Colleges, academic and administrative sections, divisions or office on the basis of meeting the organization's performance targets and other pre-determined criteria.
- 441.5. *Cost Economy Measure Award* – granted to a faculty member or employee of team who contributions such as ideas, suggestions, inventions, discoveries or performance of functions result in savings in terms of manhours and cost or otherwise benefit the University and government as a whole. The monetary award shall not exceed 20% of the monetary savings generated from the contribution.

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<sup>168</sup> Item 11 of CSC MC No. 01, s. 2001.

<sup>169</sup> Item 12 of CSC MC No. 01, s. 2001.

<sup>170</sup> Item 13 of CSC MC No. 01, s. 2001.

<sup>171</sup> "Code of Conduct and Ethical Standards for Government Officials and Employees."

- 441.6. *Service Award* – conferred on retirees whether under optional or compulsory retirement schemes held during a fitting ceremony or before the date of their retirement.
- 441.7. *Performance Incentive Award* – shall be given to an employee who has obtained an Outstanding or Very Satisfactory rating based on University’s approved Performance Evaluation System for the last two successive evaluation periods. This award shall be in the form of step increments in accordance with the provisions of the Joint CSC-DBM Circular No. 1, s. 1990. *Provided*, That the total number of recipients of step increments based on merit in any one (1) calendar year shall not be more than ten (10%) per cent of the total number personnel actually employed in University, *Provided, further*, That the total number of recipients of two step increments shall not exceed three percent (3%) thereof.
- Section 5 of Joint CSC-DBM Circular likewise provides that those granted step increments may still qualify for other existing incentives and awards, provided they meet the criteria of said awards.
- 441.8. *Productivity Incentive* – shall be given to an employee or group of employees who has exceeded their targets or has incurred incremental improvement over existing targets, subject to the prevailing policy on the matter.
- 441.9. *Most Courteous Employee Award* – shall be given to an employee in accordance with the criteria and standards established under CSC MC No. 15, s. 1990 dated March 5, 1990<sup>172</sup>.
- 441.10. *Year-End Benefits or Thirteenth Month Bonus Plus One Thousand Cash Gift* – shall be granted to officials, faculty members, non-teaching personnel or employees in the University in recognition of their dedication to government service and in keeping with the spirit of Christmas. Said grant shall be governed by the DBM Compensation Circular in accordance with the provisions of Republic Act No. 6686.
- 441.11. *Most Punctual Award and Perfect Attendance Award* – shall be given to an official, faculty member, non-teaching personnel or employee in various University Campuses, offices or units in recognition of his/her punctuality and perfect physical attendance in office.
- 441.12. *Best Intervening Performer Award* – shall be given to a University official, faculty member, non-teaching personnel or employee for extraordinary and vital participation in contributing

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<sup>172</sup> Courtesy Campaign Program in the Civil Service otherwise known as the “Ang Magalang, Bow.”

to the overall success of an intervening activity, special event, program or undertaking such as, but not limited to, periodic accreditation process or surveillance audits of various curricular offerings of the University, SUC Leveling<sup>173</sup>, IQUAME<sup>174</sup>, and academic, research, extension and production related activities as may be recommended by the Vice Presidents concerned duly approved by the University President.

These award shall consist of a mini plaque of recognition each signed by the University duly assisted by the Chairperson of the PRIASE Committee concerned.

- 441.13. *"7S" of Good House-Keeping Award* – shall be given to employee or employees whose physical areas of responsibility are well maintained and follow good office-keeping practices as defined by the principles of "7S" of good house-keeping, such as, Sort, Systematize, Sweep, Sanitize, Sustain, Safety, and Security which have been consistently observed within the screening period.
- 441.14. *Hall of Fame Award* – shall be given to individuals or groups who have won awards from the EVSU-PRAISE (regardless of category) at least three (3) times in the span of five (5) years. Conferment of this award shall be on the succeeding year after receiving the third award in any of the categories. However, Hall of Fame awardees may again be qualified to view for and receive any award from the EVSU-PRAISE three (3) years after begin conferred of said award.
- 441.15. *CSC's Honor Awards Program (HAP) Finalist Award* – shall be given to any official or officer, faculty member or non-teaching personnel or employee who advanced or considered as finalist and has not been selected in any of the CSC's Honor Awards Program (HAP). The award is in recognition of the dignity and honor that the finalist has afforded the University given the very competitive nature of the HAP screening and selection process.
- 441.16. *Such other awards* which the University may decide to give duly approved by the EVSU Board of Regents, upon the recommendation by the PRAISE Committee and the by the University President.

Section 442. ***Types of Incentives.*** – The University shall continuously search, screen and reward deserving faculty members and non-teaching personnel to motivate them to improve the quality of their performance and instill excellence in public service. As such, the following types of incentives shall be regularly awarded:

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<sup>173</sup> DBM-CHED Joint Circular No. 1, s. 2003 dated May 24, 2003, entitled, "SUC Leveling Instrument and Guidelines for Implementation Thereof," as amended.

<sup>174</sup> CHED Memorandum Order (CMO) No. 15, s. 2005 entitled, "Institutional Monitoring and Evaluation for Quality Assurance of all Higher Education Institutions in the Philippines."

- 442.1. *Loyalty Incentive* – granted to an employee who has served continuously and satisfactorily in the different Campuses of the University for at least ten (10) years. The recipient shall be entitled to a cash award of not less than Php500.00 but not more than Php1,000.00 per year during the first ten (10) years. Succeeding awards shall be given every five years thereafter. Besides cash award, a lapel emblem/loyalty pin shall be given:

| <b>Number of Years of Services</b> | <b>Lapel Emblem or Loyalty Pin</b> | <b>Market Value of the Lapel Emblem or Loyalty Pin</b> |
|------------------------------------|------------------------------------|--|
| 10 and 15 years                    | Bronze                             | Php 10,000.00  |
| 20 and 25 years                    | Silver                             | Php 20,000.00  |
| 30, 35, & 40 years                 | Gold                               | Php 30,000.00  |

The University may also give other tokens such as wrist watch, ring, laptop with complete accessories, cellular phone, and others, subject to the proper determination by the PRAISE Committee duly approved by the University President. *Provided*, That the amount of these tokens shall not be more than the market value of the lapel emblem or loyalty pin provided above.

- 442.2. *Length of Service Incentive* – given to an employee who has rendered at least three (3) years of continuous satisfactory service in the same position. The cash award shall be incorporated in the salary adjustments following the Joint CSC-DBM Circular No. 1, s. 1990.
- 442.3. *Productivity Incentive* – given to all faculty members and non-teaching personnel who have performance at least satisfactorily for the year covered in accordance with the University's CSC-approved Strategic Performance Management System (SPMS). This incentive shall follow relevant existing guidelines in so far as authorized by the EVSU Board of Regents upon the recommendation by the University President.
- 442.4. *Career and Self-Development Incentive* – granted in recognition of a faculty member or non-teaching personnel who has satisfactorily completed a course or degree within or outside the country at one's own expense. A plaque of recognition may be given to qualified individuals during the University's anniversary celebration.
- 442.5. *Other Incentives* which the University's PRAISE Committee may recommend on the basis of special achievements, innovative approaches to assignments, exemplary service to the public and recognition by an outside group of a particular achievement.

Section 443. ***Forms of Awards and Incentives.*** – The awards and incentives under the PRAISE System of the University shall be as follows:

- 443.1. *Compensatory Time-Off* – granted to a faculty member or non-teaching personnel who has worked beyond his/her regular office hours on a project without overtime pay.
- 443.2. *Flexiplace* – work arrangement allowed for qualified employee/s who has demonstrated responsibility, initiative, and capacity to produce output/result and accomplishment outside of the workplace subject to the guidelines as the University President may determine upon consultation with the immediate supervisors concerned of the beneficiary.
- 443.3. *"Salu-salo" Together* – meal hosted by the Board or University President, Vice Presidents, Campus Directors, Deans, or Directors for faculty members and non-teaching personnel who have made significant contributions.
- 443.4. *Personal Growth Opportunities* – incentives which may be in the form of attendance in conferences on official business, membership in professional organizations, books, journals, tapes, industry immersion, travel packages and other learning opportunities.
- 443.5. *Monetary Award* – based on the rates provided under this Code and/or in applicable CSC or DBM rules and regulations.
- 443.6. *Trophies, Plaques and Certificates* – personalized trophy or plaque or certificate based on the design the PRAISE Committee may determine duly approved by the University President.
- 443.7. *Travel Packages* – comprised of a one-week travel abroad with free of travelling expenses and allowances the total amount of which shall be more than the expected monetary award of the grantee as determined by the PRAISE Committee duly approved by the University President.
- 443.8. *Other Incentives* – incentives in kind which may be in the form of merchandise, computers, pagers, cellular phones, reserved parking space, recognition posted at the Wall of Fame, feature in University publication or PRAISE Publications or Newsletter.

Section 444. ***Productivity Incentive Bonus (PIB) and EVSU-PRAISE Incentives and Awards.*** – The EVSU-PRAISE System Manual duly approved by the CSC shall be the basis of the grant of the Productivity Incentive Bonus (PIB), other awards and incentives and revocation of accreditation to take final action on appointments. The Annual PRAISE Report should be submitted by the University to the CSC Regional Office No. VIII on or before the thirtieth day of January to enable their employees to qualify for nomination to the CSC sponsored national awards<sup>175</sup>.

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<sup>175</sup> Item 15 of CSC MC No. 01, s. 2001.

Section 445. **Amount of the PRAISE Incentives and Sources of Funds.** – The following conditions shall strictly be observed in the determination of the PRAISE incentives and sources of funds thereof, to wit:

- 445.1. The amount of the PRAISE incentives shall be determined by the PRAISE Committee duly approved by the Board upon the recommendation by the University President. In addition to, as may be expressly provided under this Manual, University Code, applicable laws, rules and regulations, and subject to the availability of funds, and usual accounting rules and regulations, the Schedule of the Monetary Incentives to be provided annually shall be in accordance with pertinent provisions of the approved EVSU-PRAISE System Manual.
- 445.2. The University shall allocate at least five percent (5%) of the Human Resource Development (HRD) Funds for the PRAISE and incorporate the same in its annual work and Financial Plan and budget. In addition, the budget allocations for Human Resource Development from income may also be utilized subject to the provisions of CHED Memorandum Order No. 20, s. 2011 adopted by the EVSU Board of Regents per Board Resolution No. 93, s. 2016<sup>176</sup>.
- 445.3. The grant of the PRAISE incentives shall be subject to the availability of funds, and usual auditing and accounting rules and regulations.

Section 446. **Automatic Adjustment of the Value or Amount of the Monetary and Non-Monetary Awards and Incentives by Indexation to Inflation and Such Mechanism.** – The value or amount of monetary and non-monetary awards and incentives provided under the duly approved EVSU-PRAISE System Manual, University Code and applicable laws, rules and regulations shall be automatically adjusted by indexing the same to the inflation rate in the national level taking into account the process, requirements and relevant factors as provided under Section 163, Article 31 hereof. *Provided*, That any adjustment of the value or amount of the monetary and non-monetary awards and incentives shall be recommended by the PRAISE Committee concerned duly reviewed by the University President and the Board Committee on Draft Writing, Review of Policies, Fees, Incentives and Assistance to Students and Employees, and Board Committee on Finance and duly approved by the EVSU BOR upon the recommendation by the University President.

*Provided, further*, That the approved adjustments shall be submitted to the CSC Regional Office No. VIII for further review within fifteen (15) days from receipt thereof. Should the CSC Regional Office No. VIII interposes no objection in writing within the said period of review, the adjustments submitted by the University President shall become executory and the same be granted to the qualified awardees or recipients subject to the provisions of the EVSU-PRAISE System Manual, University Code and applicable laws, rules and regulations.

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<sup>176</sup> Board Resolution No. 93, s. 2016 entitled, "Adopting/Approving CHED Memorandum Order No. 20, s. 2011."

*Provided, furthermore,* the adjusted amount shall not be less than the prevailing value or amounts of the awards or incentives as provided the under duly approved EVSU-PRAISE System Manual, University and applicable laws, rules and regulations.

Section 447. **Disposition of Issues.** – Issues relative to awards and incentives shall be brought before the PRAISE Committee which shall address the same within fifteen (15) days from the date of submission<sup>177</sup>.

Section 448. **Approval by the EVSU-Board of Regents and Submission to the CSC-Regional Office No. VIII of the EVSU-PRAISE System Manual.** – The EVSU-PRAISE System Manual which shall contain, among others, the details of implementation of the EVSU-PRAISE System and its subsequent amendments duly approved by the Board, upon recommendation by the University President, shall be submitted to the CSC Regional Office No. VIII for review and approval. The CSC Regional Office shall provide technical assistance, if deemed necessary, to ensure proper implementation of the EVSU-PRAISE System<sup>178</sup>.

#### Article 105

### **Incentives/Benefits under Other Existing Laws, Rules and Regulations**

Section 449. **Magna Carta for Teachers Benefits.** – The entitlement by the officials or officers, faculty members and employees of the University of the Magna Carta for Teachers shall be subject to the qualifications, requirements and processes under Republic Act No. 4670<sup>179</sup>, and its (IRR).

Section 450. **Magna Carta for Scientists, Engineers, Researchers and Other S&T Personnel of the University.** – The entitlement by the officials or officers, faculty members and employees of the University of the Magna Carta for Scientists, Engineers, Researchers and Other S&T Personnel in Government shall be subject to the qualifications, requirements and processes under Republic Act No. 8439<sup>180</sup>, and its IRR.

Section 451. **Anniversary Bonus.** – The grant of the anniversary bonus on the occasion of milestone years of the University will directly improve and enhance morale consistent with Section 36(2), Chapter 5, Subtitle A, Title I, Book V of Executive Order No. 292, the Administrative Code of 1987.<sup>181</sup> The grant of the anniversary bonus in the University shall be subject to the following rules and regulations:

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<sup>177</sup> Item 16 of CSC MC No. 01, s. 2001.

<sup>178</sup> Item 14 of CSC MC No. 01, s. 2001.

<sup>179</sup> "The Magna Carta for Public School Teachers."

<sup>180</sup> "Magna Carta for Scientists, Engineers, Researchers and Other S&T Personnel in the Government" which took effect on January 20, 1998.

<sup>181</sup> 3<sup>rd</sup> Whereas clause of Administrative Order No. 263 dated March 28, 1996 otherwise known as "Authorizing the Grant of Anniversary Bonus to Officials and Employees of Government Entities."

- 451.1. *Coverage and Exemption*<sup>182</sup>. – The coverage and exemption in the grant of the anniversary bonus shall be as follows:
- a. Coverage. All personnel of the University whether employed on a full-time or regular, part-time basis or under permanent, temporary or casual status, and contractual personnel whose employment is in the nature of a regular employee, who have been appointed as such in a specific government entity by virtue of a valid appointment and continue to be employed in the same government entity as of the occasion of its milestone anniversary, shall be entitled to the anniversary bonus.
  - b. Exemption. University personnel who have been found guilty of any offense in connection with their work during the five-year interval between milestone years, as defined in Section 451.2 herein, shall not be entitled to the immediately succeeding anniversary bonus.
  - c. Expanded Exemption. The exemption on the grant of anniversary Bonus as provided under Administrative Order No. 263 is hereby expanded to include University personnel under the following circumstances<sup>183</sup>:
    1. Those who are no longer in the service in the University as of the date of the milestone year;
    2. Those who are on absence without leave (AWOL) as of the date of the millstone year for which the Anniversary Bonus is being paid; and
    3. Those who are not hired as part of the organic manpower of the University but as consultants or experts for a limited period to perform specific activities or services with expected outputs' student laborers, apprentices, laborers of contracted projects, mail contractors, including those paid by piecework basis, and others similarly situated.
- 451.2. *Counting of Milestone Years*. – The counting of milestone years shall start from the year the University was created regardless of whether it was subsequently renamed/reorganized provide that its original primary functions have not substantially changed<sup>184</sup>. Otherwise, the counting shall start from the date the functions were substantially changed. The counting of the milestone years of the University shall start from the date of merging<sup>185</sup> or integration of CHED Supervised Institutions (CSIs) on August 27,

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<sup>182</sup> Item 2 of Administrative Order No. 263 dated March 28, 1996.

<sup>183</sup> Item 2 of DBM NBC No. 452 dated May 20, 1996 entitled, "Amplifying and Clarifying the Implementation of the Grant of Anniversary Bonus to Officials and employees of Government Entities."

<sup>184</sup> Item 3.2 of NBC No. 452 dated May 20, 1996.

<sup>185</sup> Item 3.3 of NBC No. 452 dated May 20, 1996.

2002 per Board Resolution No. 49, s. 2002 and CHED Memorandum Order No. 27, s. 2000<sup>186</sup>.

- 451.3. *The Fifteenth Anniversary of the University.* – A milestone year refers to the 15<sup>th</sup> anniversary and every fifth year thereafter<sup>187</sup>.

Hence, given that the counting of the milestone year provided in Section 451.2 of this Code, the 15<sup>th</sup> year of the University shall be on fiscal year 2017 and the release of the anniversary bonus shall be made every fifth year thereafter.

- 451.4. *Amount of the Anniversary Bonus.* – Payment of the Anniversary Bonus shall be in an amount not exceeding Three Thousand Pesos (Php3,000.00) each employee, *provided*, that the employee has rendered at least one (1) year service in the University as of the date of the milestone year<sup>188</sup>.

In case of insufficiency of funds, the University may grant the benefit at a rate lower than that prescribed herein, provided that such rate shall be uniformly applied to all its officials and employee.

- 451.5. *Funding Source.* – The cost to implement the Anniversary Bonus shall be solely charged from savings from released allotment for Current Operating Expenses (COE) without the need for prior authority from the DBM, *provided*, that all authorized mandatory expenses shall have been paid first. Request for augmentation of such savings shall not be allowed.

- 451.6. *Suppletory application of the Collective Negotiation Agreement (CNA).* – The CNA between the University and the exclusive negotiating agent duly registered and subsisting pursuant to applicable laws, rules and regulations shall be applied suppletorily and serve as governing guidelines in the grant of the Anniversary Bonus in so far as approved by the EVSU Board of Regents upon the recommendation of the University President.

Section 452. **Hazard Allowance.** – Medical personnel of the University may be granted hazard allowance pursuant to COA Decision No. 2016-102 dated June 14, 2016<sup>189</sup> subject to the qualifications, requirements and processes under Republic Act No. 7305<sup>190</sup> and its IRR.

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<sup>186</sup> Board Resolution No. 49, s. 2002 and CHED Memorandum Order No. 27, s. 2000 dated August 22, 2000 entitled, "Issuance of the Implementing Guidelines on the Integration of CHED-Supervised Institutions (CSIs) to State Universities and Colleges (SUCs), Phase II."

<sup>187</sup> Item 2.4. of Administrative Order No. 263 dated March 28, 1996.

<sup>188</sup> Item 2.5 of Administrative Order No. 263 dated March 28, 1996.

<sup>189</sup> COA Decision No. 2016-102 dated June 14, 2016, among others, provides:

"It is clear x x x that petitioners are engaged in the delivery of health services in EVSU, an agency who legal mandate is not the delivery of health services. Thus, the petitioners are considered as public health workers falling under the category of No. 2 of Section III or IRR of RA No. 7305."

<sup>190</sup> Magna Carta for of Public Health Workers which took effect on April 17, 1992.

*Provided*, That the medical and dental or health fees charged from students, being trust funds, shall not be used for payment of hazard allowance.

Section 453. ***Birthday Gift.*** – Subject to pertinent provisions of the duly approved Collective Negotiation Agreement (CNA) and PLSMC Resolutions and DBM Circulars, officials or officers, faculty members and non-teaching personnel or employees of the University may be entitled to birthday gift subject to the usual accounting and auditing rules and regulations.

The Human Resource Management Officer of EVSU Campuses shall submit the list to the University President for approval.

## Chapter XLI

### **SEPARATION/TERMINATION FROM SERVICE**

#### Article 106

#### **Separation or Termination from Service**

Section 454. ***General Rules.*** – The following rules shall strictly be observed:

- 454.1. Appointment with tenure may be terminated only by resignation, retirement, death, or removal for cause in accordance with the requirements of due process of law.
- 454.2. Termination of academic staff/administrative employees and such other employment related issues shall always be with the approval of the Board of Regents of the University based on Civil Service laws, rules and regulations, court decisions and other existing applicable laws.
- 454.3. Faculty members shall not be allowed to resign within the semester except in exceptional cases subject to availability of qualified faculty members who handle his/her subjects.

#### Article 107

#### **Dropping from the Rolls**

Section 455. ***Procedures of Dropping from the Rolls.*** – Officers and employees who are either habitually absent or have unsatisfactory or poor performance or have shown to be physically and mentally unfit to perform their duties may be dropped from the rolls subject to the following procedures:

- 455.1. *Absence Without Approved Leave:*
  - a. An officer or employee who is continuously absent without approved leave (AWOL) for at least thirty (30) working days shall be separated from the service or dropped from the rolls without prior notice. He/she shall, however, be informed of his or her separation from the service not later than five (5) days from its effectivity which shall be sent to the address

appearing on his or her 201 files or to his or her last known address;

- b. If the number of unauthorized absences incurred is less than thirty (30) working days, a written Return-to-Work Order (ReWO) shall be served on the official or employee at his last known address on record. Failure on his or her part to work within the period stated in the order shall be a valid ground to drop him from the rolls.

455.2. *Unsatisfactory or Poor Performance:*

- a. An official or employee who is given two (2) consecutive unsatisfactory ratings may be dropped from the rolls after due notice. Notice shall mean that the officer or employee concerned is informed in writing of his/her unsatisfactory performance for a semester and is sufficiently warned that a succeeding unsatisfactory performance shall warrant his/her separation from the service. Such notice shall be given not later than thirty (30) days from the end of the semester and shall contain sufficient information which shall enable the employee to prepare an explanation.
- b. An official or employee, who for one evaluation period is rated poor in performance, may be dropped from the rolls after due notice. Due notice shall mean that the officer or employee is informed in writing of the status of his or her performance not later than the fourth month of that rating period with sufficient warning that failure to improve his or her performance within the remaining period of the semester shall warrant his separation from the service. Such notice shall also contain sufficient information which shall enable the employee to prepare an explanation.

455.3. *Physically and Mentally Unfit:*

- a. An officer or employee who is continuously absent for more than one (1) year by reason of illness may be declared physically unfit to perform his or her duties and the University President or his or her duly authorized representative in the exercise of his or her judgment may consequently drop him from the rolls.
- b. An officer or employee who is intermittently absent by reason of illness for at least 260 working days during a 24-month period may also be declared physically unfit by the University President.
- c. An officer or employee who is behaving abnormally for an extended period which manifests continuing mental disorder and incapacity to work as reported by his or her co-workers or

immediate supervisor and confirmed by the University President, may likewise be dropped from the rolls.

Section 456. **Right to Appeal.** – The officer or employee who is separated from the service through any of the above modes has the right to appeal his or her case to the Civil Service Commission or its regional office within fifteen (15) days from receipt of such order or notice of separation.

Section 457. **Execution of Separation Order During Pendency of Appeal.** – The order of separation is immediately executory pending appeal, unless the Civil Service Commission on meritorious grounds, directs otherwise.

Section 458. **Basis of Separation from Services as Non-disciplinary and Will Not Result to Forfeiture of Benefits.** – The mode of separation from the service for unauthorized absences or unsatisfactory or poor performance or physical and mental incapacity is non-disciplinary in nature and shall not result in the forfeiture of any benefit on the part of the official or employee neither in disqualifying him/her from reemployment in the government.

Section 459. **Authority to Sign Notices.** – The written notice mentioned in the preceding sections may be signed by the person exercising immediate supervision over the official or employee. However, the notice of separation shall be signed by the University President or his or her duly authorized representative.

## Chapter XLII

### INSURANCE AND RETIREMENT

#### Article 108

#### Insurance Coverage and Benefits

Section 460. **Insurance Coverage.** – The Eastern Visayas State University, as required by law, rules and regulations, shall participate in the Government Service Insurance System (GSIS)<sup>191</sup>, Home Development Mutual Fund (Pag-ibig)<sup>192</sup>, Philippine Health Insurance Corporation (PhilHealth)<sup>193</sup> and such other government and/or controlled corporations, for the insurance and retirement benefits of all its academic and administrative officials and employees.

Section 461. **Insurance Benefits.** – University officials or officers, faculty members, non-teaching personnel or employees shall be entitled to insurance benefits as provided in applicable laws, rules and regulations.

The University shall ensure timely remittance of insurance premiums to the appropriate agencies on the schedule and amount as prescribed by existing laws, rules and regulations.

<sup>191</sup> Republic Act No. 8291 otherwise known as "The Government Insurance System Act of 1997."

<sup>192</sup> Republic Act No. 9679 otherwise known as the "Home Development and Mutual Fund Law of 2009."

<sup>193</sup> Republic Act No. 7879 otherwise known as the "National Health Insurance Act of 1995."

## Article 109

**Retirement Requirements and Benefits**

Section 462. **Mandatory Retirement.** – Unless otherwise provided under existing laws, rules and regulations, the mandatory age retirement of officials or officers, faculty members and non-teaching personnel of the University shall be sixty five (65) years old. *Provided,* That the officials or officers, faculty members and non-teaching personnel of the University may availed of early retirement as provided under R.A. No. 6683<sup>194</sup> and its IRR.

Section 463. **Early Release of the Retirement Pay, Pensions, Gratuities and Other Benefits of Retiring Officials or Officers, Faculty Members and Non-Teaching Personnel of the University.** – The University shall conform to the declared State policy and the period of release under Republic Act No. 10154<sup>195</sup> and its IRR<sup>196</sup>, to wit:

463.1. *Declaration of Policy.* – It is hereby declared that it is the policy of the State to ensure the timely and expeditious release of the retirement pay, pensions, gratuities and other benefits of all retiring employees of the government. Public Officers and employees who have spent the best years of their lives serving the governing and the public should not be made to wait to receive benefits which are due to them under the law. Accordingly, it is hereby mandated that highest priority shall be given to the payment and/or settlement of the pensions, gratuities and/or other retirement benefits of retiring government employees.

463.2. *Period of Release of Retirement Benefits*<sup>197</sup>. – Retirement benefits of retiring University officials or officers, faculty members, non-teaching personnel or employees shall be released to them within a period of thirty (30) days from the actual retirement date of the concerned employee. The employer-University must, however, submit all requirements for purposes of retirement to the University at least ninety (90) days prior to the effectivity of the retiree's retirement. To complete all said requirements in due time, the employee concerned shall file his/her expression of intent to retire at least one hundred twenty (120) days prior to his/her actual retirement ate, as outline further under Section 10 of the IRR of Republic Act No. 10154 and its IRR.

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<sup>194</sup> "An Act Providing Benefits for Early Retirement and Voluntary Separation from the Government Service, as Well as Involuntary Separation of Civil Service Officers and Employees Pursuant to Various Executive Orders Authorizing Government Reorganization After the Ratification of the 1987 Constitution Appropriating Funds Therefore, and for Other Purposes."

<sup>195</sup> "An Act Requiring All Concerned Government Agencies to Ensure the Early Release of the Retirement Pay, Pensions, Gratuities and Other Benefits of Retiring Government Employees."

<sup>196</sup> CSC Resolution No. 1300237 dated January 30, 2013 entitled, "Implementing Rules and Regulations of Republic Act No. 10154."

<sup>197</sup> Section 5, Rule III of CSC Resolution No. 1300237 dated January 30, 2013.

The occurrence of force majeure or other insuperable causes shall toll the running of the prescribed period. Upon cessation of the occurrence of force majeure or other insuperable, the running of the prescribed period shall continue.

Section 464. **Retiring Employees with Pending Cases.** – In the case of retiring University officials or officers, faculty members, non-teaching personnel or employees with pending case and those retirement benefits are being lawfully withheld due to possible pecuniary liability, the University President shall ensure that the said case shall be terminated and/or resolved within a period of three (3) months from the date of the retirement of the concerned employee: *Provided*, That in case the University fails to terminate and/or resolved the case within the said period without any justifiable reason(s), the retirement benefits due to the employee shall be immediately released him/her without prejudice to the ultimate resolution of the case; except, when the delay is deliberately caused by the retiring employee<sup>198</sup>.

Section 465. **Extension of Services After Mandatory Retirement Age.** – Extension of services after mandatory retirement age of any official or officer, faculty member or non-teaching personnel or employee of the University shall be subject to applicable laws, rules and regulations.

Chapter XLIII  
**CODE OF CONDUCT AND ETHICAL STANDARDS FOR  
UNIVERSITY OFFICIALS AND EMPLOYEES**

Article 110  
**Professional Code of Ethics for Faculty Members**

Section 466. **Professional Code of Ethics of Faculty Members.** – In addition to the ethical standards and accountability provided under this Code and in R.A. No. 6713 and its IRR, Faculty members, whether full-time or part-time basis, of the University in the practice of their respective noble profession, shall strictly adhere to, observe and practice set of ethical and moral principles, standard, and values as prescribed under existing laws, rules and regulations.

Section 467. **Role of Faculty Members Towards the State.** – The University is a partner of the State for the development of the youth and for molding them into good citizens. Faculty members, therefore, have an important role in shaping their future, thus, should strive to perform their obligations to the state pertaining to this aspect, to wit:

- 467.1. Each faculty member is a trustee of the cultural and educational heritage of the nation and is under obligation to transmit to learners/students such heritage as well as to elevate national morality, promote national pride, cultivate love of country, instill allegiance to the Constitution and respect for all duly constituted authorities, and promote obedience to the laws of the State.

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<sup>198</sup> Section 3 of Republic Act No. 10154.

- 467.2. Every faculty member shall actively help carry out the declared policies of the state, and shall take an oath to this effect.
- 467.3. The interest of the State, the Filipino people as much as that of his/her own, every faculty member shall be physically, mentally and morally fit.
- 467.4. Every faculty member shall possess and actualize full commitment and devotion to duty.
- 467.5. A faculty member shall not engage in the promotion of any political, religious, or other partisan interest, and shall not directly or indirectly solicit, require, collect, or receive any money, service, other valuable material from any person or entity for such purpose.
- 467.6. A faculty member shall vote and shall exercise all other constitutional rights and responsibilities.
- 467.7. A faculty member shall not use his/her position or official authority or influence to coerce any other person to follow any political action.
- 467.8. Every faculty member shall enjoy academic freedom and shall have the privilege of sharing the product of his researches and investigations, provided that, if the results are inimical to the declared policies of the State and the University, they shall be drawn to the proper authorities for appropriate action.

Section 468. ***The Faculty Member and the Community.*** – The faculty member has an obligation towards the community which is expressed in the Section provided hereinafter:

- 468.1. A faculty member is a facilitator of learning and of the development of the youth; he/she shall therefore, render the best services by providing an environment conducive to such learning and growth.
- 468.2. Every faculty member shall provide leadership and initiative to actively participate in community movements for moral, social, educational, economic and civic betterment.
- 468.3. Every faculty member shall merit reasonable social recognition for which he shall behave with honor and dignity at all times and refrain from activities such as gambling, smoking, drunkenness and other excesses, and illicit relations.
- 468.4. Every faculty member shall help the University keep the people in the community, and shall therefore, study and understand local customs and traditions in order to have a sympathetic attitude, therefore, refrain from disparaging the community.

- 468.5. Every faculty member is an intellectual leader in the community especially in the barangay, and shall welcome the opportunity to provide such leadership when needed, to extend counseling services, as appropriate, and to actively be involved in matters affecting the welfare of the people.
- 468.6. A faculty member possesses freedom to attend church and worship, as appropriate, but shall not use his or her position and influence to proselyte others.
- 468.7. Every faculty member shall maintain harmonious and pleasant personal and official relations with other professionals, with government officials, and with the people, individually or collectively.

Section 469. ***The Teaching Profession.*** – In addition to the ethical standards and accountability provided under this Code and in R.A. No. 7163 and its IRR, every faculty member shall actively help insure that teaching is the noblest profession, and shall manifest genuine enthusiasm and pride in teaching as a noble calling, to wit:

- 469.1. Every faculty member shall uphold the highest possible standards of quality education, shall make the best preparation for the career of teaching, and shall be at his/her best at all times in the practice of such profession.
- 469.2. Every faculty member shall pursue such other studies as will improve his/her efficiency, enhance the prestige of his/her profession, and strengthen his/her competence, virtues, and productivity in order to be nationally and internationally competitive.
- 469.3. Every faculty member shall use the teaching profession in a manner that makes it dignified means for earning a decent living.
- 469.4. Faculty member shall help, provided there is authority, to seek support for the University, but shall not make improper misrepresentation through personal advertisements and other questionable means.
- 469.5. Faculty members shall, at all times, be imbued with the spirit of professional loyalty, mutual confidence, and faith in one another, self-sacrifice for the common good and full cooperation with colleagues.
- 469.6. A faculty member is not entitled to claim for work that is not his/her own, and shall give due credit for the work of others which he or she may use.
- 469.7. Before leaving his/her position, a faculty member shall organize and leave to his/her successor such records and other data as are necessary to carry on the work.

- 469.8. A faculty member shall hold inviolate all confidential information concerning associates and the University, and shall not divulge to anyone documents which have not yet been officially released, or remove records from the files without official permission.
- 469.9. It shall be the responsibility for every faculty member to seek corrective measure for what may appear to be unprofessional and unethical conduct of any associate. This may be done only if there is incontrovertible evidence for such conduct.
- 469.10. A faculty member may submit to proper authorities any justifiable criticisms against an associate preferably in writing, without violating any right of the individual concerned.
- 469.11. A faculty member may apply for a vacant position for which he/she is qualified, provided that he/she respects the system of selection on the basis of merit and competence, provided further, that all qualified candidates are given the opportunity to be considered.

Section 470. ***The Faculty Member and the University.*** – The faculty member has an obligation towards the University which is expressed in the sections provided hereinafter:

- 470.1. A faculty member shall make it his/her duty to make an honest effort to understand and support the legitimate policies of the University and the administration.
- 470.2. As a matter of professionalism and integrity, a faculty member shall not make any false accusation or charges against superiors, especially under anonymity. However, if there are valid charges, he/she should present such under oath to competent authority.
- 470.3. A faculty member shall transact all official business through channels except when special conditions warrant a different procedure, such as when reforms are advocated but are opposed by the immediate superior, in which case the faculty member shall appeal directly to the appropriate higher authority.
- 470.4. A faculty member, individually or as a part of a group, has a right to seek redress against injustice and discrimination and to the extent possible, shall rise his/her grievances within democratic processes. In doing so, he/she shall avoid jeopardizing the interest and the welfare of learners/students whose rights to learn must be respected.
- 470.5. A faculty member has a right to invoke the principle that appointments, promotions, and transfer of faculty members are made only on the basis of merit in the interest of the service.

- 470.6. A faculty member who accepts a position assumes a contractual obligation to live up to his/her contract, assuming full knowledge of the employment terms and conditions.
- 470.7. University officials shall at all times show professional courtesy, helpfulness and sympathy towards faculty members and other personnel, such practices being standards of effective institutional supervision, dignified administration, responsible leadership and enlighten direction.
- 470.8. University officials, faculty members and other personnel shall consider it their cooperative responsibility to formulate policies or introduce important changes in the system at all levels.
- 470.9. University officials shall encourage and attend to the professional growth of all faculty member under them such as recommending them for promotion, giving them due recognition for meritorious performance, and allowing them to participate in conference and training programs subject to availability of funds and usual accounting and auditing laws, rules and regulations.

Section 471. ***The Faculty Member and the Students.*** – A faculty member or teacher shall recognize that the interest and welfare of students are his/her first and foremost concern, and shall handle each learner justly and impartially.

- 471.1. A faculty member has a right and duty to determine the academic marks and the promotion of learners in the subject they handle. Such determination shall be in accordance with generally accepted procedures of evaluation and measurement. In case of any complaint, the faculty member concerned shall immediately take appropriate action, observing the process.
- 471.2. Under no circumstances shall a Faculty member be prejudiced nor discriminatory against any student.
- 471.3. A faculty member shall not accept favors or gifts from students, their parents or others in their behalf in exchange for requested concessions, especially if underserved.
- 471.4. A faculty member shall not accept, directly or indirectly, any remuneration from tutorials other than what is authorized for such service.
- 471.5. A faculty member shall evaluate learners work based on merit and quality of academic performance.
- 471.6. A faculty member shall not inflict corporal punishment on offending students nor make deductions from their scholastic ratings as a punishment for acts which are clearly not manifestations of poor scholarship.

- 471.7. A faculty member shall insure that conditions contributive to the development of students are adequate and shall extend needed assistance in preventing or solving student's problems and difficulties.

Section 472. ***The Faculty Member and the Parents.*** – A faculty member shall establish and maintain cordial relations with parents, and shall conduct himself/herself to merit their confidence and respect. A faculty member shall hear parent's complaints with sympathy and understanding, and shall discourage unfair criticism.

Section 473. ***The Faculty Member and Business.*** – A faculty member has a right to engage, directly or indirectly, in legitimate income generation, *provided*, that it does not adversely affect his/her work subject to service manuals and/or applicable laws, rules and regulations in so far as duly authorized by the EVSU Board of Regents upon the recommendation by the University President.

- 473.1. A faculty member shall maintain a good reputation with respect to financial matters such as in the settlement of his or her just debts, loans and other financial affairs.
- 473.2. Except existing as may be provided under applicable rules and regulations, no faculty member shall act, directly or indirectly, as agent of, or be financially interested in, any commercial venture which furnish textbooks and other University commodities in the purchase and disposal of which he or she can exercise official influence, except only when his or her assignment is inherently related to such purchase and disposal.

Section 474. ***Faculty Member as a Model.*** – A faculty member shall live with dignity in all places at all times with the following guidelines:

- 474.1. A faculty member shall place premium upon self-respect and self-discipline as the principle of personal behavior in all relationships with others and in all situations.
- 474.2. A faculty member shall maintain at all times a dignified personality which could serve as model worthy of emulation by students, peers, and others.
- 474.3. A faculty member shall always recognize the Almighty God or Being as guide of his or her own destiny and of the destinies of men and nations.

#### Chapter XLIV

### **PROHIBITED ACTS AND OTHER REGULATIONS**

#### Article 111

### **Prohibited Acts and Transactions of University Officials or Officers and Employees**

Section 475. ***Prohibited Acts and Transactions of University Officials or Officers, Faculty Members (Regular and Part-time), Non-Teaching Personnel or Employees of the University.*** – In addition to the acts and omissions of public officials and employees prescribed in the Constitution and existing laws, the following shall constitute prohibited acts and transactions of any University officials or officers, faculty members (regular or part-time), non-teaching personnel or employees:

- 475.1. *Financial and Material Interest.* – University officials or officers, faculty members, non-teaching personnel or employees shall not, directly or indirectly, have any financial or material interest in any transaction requiring the approval of their office.
- 475.2. *Outside Employment and Other Activities Related Thereto.* – University officials or officers, faculty members, non-teaching personnel or employees shall not engage in the private practice of their profession unless authorized by competent authorities, *provided*, that such practice will not conflict or tend to conflict with official functions.
- 475.3. *Disclosure and/or Misuse of Confidential Information.* – Subject to the Freedom of Information (FOI) Manual of the University and such applicable laws, rules and regulations, University officials or officers, faculty members, non-teaching personnel or employees shall not, except in the interest of the greater public, use or divulge confidential or classified information officially known to them by reason of their office and not made available to the public.
- 475.4. *Promoting or Furthering Private Interest or Giving Undue Advantage.* – To further their private interest, or give undue advantage to anyone.
- 475.5. *Prejudicial to Public Interest.* – To prejudice the University and public interest.
- 475.6. *Solicitation or Acceptance of Gifts and Others.* – University officials and employees shall not solicit or accept directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value from any person in the course of their official duties or in connection with any operation being regulated by or any transaction which may be affected by the functions of their office.  

*Provided, however,* That this shall apply to the conduct of solicitations that are undertaken with the approval of the University President to augment the financial sources for the conduct of events and activities duly sanctioned by the University officials.
- 475.7. *Deals with Any Students.* – No academic and administrative officials and employees shall enter into deals with any student of

the University involving money, property, or other valuable consideration which might influence the scholastic standing of the student.

- 475.8. *Selling of Goods and Services.* – Faculty members are strictly prohibited from selling goods, books and services directly to students.

*Provided, however,* That the instructional materials developed by faculty members and employees which are authorized under the Production Services or IGP Manuals duly approved by the EVSU Board of Regents are exempted from this prohibition. *Provided,* That faculty members who are authors of instructional materials, duly approved by the Instructional Materials Evaluation Committee created by the University President, shall be entitled to at least sixty percent (60%) of the net income and be entitled to royalties subject to the appropriate Auxiliary Services/IGP Manual of the University and existing laws, rules and regulations duly approved by the EVSU-Board of Regents upon the recommendation by the University President.

## Chapter XLV

### **GRIEVANCE MACHINERY OF THE UNIVERSITY**

#### Article 112

#### **Basic Features, Policies, and Coverage of Grievance Machinery**

Section 476. ***Basic Features.*** – The University shall conform to the guidelines set forth under CSC MC No. 02, s. 2001 dated January 26, 2001<sup>199</sup> and its subsequent issuances. As such, the grievance machinery refers to the system or method of determining and finding the best way to address the specific cause or cause of conflicts, to help promote wholesome and desirable personnel relations within the University, to prevent personnel discontentment and dissatisfaction and to have the complaint or grievance resolved as expeditiously as possible at the lowest possible level.

Section 477. ***Basic Policies.*** – The University shall provide for amicable internal procedures or remedies, including provisions for voluntary arbitration, as a preferable measure in the settlement of any issue, dispute, or grievance arising from employment relations pursuant to Civil Service laws, rules and regulations.

Grievance refers to a work-related discontentment or dissatisfaction which had been expressed verbally or in writing and which, in the aggrieved employee's opinion, has been ignored or dropped without due consideration.

Section 478. ***Composition, and Duties and Functions of the Grievance Committee of the University.*** – Only permanent officials and

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<sup>199</sup> "Revised Policies on the Settlement of Grievances in the Public Sector."

personnel shall be appointed or elected as members of the Grievance Committee to be constituted by the University President.

- 478.1. *Composition.* – The Grievance Committee shall be composed of a Chairperson who shall be any of the Vice Presidents, a Vice Chairperson who shall not be lower than a Dean or Director, a Secretary and at least two (2) Members with equal representation from the Faculty and Non-Teaching personnel.
- 478.2. *Duties and Functions.* – The duties and functions of the Grievance Committee shall be determined by the University President and/or under the Grievance Machinery Manual consistent with applicable CSC rules and regulations in so far as approved by the EVSU Board of Regents. The Grievance Committee shall establish its own internal procedures and strategies.
- 478.3. *Inclusion of Membership in the Grievance Committee of the Regular Duties.* – Membership in the grievances committee shall be considered part of the members' regular duties<sup>200</sup> with an equivalent to not more than six (6) units of a regular workload provided under this Code as may be determined by the University President.

Section 479. **Coverage.** – The following instances shall be acted upon through the grievance machinery:

- 479.1. Non-implementation of policies, practices and procedures on economic and financial issues and other terms and conditions of employment fixed by law, including salaries, incentives, working hours, leave benefits such as delay in the processing of overtime pay, unreasonable withholding of salaries and inaction on application for leave;
- 479.2. Non-implementation of policies, practices and procedures which affect employees from recruitment to promotion, detail, transfer, retirement, termination, lay-offs, and other related issues that affect them such as failure to observe selection process in appointment, and undue delaying the processing of retirement papers;
- 479.3. Poor interpersonal relationships and linkages such as unreasonable refusal to give official information by one employee to another;
- 479.4. Inadequate physical working conditions such as lack of proper ventilation in the workplace, and insufficient facilities and equipment necessary for the safety and protection of employees whose nature and place of work are classified as high risk or hazardous;

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<sup>200</sup> Item 16 of CSC MC No. 02, s. 2001 dated January 26, 2001.

479.5. Protest on appointments; and

479.6. All other matters giving rise to employee dissatisfaction and discontentment outside of those cases enumerated above.

Section 480. **Exclusion.** – The following cases shall not be acted upon through the grievance machinery:

480.1. Disciplinary cases which shall be resolved pursuant to the uniform rules on administrative cases;

480.2. Sexual harassment cases as provided for in R. A. No. 7877; and

480.3. Union-related issues and concerns.

Section 481. **Grievance Machinery Manual of the University.** – The University shall prepare and submit its Grievance Machinery Manual to the Board Committee for further review and conduct of consultations, to the EVSU-Board of Regents and to the CSC Regional Office for appropriate action.

## Chapter XLVI

### ADMINISTRATIVE DISCIPLINE

#### Article 113

#### General Provisions

Section 482. **Application of CSC Resolution No. 1101502 dated November 8, 2011 and its Subsequent Issuances and Applicable Laws, Rules and Regulations.** – The provisions of CSC Resolution No. 1101502 dated November 8, 2011<sup>201</sup> and its subsequent issuances and applicable laws, rules and regulations shall apply suppletorily to this Article and such policies of the University in so far as expressly authorized by the EVSU Board of Regents upon the recommendation by the University President.

Section 483. **Prohibition of Suspension and Dismissal Except for Cause.** – No University official or employee shall be suspended or dismissed except for cause as provided by law and after due process.

Section 484. **Complaint.** – Any person may file an administrative complaint with the University. Said complaint shall be in writing and under oath, otherwise, the same shall not be given due course.

*Provided,* That no action shall be taken on an anonymous complaint unless there is obvious truth or merit to the allegations set forth in the complaint.

#### Article 114

#### Grounds and Procedures for Disciplinary Action

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<sup>201</sup> Revised Rules on Administrative Cases in the Civil Services (RRACCS).

Section 485. **Grounds for Disciplinary Action.** – Pursuant to Civil Service law, rules and regulations, the following shall be grounds for disciplinary action and shall be interpreted based on the description and essential elements as observed or applied in applicable laws, rules and regulations and jurisprudence:

- 485.1. Dishonesty;
- 485.2. Oppression;
- 485.3. Neglect of duty;
- 485.4. Misconduct;
- 485.5. Disgraceful and immoral conduct;
- 485.6. Being notoriously undesirable;
- 485.7. Discourtesy in the course of official duties;
- 485.8. Inefficiency and incompetence in the performance of official duties;
- 485.9. Conviction of a crime involving moral turpitude;
- 485.10. Receiving for personal use of a fee, gift or other valuable thing in the course of official duties or in connection therewith when such fee, gift or other valuable, thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded other persons, or committing acts punishable under the anti-graft laws;
- 485.11. Improper or unauthorized solicitation of contributions from subordinate employees and by teachers or University officials from University students;
- 485.12. Violation of existing Civil Service Law and rules or reasonable office regulations;
- 485.13. Falsification of official document;
- 485.14. Frequent of unauthorized absences or tardiness in reporting for duty, loafing of frequent unauthorized absences from duty during regular office hours;
- 485.15. Habitual drunkenness;
- 485.16. Gambling prohibited by law;
- 485.17. Refusal to perform official duty or render overtime service;
- 485.18. Disgraceful, immoral or dishonest conduct prior to entering the service;
- 485.19. Insubordination;
- 485.20. Physical or mental incapacity or disability due to immoral or vicious habits;

- 485.21. Borrowing money by superior officers from subordinates or lending by subordinates to superior officers;
- 485.22. Willful failure to pay just debts or willful failure to pay taxes due to the government;
- 485.23. Contracting loans of money or other property from persons with whom the office of the employee concerned has business relations;
- 485.24. Pursuit of private business, vocation or profession without the permission required by Civil Service rules and regulations;
- 485.25. Engaging directly or indirectly in partisan political activities by one holding non-political office;
- 485.26. Conduct prejudicial to the best interest of the service;
- 485.27. Lobbying for personal interest or gain in legislative halls and offices without authority;
- 485.28. Promoting the sale tickets in behalf of private enterprises that are not intended for charitable or public welfare purposes and even in the latter cases if there is no prior authority; and
- 485.29. Nepotism.

Section 486. ***Administrative Disciplinary Committee of the University (ADCU).*** – The Administrative Disciplinary Committee of the University shall be constituted by the University President from time to time consistent with the provisions of the Administrative Services Manual of the University and such existing laws, rules and regulations in so far as expressly authorized by the EVSU Board of Regents upon the recommendation by the University President.

Section 487. ***Procedures for Disciplinary Action.*** – The procedures for disciplinary actions shall be consistent to the provisions of the Administrative Services Manual of the University and such existing laws, rules and regulations in so far as expressly authorized by the EVSU Board of Regents upon the recommendation by the University President.

Section 488. ***Concurrent Jurisdiction of the CSC and Application of CSC Laws, Rules and Regulations.*** – Disciplinary action against University personnel shall be governed by Civil Service laws, rules and regulations. The CSC shall have concurrent jurisdiction with the EVSU Board of Regents over the disciplinary action/s against any official or employees of the University<sup>202</sup>.

<sup>202</sup> ***CSC v. Court of Appeals*** (G.R. No. 176162, October 9, 2012) citing **G.R. No. 179452**, June 11, 2009, 589 SCRA 88, **G.R. No. 168766**, May 22, 2008, 554 SCRA 160, and *Civil Service Commission v. Alfonso*, supra note 31.

***“CSC has concurrent original jurisdiction with the Board of Regents over administrative cases***

It is the Court’s position that the Uniform Rules did not supplant the law which provided the CSC with original jurisdiction. While the Uniform Rules may have so provided, the Court invites attention to the cases

Chapter XLVII  
**RIGHT TO SELF-ORGANIZATION**

Article 115  
**General Policy**

Section 489. **Policy.** – The University shall fully recognize and protect the right of its Faculty Members and Non-Teaching Personnel to self-organization<sup>203</sup> and the right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making shall not be abridged<sup>204</sup>.”

Article 116  
**Collective Negotiations Agreement**

Section 490. **Coverage.** – The faculty members and non-teaching personnel of the University can form or join or assist employee’s organizations of their own choosing for the furtherance and protections of their interests. They can also form, in conjunction with appropriate government authorities, labor-management committees, work councils and other forms of workers’ participation schemes to achieve the same objectives<sup>205</sup>.

*Provided, however,* That only accredited employee’s organizations shall have the right to represent the rank-and-file in collective negotiation and for the furtherance and protection of their interest and improvement of public service delivery<sup>206</sup>.

of *Civil Service Commission v. Alfonso* and *Civil Service Commission v. Sojor*, to be further discussed in the course of this decision, both of which buttressed the pronouncement that the Board of Regents shares its authority to discipline erring school officials and employees with the CSC. It can be presumed that, at the time of their promulgation, the members of this Court, in *Alfonso* and *Sojor*, were fully aware of all the existing laws and applicable rules and regulations pertaining to the jurisdiction of the CSC, including the Uniform Rules.

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We are not unmindful of certain special laws that allow the creation of disciplinary committees and governing bodies in different branches, subdivisions, agencies and instrumentalities of the government to hear and decide administrative complaints against their respective officers and employees. Be that as it may, we cannot interpret the creation of such bodies nor the passage of laws such as – R.A. Nos. 8292 and 4670 allowing for the creation of such disciplinary bodies – as having divested the CSC of its inherent power to supervise and discipline government employees, including those in the academe. To hold otherwise would not only negate the very purpose for which the CSC was established, i.e. to instill professionalism, integrity, and accountability in our civil service, but would also impliedly amend the Constitution itself.

Based on all of the foregoing, the inescapable conclusion is that the CSC may take cognizance of an administrative case filed directly with it against an official or employee of a chartered state college or university. This is regardless of whether the complainant is a private citizen or a member of the civil service and such original jurisdiction is shared with the Board of Regents of the school.

<sup>203</sup> Section 3, para. 2, Article XIII of the 1987 Philippine Constitution.

<sup>204</sup> Section 16, Article XIII of the 1987 Philippine Constitution.

<sup>205</sup> Section 2, Item I of Executive Order No. 180 dated June 1, 1987 entitled, “Providing Guidelines for the Exercise of the Right to Organize of Government Employees, Creating a Public Sector Labor-Management Council, and For Other Purposes,” and Section 38, Chapter 6, Subtitle A, Title 1, Book V of Executive Order No. 292.”

<sup>206</sup> Section 1, Rule II of Resolution No. 2, s. 2004 dated September 28, 2004 entitled, “Approving and Adopting the Amended Rules and Regulations Governing the Exercise of the Right of Government Employees to Organize” promulgated by the Public Sector Labor-Management Council (PSLMC).

Section 491. ***Ineligibility of High-Level Employees to Join Rank-and-File Employees' Organization.*** – High-level employees whose functions are normally considered as policy-making or managerial or whose duties are of highly confidential nature shall not be eligible to join the organization of rank-and-file government employees<sup>207</sup>. The following employees of the University shall not be eligible to form, join or assist any employees' organization for purposes of collective negotiations<sup>208</sup>:

491.1. *High level, highly confidential and coterminous employees;*

Highly Confidential Employee refers to an employee who occupies a position which requires a high degree of trust and confidence and close intimacy with the appointing authority or immediate supervisor which ensures free and open communication without harassment or freedom from misgivings of betrayal of personal trust or confidential matters of state. The term is used interchangeably with primary confidential employee<sup>209</sup>.

491.2. Other personnel who, by the nature of their functions, are authorized to carry firearms, except when there is an express written approval from management.

Section 492. ***Protection of the Right to Organize***<sup>210</sup>. – The following conditions shall strictly be observed:

492.1. Faculty members and employees shall not be discriminated against in respect of their employment by reason of their membership in employees' organizations or participation in the normal activities of their organizations. Their employment shall not be subject to the condition that they shall not join or shall relinquish their membership in the employees' organizations.

492.2. University authorities shall not interfere in the establishment, functioning or administration of government employees' organizations through acts designed to place such organizations under the control of government authority.

Section 493. ***Sole and Exclusive Bargaining Agent; Duly Registered Employees' Organization.*** – The duly registered employees' organization having the support of the majority of the employees in the appropriate organizational unit shall be designated as the sole and exclusive representative of the employees<sup>211</sup>.

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<sup>207</sup> Section 3, Item I of Executive Order No. 180 dated June 1, 1987 and Section 39, Chapter 6, Subtitle A, Title 1, Book V of Executive Order No.292.

<sup>208</sup> Section 2, Rule II of PSLMC Resolution No. 2, s. 2004 dated September 28, 2004.

<sup>209</sup> Section 1(aa), Rule I of PSLMC Resolution No. 2, s. 2004 dated September 28, 2004.

<sup>210</sup> Section 5, Item I of Executive Order No. 180 dated June 1, 1987 and Section 40, Chapter 6, Subtitle A, Title 1, Book V of Executive Order No. 292.

<sup>211</sup>Section 10, item IV of Executive Order No. 180.

Section 494. **Voluntary Recognition.** – A duly registered employees’ organization shall be accorded voluntary recognition upon a showing that no other employees’ organization is registered or is seeking registration, based on records of the Bureau of Labor Relations, and that the said organization has the majority support of the rank-and-file employees in the organizational unit<sup>212</sup>.

Section 495. **Certification Election.** – Where are two or more duly registered employees’ organizations in the appropriate organizational unit, the Bureau of Labor Relations shall, upon petition, order the conduct of a certification election and shall certify the winner as the exclusive representative of the rank-and-file employees in said organizational unit<sup>213</sup>.

Section 496. **Subject of Negotiation.** – Terms and conditions of employment or improvements thereof, except those that are fixed by law, may be the subject of negotiation<sup>214</sup>.

Section 497. **Negotiable Matters.**<sup>215</sup> – The following concerns may be the subject of negotiation between the management and the accredited employees’ organization:

- 497.1. Schedule of vacation and other leaves;
- 497.2. Personnel growth and development;
- 497.3. Communication system – internal (lateral and vertical), external;
- 497.4. Work assignment/reassignment/detail/transfer;
- 497.5. Distribution of work load;
- 497.6. Provision for protection and safety;
- 497.7. Provision for facilities for handicapped personnel;
- 497.8. Provision for first aid medical services and supplies;
- 497.9. Physical fitness program;
- 497.10. Provision for family planning services for married women;
- 497.11. Annual medical/physical examination;
- 497.12. Recreational, social, athletic and cultural activities and facilities;
- 497.13. CNA incentive pursuant to PSLMC Resolution No. 4, s. 2002 and Resolution No. 2, s. 2003 and their subsequent issuances.

*Provided,* That “A Collective Negotiation Agreement (CNA) Incentive – This may be granted to both management and rank-

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<sup>212</sup> Section 11, item IV of Executive Order No. 180.

<sup>213</sup> Section 12, item IV of Executive Order No. 180.

<sup>214</sup> Section 1, Rule XII of PSLMC Resolution No. 2, s. 2004 dated September 28, 2004.

<sup>215</sup> Section 2, Rule XII of PSLMC Resolution No. 2, s. 2004 dated September 28, 2004.

and-file employees of agencies with approved and successfully implemented CNAs in recognition of their efforts in accomplishing performance targets at lesser cost, in attaining more efficient and viable operations through cost-cutting measures and systems improvement, such CNA incentive shall be provided for under the annual General Appropriations Act xxx.<sup>216</sup>; and

497.14. Such other concerns which are not prohibited by law and CSC rules and regulations.

Section 498. **Compensation Matters.** – Increase in salary, allowances, travel expenses, and other benefits that are specifically provided by law are not negotiable<sup>217</sup>.

Section 499. **Effectivity of the Collective Negotiation Agreement (CNA).** – The CNA shall take effect immediately upon its signing by the parties and ratification by the majority of rank-and-file employees in the negotiation unit<sup>218</sup>.

Section 500. **Other Matters.** – Nothing herein shall be construed to prevent any of the parties from submitting proposals regarding other matters to Congress and the proper authorizes to improve the terms and conditions of their employment<sup>219</sup>.

Section 501. **Suppletory Application the Public Sector Labor-Management Council (PSLMC) Resolutions and DBM Policies.** – The resolutions promulgated by the Public Sector Labor-Management Council (PSLMC) and DBM policies shall apply suppletorily and serve as the governing guidelines of this Article in so far as duly adopted or approved by the EVSU Board of Regents upon the recommendations by the parties of the CNA.

#### Article 117

### Faculty Associations of University Campuses

Section 502. **Establishment and Sustainability of Autonomous Duly Recognized Faculty Association in Each University Campus.** – The University shall ensure the establishment and sustainability of autonomous duly recognized faculty association in each Campus.

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<sup>216</sup> Item (4)(h)(ii)(aa) of the Senate and House of Representatives Joint Resolution (JR) No. 4, s. 2009, "Joint Resolution Authorizing the President of the Philippines to Modify the Compensation and Position Classification System of Civilian Personnel and the Base Pay Schedule of Military and Uniformed Personnel in the Government, and for Other Purposes," approved on June 17, 2009", item 3.0 of DBM Circular Letter No. 2011-9, dated September 29, 2011, "Reminder on the Observance of the Guidelines on the Grant of the Collective Negotiation Agreement (CNA) Incentive."

<sup>217</sup> Section 3, Rule XII of PSLMC Resolution No. 2, s. 2004 dated September 28, 2004.

<sup>218</sup> Section 4, Rule XII of PSLMC Resolution No. 2, s. 2004 dated September 28, 2004.

<sup>219</sup> Section 5, Rule XII of PSLMC Resolution No. 2, s. 2004 dated September 28, 2004.

Section 503. **Government of the Autonomous Duly Recognized Faculty Association in Each University Campus.** – The University shall ensure the establishment and continued operations of the duly recognized faculty association in each University Campus subject to the requirements of applicable laws, rules and regulations.

*Provided,* That the duly established faculty associations shall be autonomous and must operate in accordance with their respective Constitution and by-laws consistent with existing laws, rules and regulations.

Section 504. **Rights, Duties and Obligations of Members and Officers.** – The rights, duties and obligations of members and officers shall be in accordance with the provisions of their respective Constitution and by-laws consistent with existing laws, rules and regulations.

#### Article 118

### Federation of Faculty Associations of the University

Section 505. **Establishment and Sustainability of Autonomous Duly Recognized Federation of Faculty Associations of the University.** – The University shall ensure the establishment and continued operations of the duly recognized Federation of Faculty Association of the University subject to the requirements of R.A. No. 8292 and its IRR.

*Provided,* That the duly established Federation of Faculty Associations of the University shall be autonomous and must operate in accordance with its respective Constitution and by-laws consistent with existing laws, rules and regulations.

Section 506. **Government of the Autonomous Duly Recognized Federation of Faculty Associations of the University.** – The government of the duly recognized Federation of Faculty Associations of the University shall be in accordance of its Constitution and by-laws and policies of the University.

Section 507. **Rights, Duties and Obligations of Members and Officers.** – The rights, duties and obligations of members and officers shall be in accordance with the provisions of its respective Constitution and by-laws consistent with existing laws, rules and regulations.

#### Chapter XLVIII

### GENDER AND DEVELOPMENT

#### Article 119

### Policy and Guidelines

Section 508. **Declaration of Policy and Application of Republic Act No. 9710 and Its Implementing Rules and Regulations (IRR).** – The University shall adhere to the declared policy of the State under Republic Act No. 9710<sup>220</sup>, among others, to wit:

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<sup>220</sup> "An Act Providing for the Magna Carta for Women."

- 508.1. *Declaration of Policy.* – Recognizing that the economic, political, and sociocultural realities affect women’s current condition, the State affirms the role of women in nation building and ensures the substantive equality of women and men. It shall promote empowerment of women and pursue equal opportunities for women and men and ensure equal access to resources and to development results and outcome. Further, the State realizes that equality of men and women entails the abolition of the unequal structures and practices that perpetuate discrimination and inequality. To realize this, the State shall endeavor to develop plans, policies, programs, and mechanisms to address discrimination and inequality in the economic, political, social, and cultural life of women and men.
- 508.2. *Application of Republic Act No. 9710 and Its Implementing Rules and Regulations (IRR)*<sup>221</sup>. The provisions of Application of Republic Act No. 9710 and its IRR shall apply suppletorily and serve as the governing guidelines of this Code.

Section 509. ***Management of Gender and Development (GAD).*** – The University shall have Gender and Development (GAD) which includes the development perspective and process that are participatory and empowering, equitable, self-determination and actualization of human rights, supportive of self-determination and actualization of human potentials. It seeks to achieve gender equality as a fundamental value that should be reflected in development choices, seeks to transform society’s social, economic, and political structures and questions the validity of the gender roles they ascribed to women and men; contends that women are active agents of development and not just passive recipients of development assistance; and stresses the need of women to organize themselves and participate in political processes to strengthen their legal rights<sup>222</sup>.

Section 510. ***Equal Access and Elimination of Discrimination in Education, Scholarships, and Training***<sup>223</sup>. – The University shall strictly observe the following:

- 510.1. The University shall ensure that gender stereotypes and images in the educational materials and curricular are adequately and appropriately revised. Gender-sensitive language shall be used at all times. Capacity-building on gender and development (GAD), peace and human rights, education for teachers, and all those involved in the education sector shall be pursued toward this end. Partnership between and among players of the education sector, including the private sector, churches, and faith groups shall be encouraged.

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<sup>221</sup> Board Resolution No. 1, Series of 2010 entitled, “Approving and Adopting the Implementing Rules and Regulations of Republic Act No. 9710 otherwise known as the “Magna Carta for Women.”

<sup>222</sup> Section 4(h), Chapter II of Republic Act No. 9710 otherwise known as the “Magna Carta for Women.”

<sup>223</sup> Section 13, Chapter IV of Republic Act No. 9710 otherwise known as the “Magna Carta for Women.”

- 510.2. Enrollment of women in nontraditional skills training in vocational and tertiary levels in the University shall be encouraged.
- 510.3. Expulsion and non-readmission of women faculty due to pregnancy outside of marriage shall be outlawed.

In addition, women faculty who become pregnant outside of marriage shall not be discriminated by reason thereof. They shall not be dismissed, separated from work, forced to go on leave, re-assigned or transferred. They shall have access to work already held with no diminution in rank, pay or status and shall be entitled to all benefits accorded by law and by University<sup>224</sup>.

- 510.4. No female student shall be turn out or refuse admission to the University solely on the account of her having contracted pregnancy outside of marriage during her term in the University.

Further, no female student shall be expelled, dismissed, suspended, refused or denied of admission, or forced to take a leave of absence in the University solely on grounds of pregnancy outside marriage during her school term. When needed, students who are pregnant shall be accorded with a special leave of absence from school upon advised of the attending physician, and be given an opportunity to make up for missed classes and examinations. The same leave benefits shall likewise be accorded to pregnant University faculty members, and personnel and staff<sup>225</sup>.

- 510.5. No female student shall be denied access to and participate off-campus activities such as, practice teaching, on-the-job-training (OJT) or educational tours solely on the account of her having contracted pregnancy outside of marriage during her term in the University. *Provided*, That the student concerned shall present a medical certificate issued by a government physician that she is fit to undergo the said activities and she shall submit periodic medical reports to the immediate supervisor/s of the activity/ies for their proper guidance and coordination. These arrangements shall be subject to the provisions of Students' Handbook of the University duly approved by the EVSU-Board of Regents upon the recommendation by the University President.

Section 511. **Women in Sports**<sup>226</sup>. – The University shall conform to the State's obligation to develop, establish, and strengthen and noncompetitive sports as a means to achieve excellence, promote physical and social well-

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<sup>224</sup> Section 16 (C-1), Rule IV of Board Resolution No. 1, Series of 2010 entitled, "Approving and Adopting the Implementing Rules and Regulations of Republic Act No. 9710 otherwise known as the "Magna Carta for Women."

<sup>225</sup> Section 16 (C-2), Rule IV of Board Resolution No. 1, Series of 2010 entitled, "Approving and Adopting the Implementing Rules and Regulations of Republic Act No. 9710 otherwise known as the "Magna Carta for Women."

<sup>226</sup> Section 14, Chapter IV of Republic Act No. 9710 otherwise known as the "Magna Carta for Women."

being, eliminate gender-role stereotyping, and provide equal access to the full benefits of development for all persons regardless of sex, gender identity, and other similar factors. For this purpose, the University shall take into account its total women student population in granting athletic scholarship. There shall be a pro rate representation of women in the athletic scholarship program based on the percentage of women in the whole student population.

Section 512. **Special Leave Benefits for Women**<sup>227</sup>. – A woman employee of the University having rendered continuous aggregate service of at least six (6) months for the last twelve (12) months shall be entitled to a special leave benefit of two (2) months with full pay based on her gross monthly compensation following surgery caused by gynecological disorders, under such terms conditions<sup>228</sup>, to wit:

- 512.1. She has rendered at least six (6) months continuous aggregate employment service for the last twelve (12) months prior to surgery;
- 512.2. In the event that an extended leave is necessary, the female employee may use her earned leave credits; and
- 512.3. This special leave shall be non-cumulative and non-convertible to cash.

*Provided, further,* this special leave benefits shall likewise be extended to and enjoyed by female student who have undergone gynecological disorders subject to such terms and conditions as provided under the Students' Handbook of the University duly approved by the EVSU-Board of Regents upon the recommendation by the University President.

Section 513. **Integration into the University's Curricular Offerings and Programs of Health Education.** – The University shall ensure the integration into its curricular offerings and programs of health education that is gender-responsive, rights-based and culture-sensitive.

Section 514. **Funding.** – At least five percent (5%) of the total University's budget appropriations shall correspond to activities supporting GAD Plans and Programs. The University GAD Budget may be allocated using any or a combination of the following<sup>229</sup>:

- 514.1. A separate GAD fund to support GAD-focused programs, projects, and activities of the University;
- 514.2. As fund to support integrating gender-perspectives in regular/flagship programs and projects of the University; and

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<sup>227</sup> Section 18, Chapter IV of Republic Act No. 9710 otherwise known as the "Magna Carta for Women."

<sup>228</sup> Section 21(A), Rule IV of Board Resolution No. 1, Series of 2010 entitled, "Approving and Adopting the Implementing Rules and Regulations of Republic Act No. 9710 otherwise known as the "Magna Carta for Women."

<sup>229</sup> Section 37(A.1), Rule VI of Board Resolution No. 1, Series of 2010 entitled, "Approving and Adopting the Implementing Rules and Regulations of Republic Act No. 9710 otherwise known as the "Magna Carta for Women."

- 514.3. As counterpart fund to support gender-responsive Official Development Assistance (ODA) – funded projects.

*Provided*, That the University President shall ensure that GAD Plans, Programs, and activities are provided with adequate resources. *Provided, further*, That the GAD Budget shall be drawn from the following items: maintenance and other operating expenses, capital outlay, and personnel services- subject to specific guidelines on GAD Planning and Budgeting that may be issued by appropriate oversight agencies.

## Article 120

### **GAD Focal Point and Manual of the University**

Section 515. ***Creation and/or Strengthening of the GAD Focal Point (GFP) of the University***<sup>230</sup>. – The following terms and conditions shall strictly be observed:

- 515.1. *Establishment and Continual Strengthening of the Gad Focal Point System of the University.* - The University shall establish and continually strengthen the GAD Focal Point System or a similar GAD mechanism to catalyze and accelerate gender mainstreaming with the University.
- 515.2. *Institutionalization.* – The University President shall, subject to the confirmation by the EVSU Board of Regents, constitute the GFP Committee and designate the Director for Gender and Development (GAD) to institutionalize the GFP in the University.
- 515.3. *Considerations of the GFP Tasks and Functions.* – The tasks and functions of the members of the GFP shall form part of their regular key result areas and shall be given due consideration in their performance evaluation.
- 515.4. *Composition of the GFP System.* – To ensure sustainability of initiatives in the University, the GFP shall be established composed of the University President, an executive committee, and a technical working group (TWG) or Secretariat. *Provided*, That the GFP Executive Committee shall be Chaired by the University President, Co-Chaired by a Vice President who shall be a female, and all Vice Presidents, Campus Directors, College Deans and Directors, as Members. *Provided, further*, That the Director for GAD shall be the Secretary of the GAD Executive Committee of the University.
- 515.5. *Mandatory Capacity Building Trainings of the GFP Executive Committee Members and the Director of GAD and its Staff.* – The University shall ensure that the Members of the GFP of the University to undergo capacity building programs on gender and development which shall include but not limited to:

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<sup>230</sup> Section 37(C), Rule VI of Board Resolution No. 1, Series of 2010 entitled, "Approving and Adopting the Implementing Rules and Regulations of Republic Act No. 9710 otherwise known as the "Magna Carta for Women."

- a. Gender sensitivity training (GST);
- b. Gender analysis;
- c. GAD planning and budget; and
- d. Gender audit.

515.6. *General Functions of the GAD Focal Point of the University.* – The GAD Focal Point shall ensure and sustain the University’s critical consciousness and support on women and gender issues. The GFP shall take a lead role in direction-setting, advocacy, planning, monitoring and evaluation, and technical advisory on mainstreaming GAD perspectives in the University programs, projects, activities, and processes. In doing so, the GFP shall:

- a. Lead the assessment of the gender-responsiveness of policies, strategies, programs, activities, and projects of the University based on the priority needs and concerns of its constituency, and the formulation of recommendations and ensure their implementation.
- b. Lead in setting up appropriate systems and mechanisms to ensure the generation, processing, review, updating of sex-disaggregated data or GAD database to serve as basis in performance-based gender-responsive planning;
- c. Coordinate efforts of different divisions/offices/units of the University and advocate for the integration of GAD perspectives in all their systems and processes;
- d. Spearhead the preparation of the University annual performance-based GAD Plans, Programs, and Budget in response to the women and gender issues of the employees, following the format and procedure prescribed by the Philippine Commission on Women (PCW);
- e. Lead in monitoring the effective implementation of GAD Code and nay other GAD-related policies, and the annual GAD Plans, Programs, and Budget;
- f. Lead the preparation of the annual University GAD Accomplishment report and other GAD reports that may be required under R.A. No. 9710 and its IRR;
- g. Promote the participation of women and gender advocates, other civil society groups and private organizations in the various stages of development planning cycle; and
- h. Ensure that all personnel of the University including the auditors are capacitated on GAD and in creating and strengthening the GFP System subject to the guidelines promulgated by the PCW.

Section 516. **Gender and Development (GAD) Manual of the University.** – The University shall formulate its Gender and Development (GAD) Manual of the University subject to the review by the Board Committee, and approval by the EVSU Board of Regents upon the recommendation by the University President.

## Chapter XLIX

### **MANDATORY SKILLS ENHANCEMENT TRAININGS AND INCLUSION TO THE CURRICULAR OFFERINGS OF THE UNIVERSITY**

#### Article 121

#### **Disaster Risk Reduction Management of the University**

Section 517. **Declaration of Policies.** – The University shall adhere to the declared policies of the State under Section 3 of Republic Act No. 10121<sup>231</sup>, among others, to wit:

- 517.1. Uphold the people’s constitutional rights to life and property by addressing the root causes of vulnerabilities to disasters, strengthening the country’s institutional capacity for disaster risk reduction and management, and building the resilience of local communities to disasters including climate change impacts.
- 517.2. Adhere to and adopt the universal norms, principles, and standards of humanitarian assistance and the global effort on risk reduction as concrete expression of the country’s commitment to overcome human sufferings due to recurring disasters;
- 517.3. Adopt and implement a coherent, comprehensive, integrated, efficient and responsive disaster risk reduction program incorporated in the development plan at various levels of government adhering to the principles of good governance such as transparency and accountability within the context of poverty alleviation and environmental protection;
- 517.4. Engage the participation of civil society organizations (CSOs), the private sector and volunteers in the government’s disaster risk reduction programs towards complementation of resources and effective delivery of services to the citizenry; and
- 517.5. Provide maximum care, assistance and services to individuals and families affected by disaster, implement emergency rehabilitation projects to lessen the impact of disaster, and facilitate resumption of normal social and economic activities.

Section 518. **Composition of the Risk Reduction Management Council of the University (DRRCU).** – There shall be a Disaster Risk Reduction Management Council of the University hereinafter referred to as the

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<sup>231</sup> An Act Strengthening the Philippine Disaster Risk Reduction and Management System, Providing for the National Disaster Reduction and Management Framework and Institutionalizing the National Disaster Risk Reduction and Management Plan, Appropriating Funds therefor and for Other Purposes.”

DRRMCU to be composed of the University President as Chairperson, Vice President for Administration and Finance as Vice Chairperson, and Other Vice Presidents, Campus Directors, College Deans, Directors, President of the Federation of Faculty Associations, President of the Federation of Non-teaching Personnel, President of the Federation of Alumni Associations, and President of the Federation of Students' Councils, as Members.

*Provided,* That the University may create DRRMC in the different Campuses to be known as the EVSU-Campus DRRMC to be composed of the Campus Director as Chairperson, Head for Administrative Services as Vice Chairperson, all department and section heads as, President of Faculty Association, President of the Non-teaching Personnel, President of Alumni Association, and President of Students Council, as Members.

Section 519. ***Duties and Functions of the Disaster Risk Reduction Management Council of the University (DRRMCU).*** – The DRRMCU shall perform the following duties and functions:

- 519.1. Design, program, and coordinate disaster risk reduction and management activities consistent with the National Council's standards and guidelines;
- 519.2. Facilitate and support risk assessments and contingency planning activities at the University;
- 519.3. Consolidate the Campuses disaster risk information which includes natural hazards, vulnerabilities, and climate change risks, and maintain a local risk map;
- 519.4. Organize and conduct training, orientation, and knowledge management activities on disaster risk reduction and management at the University;
- 519.5. Operate a multi-hazard early warning system, linked to disaster risk reduction to provide accurate and timely advise to national or local emergency response organizations and to the general public, through diverse mass media, particularly radio, landline communications, and technologies for communication within rural communities;
- 519.6. Formulate and implement a comprehensive and integrated University Disaster Risk Reduction Management Plan (UDRRMP) in accordance with national, regional and provincial framework, and policies on disaster risk reduction in close coordination with the local development councils (LDCs);
- 519.7. Prepare and submit to the EVSU Board of Regents the Annual UDRRMP and budget, the proposed programing of the UDRRMF, other dedicated disaster risk reduction and management resources, and other regular funding source/s and budgetary support from the national government and other sources;

- 519.8. Conduct continuous disaster monitoring and mobilize instrumentalities and entities of the LGUs, CSOs, private groups and organized volunteers, to utilize their facilities and resources for the protection and preservation of life and properties during emergencies in accordance with existing policies and procedures;
- 519.9. Identify, assess and manage the hazards, vulnerabilities and risks that may occur in the University;
- 519.10. Disseminate information and raise public awareness about those hazards, vulnerabilities and risks, their nature, effects, early warning signs and counter-measures;
- 519.11. Identify and implement cost-effective risk reduction measures/strategies;
- 519.12. Maintain a database of human resource, equipment, directories, and location of critical infrastructures and their capacities such as hospitals and evacuation centers;
- 519.13. Take all necessary steps on a continuing basis to maintain, provide or arrange the provision of, or to otherwise make available, suitably-trained and competent personnel for effective civil defense and disaster risk reduction and management in the University and nearby localities;
- 519.14. Develop, strengthen and operationalize mechanisms for partnership or networking with private sector, CSOs, and volunteer groups;
- 519.15. Organize, train, equip and supervise and the University's emergency response teams and the ACDVs, ensuring that humanitarian aid workers are equipped with basic skills to assist mothers to breastfeed;
- 519.16. Respond to and manage the adverse effects of emergencies and carry out recovery activities in the affected area, enduring that there is an efficient mechanism, for immediate delivery of food, shelter, and medical supplies for women and children, endeavor to create a special place where displaced mothers can find help with breastfeeding, feed and care for their babies and give support to each other;
- 519.17. Coordinate other disaster risk reduction and management activities;
- 519.18. Within the University, promote and raise public awareness of and compliance with this R.A. No. 10121 and its IRR;
- 519.19. Establish linkage/network with other Universities and LGUs for disaster risk reduction and emergency response purposes;

- 519.20. Recommend to the EVSU Board of Regents policies consistent with the requirements of R.A. No. 10121 and its IRR;
- 519.21. Implement policies, approved plans and programs of the EVSU-DRRMC consistent with the policies and guidelines laid down in Republic Act No. 10121 and its IRR;
- 519.22. Prepare and submit, the report on the utilization of the DDRMF of the University and other dedicated disaster risk reduction and management resources to the local Commission on Audit (COA) copy furnished relevant agencies; and
- 519.23. Act on other matters that be authorized by the NDRRMC, RDRRMC, LDRRMC and/or competent authorities.

Section 520. **DRRMCU Secretary.** – The Director for Administrative Services shall serve as the Secretary of the DRRMCU and his/her duties and functions shall be determined by the Council and/or by the University President as Chairperson thereof.

Section 521. **Accreditation, Mobilization and Protection of Disaster Volunteers and National Service Reserve Corps of the University**<sup>232</sup>. – The University may mobilize officials or officers, faculty members, non-teaching personnel and students or organized volunteers to augment University's and government's personnel complement and logistical requirements in the delivery of disaster risk reduction programs and activities. The University shall take full responsibility for the enhancement, welfare and protection of volunteers, and shall submit the list of volunteers to the OCD, through the LDRRMOs, for accreditation and inclusion in the database of community disaster volunteers.

Section 522. **Benefits and Insurance of the University's ACDVs.** – The University shall be responsible for providing the insurance and necessary benefits for the Accredited Community Disasters Volunteers of the Eastern Visayas State University or the University's ACDVs<sup>233</sup>.

*Provided,* That the benefits that ACDVs may be able to enjoy include such as, but not limited to, transportation cost and allowances, board and lodging and such incidental expenses necessary in the performance of their respective duties and functions in calamity or disaster hit areas regardless of the locations. *Provided, further,* That the funds necessary to provide the benefits of the ACDVs shall be charged from the appropriate and/or income of the University including chargeable against the trust funds of the participant/s concerned.

*Provided, furthermore,* That subject to the qualifications and requirements, an official or officer, faculty member and non-teaching personnel of the University who has exhibited and perform heroic deeds shall be entitled to the incentives provided under the PRAISE System of the University.

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<sup>232</sup> Section 13 of Republic Act No. 10121 otherwise known as the "Philippine Disaster Risk Reduction and Management Act of 2010."

<sup>233</sup> Section 5, Rule IX of the Implementing Rules and Regulations of Republic Act No. 10121.

Section 523. **Integration Into the University Curricular and Mandatory Training for the University Officials or Officers, Faculty Members, Non-teaching Personnel or Employees**<sup>234</sup>. – Subject to appropriate policies and standards promulgated by CHED and competent government agencies, the University shall integrate disaster risk reduction and management education in the University’s curricular offerings, including the National Service Training Program (NSTP).

*Provided*, That the University shall participate in disaster risk reduction management activities, such as organizing quick response groups, particularly in identified disaster-prone areas. *Provided, further*, That all officials or officers, faculty members, and nonteaching-personnel of the University shall be trained in emergency response and preparedness. The training is mandatory for such employees to comply with the provisions of R.A. No. 10121.

Section 524. **Declaration of State of Calamity**. – The President’s declaration of state of calamity warrants international humanitarian assistance as provided under Section 16 of Republic Act No. 10121. In this connection, the University shall provide the necessary assistance to the calamity or disaster hit area/s regardless of the locations in the Philippines subject to the provisions of this Code, appropriate manuals, R.A. No. 10121 and its IRR, and such applicable laws, rules and regulations in so far as expressly authorized by the EVSU Board of Regents upon the recommendation by the University President.

## Article 122

### Environmental Awareness

Section 525. **Declaration of Policy**. – The University shall conform to the declared State policy under Republic Act No. 9512<sup>235</sup> and it’s IRR, to wit:

"Consistent with the policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature, and in recognition of the vital role of the youth in nation building and the role of education to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development, the state shall promote national awareness on the role of natural resources in economic growth and the importance of environmental conservation and ecological balance towards sustained national development."

Section 526. **Integration of Environmental Education to the Curricular Offerings and Programs of the University**. – Subject to appropriate policies and standards promulgated by CHED and competent government agencies, the University, in coordination with the Department of Environment and Natural Resources (DENR), the Department of Science and Technology (DOST) and other relevant agencies, shall integrate environmental education in its curricular offerings and programs at all levels.

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<sup>234</sup> Section 14 of Republic Act No. 10121 otherwise known as the "Philippine Disaster Risk Reduction and Management Act of 2010."

<sup>235</sup> "An Act to Promote Environmental Awareness Through Environmental Education And For Other Purposes."

*Provided*, That environmental education shall encompass environmental concepts and principles, environmental laws, the state of international and local environment, local environmental best practices, the threats of environmental degradation and its impact on human well-being, the responsibility of the citizenry to the environment and the value of conservation, protection and rehabilitation of natural resources and the environment in the context of sustainable development. It shall cover both theoretical and practicum modules comprising activities, projects, programs including, but not limited to, tree planting; waste minimization, segregation, recycling and composting; freshwater and marine conservation; forest management and conservation; relevant livelihood opportunities and economic benefits and other such programs and undertakings to aid the implementation of the different environmental protection law<sup>236</sup>.

Section 527. ***Environmental Education and Activities as Part of National Service Training Program.*** – The University shall include environmental education and awareness programs and activities in the National Service Training Program under Republic Act No. 9163, as part of the Civic Welfare Training Service component required for all baccalaureate degree courses and vocational courses with a curriculum of at least two (2) years subject to the pertinent rules and regulations promulgated by the CHED in so far as expressly adopted by the EVSU Board of Regents upon the recommendation by the University President.

Section 528. ***Supplementary Application of Republic Act No. 9512 and its Implementing Rules and Regulations (IRR).*** – The provisions of Republic Act No. 9512 and its IRR shall be applied suppletorily to and serve as the governing guidelines of this Article and in such environmental awareness policies of the University in so far expressly authorized by the EVSU Board of Regents upon the recommendation by the University President.

#### Article 123

### **Magna Carta for Disabled Persons**

Section 529. ***Declaration of Policy.*** – The University shall adhere to the policy policies of the State declared under Republic Act No. 7277<sup>237</sup>, to wit:

“Disable persons are part of Philippine society, thus the State shall give full support to the improvement of the total well-being of disabled persons and their integration into the mainstream of society. Toward this end, the State shall adopt policies ensuring the rehabilitation, self-development and self-reliance of disabled persons. It shall develop their skills and potentials to enable them to compete favorably for available opportunities.

Disabled persons same the same rights as other people to take proper place in society. They should be able to live freely and as

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<sup>236</sup> Section 3 of Republic Act No. 9512 otherwise known as the “National Environmental Awareness and Education Act of 2008.”

<sup>237</sup> “An Act Providing for the Rehabilitation, Self-Development and Self-Reliance of Disabled Persons and Their Integration into the Mainstream on Society and for Other Purposes.”

independently as possible. This must be the concern of everyone – the family, community and all government and non-government organizations. Disabled persons' rights must never be perceived as welfare services by the Government."

Section 530. ***Equal Opportunity for Employment and Apprenticeship.*** – No disabled person shall be denied access to opportunities for suitable employment in the University. A qualified disabled employee shall be subject to the same terms and conditions of employment and the same compensation, privileges, benefits, fringe benefits, incentives or allowances as a qualified able bodied person<sup>238</sup>.

Subject to the provisions of the Labor Code as amended, disabled persons shall be eligible as apprentices or learners: *Provided*, That their handicap is not as much as to effectively impede the performance of job operations in the particular occupation for which they are hired; *Provided, further*, That after the lapse of the period of apprenticeship, if found satisfactory in the job performance, they shall be eligible for employment<sup>239</sup>.

Section 531. ***Application and Implementation of Batas Pambansa No. 344 and Its Implementing Rules and Regulations.*** – The University shall fully implement the provisions of Batas Pambansa No. 344<sup>240</sup> and its IRR and subsequent issuances thereof. Towards this end, the University shall strictly observe, among others, the following:

531.1. ***Basic Physical Planning Requirements***<sup>241</sup>. – No group of people shall be deprived of full participation and enjoyment of the environment or be made unequal with the rest due to any disability. In order to achieve this goal adopted by the United Nations, certain basic principles shall be applied:

- a. ***Accessibility.*** The built environment shall be designed so that it shall be accessible to all people. This means that no criteria shall impede the use of facilities by either the handicapped or nondisabled citizens.
- b. ***Reachability.*** Provisions shall be adapted and introduced to the physical environment so that as many places or buildings as possible can be reached by all.
- c. ***Usability.*** The built environment shall be designed so that all persons, whether they be disabled or not, may use and enjoy it.
- d. ***Orientation.*** Finding a person's way inside and outside of a building or open space shall be made easy for everyone.

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<sup>238</sup> Section 5, Chapter I, Title II of Republic Act No. 7277."

<sup>239</sup> Section 7, Chapter I, Title II of Republic Act No. 7277."

<sup>240</sup> "An Act to Enhance the Mobility of Disabled Persons by Requiring Certain Buildings, Institutions, Establishments and Public Utilities to install Facilities and Other Devices."

<sup>241</sup> Item 1.3, Rule II of IRR of Batas Pambansa No. 344.

- e. *Safety*. Designing for safety insures that people shall be able to move about with less hazards to life and health.
- f. *Work Ability and Efficiency*. The built environment shall be designed to allow the disabled citizens to participate and contribute to developmental goals

531.2. *Application of Barrier-Free Facilities and Features*<sup>242</sup>. – The University shall strictly implement the following:

- a. Graphic signs shall be bold and conspicuously installed in every access from point of entry to connecting destination.
- b. Walkways shall be provided with adequate passageway in accordance with provision.
- c. Width of corridors and circulation system integrating both and vertical access to ingress/egress level of the building shall be provided.
- d. Doors and entrances provided herein used as entry points at entrance lobbies as local points of congregation shall be designed to open easily or accessible from floor or to any point of destination.
- e. Washroom and toilets shall be accessible and provided with adequate turning space.
- f. Whenever elevator/s is required it should meet the requirements provided.
- g. Ramps shall be provided as means of access to level of change going to entry points and entrances, lobbies influenced by condition of location or use.
- h. Parking areas shall be provided with sufficient space for the disabled persons to allow easy transfer from car park to ingress/egress levels.
- i. Height above the floor or switches and controls shall be in accordance with the provisions.
- j. Handrails shall be provided at both sides of ramps.
- k. Floors provided for every route of the wheelchair shall be made of nonskid material.
- l. Water fountains shall be installed as required.

Section 532. ***Suppletory Application of Republic Act No. 7277 and its Implementing Rules and Regulations (IRR)***. – The provisions of Republic Act No. 7277 and its IRR shall be applied suppletorily and serve as the governing guidelines of this Article.

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<sup>242</sup> Item 9, Rule III of IRR of Batas Pambansa No. 344.

Article 124  
**Peace Education**

Section 533. ***Integration of Peace Education in Teacher Education Programs of the University.*** – Peace education shall be introduced and mainstreamed in the teacher education programs of the University<sup>243</sup> subject to the policies and guidelines promulgated by the CHED and in so far as expressly authorized by the Board upon the recommendation by the University President.

Section 534. ***Inclusion of Peace Perspective in Curricular Offerings of the University***<sup>244</sup>. – The University shall ensure the inclusion of the peace perspective in its curricular offerings or programs and other educational undertakings subject to the policies and guidelines promulgated by the CHED and in so far as expressly authorized by the EVSU Board of Regents upon the recommendation by the University President.

Article 125  
**Green Jobs**

Section 535. ***Declaration of Policy.*** – The University shall adhere to the declared State policy under Republic Act No. 10771<sup>245</sup> and IRR, to wit:

- 535.1. Affirm labor as a primary social economic force in promoting sustainable development;
- 535.2. Afford full protection to labor, local and overseas, organized and unorganized, and promote full and productive employment and equality of employment opportunities for all; and
- 535.3. Promote the rights of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

The State shall identify needed skills, develop training programs, and train and certify workers for jobs in a range of industries that produce goods and render services for the benefit of the environment, conserve natural resources for the future generation, and ensure the sustainable development of the country and its transition into a green economy. In recognition of the participation of individuals and business enterprises in jobs creation, the State shall provide incentives therefor.

Section 536. ***Development and Implementation of Curriculum***<sup>246</sup>, ***and/or Integration into the Curricular Offerings of the University.*** – The University shall develop and implement curriculum and/or integrate into the

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<sup>243</sup> Executive Order No. 570 dated September 26, 2006 entitled, "Institutionalizing Peace Education in Basic Education and Teacher Education."

<sup>244</sup> Section 32(C), Rule V of Board Resolution No. 1, series of 2010 entitled, "Approving and Adopting the Implementing Rules and Regulations of R.A. No. 9710 otherwise known as the "Magna Carta of Women."

<sup>245</sup> "An Act Promoting the Creation of Green Jobs, Granting Incentives and Appropriating Funds Therefor."

<sup>246</sup> Section 3(e) of Republic Act No. 10771 otherwise known as the "Philippine Green Jobs Act of 2016."

curricular offerings of the University related to green jobs subject to the policies and standards promulgated by the CHED in so far as expressly authorized by the EVSU BOR upon the recommendation by the University President.

Section 537. ***Suppletory Application of Republic Act No. 10771 and its Implementing Rules and Regulations and Pertinent Policies and Guidelines Promulgated by the Commission on Higher Education (CHED).*** – The provisions of Republic Act No. 10771 and its IRR and pertinent Policies and Guidelines promulgated by the CHED shall be applied suppletorily to and serve as the governing guidelines of this Article and such policies of the University in so far as expressly adopted by the EVSU Board of Regents upon the recommendation by the University President.

## Article 126 **Anti-Sexual Harassment**

Section 538. ***Declaration of Policy and Application of Republic Act No. 7877 and Its Implementing Rules and Regulations.*** – The University shall adhere to the declared State policy under Republic Act No. 7877<sup>247</sup> and its IRR<sup>248</sup>, as follows:

- 538.1. *Declaration of Policy.* - The State shall value the dignity of every individual, enhance the development of each human resources, guarantee full respect for human rights, and uphold the dignity of workers, employees, applicants for employment, students or those undergoing training, instruction or education. Towards this end, all forms of sexual harassment in the employment, education or training environment are hereby declared unlawful.
- 538.2 *Application of Republic Act No. 7877 and its Implementing Rules and Regulations (IRR).* – The provisions of R.A. No. 7877 and its IRR shall apply suppletorily to this Code and serve as the governing guidelines hereof.

Section 539. ***Coverage of Administrative Offense of Sexual Harassment.*** – For the purpose of these rules, the administrative offense of sexual harassment is an act, or a series of acts, involving any unwelcome sexual advance, request or demand for a sexual favor, or other verbal or physical behavior of a sexual nature, committed by a government employee or official in a work-related, training or education related environment of the person complained of.

Section 540. ***Work-related Sexual Harassment.*** – Work-related sexual harassment is committed under the following circumstances:

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<sup>247</sup> “An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment, and for Other Purposes.”

<sup>248</sup> CSC Resolution No. 01-0940 entitled Implementing Rules and Regulations of Republic Act No. 7877 otherwise known as “An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment, and for Other Purposes.”

- 540.1. Submission to or rejection of the act or series of acts is used as a basis for any employment decision (including, but not limited to, matters related to hiring, promotion, raise in salary, job security, benefits and any other personnel action) affecting the applicant/employee; or
- 540.2. The act or series of acts have the purpose or effect of interfering with the complainant's work performance, or creating an intimidating, hostile or offensive work environment; or
- 540.3. The act or series of acts might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to a complainant who may be a co-employee, applicant, customer, or ward of the person complained of.

Section 541. **Education or Training-related Sexual Harassment.** – Education or training-related sexual harassment is committed against one who is under the actual or constructive care, custody or supervision of the offender, or against one whose education, training, apprenticeship, internship or tutorship is directly or constructively entrusted to, or is provided by, the offender, when:

- 541.1. Submission to or rejection of the act or series of acts is used as a basis for any decision affecting the complainant, including, but not limited to, the giving of a grade, the granting of honors or a scholarship, the payment of a stipend or allowance, or the giving of any benefit, privilege or consideration;
- 541.2. The act or series of acts have the purpose or effect of interfering with the performance, or creating an intimidating, hostile or offensive academic environment of the complainant; or
- 541.3. The act or series of acts might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to a complainant who may be a trainee, apprentice, intern, tutee or ward of the person complained of.

Section 542. **Forms of Sexual Harassment.** – The following are illustrative forms of sexual harassment:

- 542.1. Physical;
- 542.2. Malicious Touching;
- 542.3. Overt sexual advances;
- 542.4. Gestures with lewd insinuation;
- 542.5. Verbal such as but not limited to, requests or demands for sexual favors, and lurid remarks;
- 542.6. Use of objects, pictures or graphics, letters or written notes with sexual underpinnings; and
- 542.7. Other forms analogous to the foregoing.

Section 543. **Committee on Decorum and Investigation of the University and Sustained Implementation of the Anti-Sexual Harassment.** – The University shall create a Committee on Decorum and investigation pursuant to Civil Service rules and regulations, who shall perform the following functions:

- 543.1. Receive complaints of sexual harassment;
- 543.2. Investigate sexual harassment complaints in accordance with the prescribed procedures;
- 543.3. Submit a report of its findings with the corresponding recommendation to the disciplining authority for decision; and
- 543.4. Lead in the conduct of discussions about sexual harassment within the agency or institution to increase understanding and prevent incidents of sexual harassment.

*Provided,* That the University shall sustain its implementation of the law on Anti-Sexual Harassment and shall adhere to the Administrative Disciplinary Rules on Sexual Harassment Cases prescribed by the CSC in investigating complaints of this nature. Further, it shall promulgate an Anti-Sexual Harassment Manual taking into account relevant laws, rules and regulations.

Section 544. **Gender Segregation.** – The University shall adopt segregation of students and clients by gender in its major transactions or activities, such as, but not limited to:

- 544.1. Enrollment
- 544.2. Payment of fees
- 544.3. Grade sheets
- 544.4. Entry and exit of participants during public functions
- 544.5. Comfort rooms
- 544.6. Reportorial requirements of agencies concerned.

*Provided,* That a dedicated lane shall be provided to the Persons with Disabilities (PWD), pregnant, and senior citizens.

#### Article 127 **Anti-Bullying**

Section 545. **Adoption and Application of Republic Act No. 10627<sup>249</sup> and it's Implementing Rules and Regulations (IRR) in the University at All Levels.** – The provisions of Republic Act No. 10627 and its IRR are hereby adopted, made part of the policies and applied in the University at all levels subject to the provisions of this Code, University Students' Handbook and such

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<sup>249</sup> An Act Requiring All Elementary and Secondary Schools to Adopt Policies to Prevent and Address the Acts of Bullying in their Institutions.”

guidelines as the Board may determine upon the recommendation by the University President.

Section 546. **Acts of Bullying**<sup>250</sup>. – Notwithstanding as may be provided in applicable laws, rules and regulations, “bullying” shall refer to any severe or repeated use by one or more students of a written, verbal or electronic expression, or a physical act or gestures, or a combination thereof, directed at another student that has the effect of actually causing or placing the latter in reasonable fear of physical or emotional harm or damage to his property; creating a hostile environment at the University for the other student; infringing on the rights of the other student at the University; or materially and substantially disrupting the education process or the orderly operation of the University, such as, but not limited to, the following:

- 546.1. Any unwanted physical contact between the bully and the victim like punching, pushing, shoving, kicking, slapping, tickling, headlocks, inflicting school pranks, teasing, fighting and the use of available objects as weapons;
- 546.2. Any act that causes damage to a victim’s psyche and/or emotional well-being;
- 546.3. Any slanderous statement or accusation that causes the victim undue emotional distress like directing foul language or profanity at the target, name-calling, tormenting and commenting negatively on victim’s looks, clothes and body; and
- 546.4. Cyber-bullying or any bullying done through the use of technology or any electronic means.

Section 547. **Prohibited Acts**<sup>251</sup>. - Consistent with Section 3 of the Republic Act No. 10627, the anti-bullying policy of the University shall prohibit:

- 547.1. Bullying at the following:
  - a. University grounds;
  - b. Property immediately adjacent to University grounds;
  - c. University-sponsored or school-related activities, functions or programs whether on or off University grounds;
  - d. University bus stops;
  - e. University buses or other vehicles owned, leased or used by a University;
  - f. University buses or University services privately-owned but accredited by the University;

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<sup>250</sup> Section 2 of Republic Act No. 10627 otherwise known as the “Anti-Bullying Act of 2013.”

<sup>251</sup> Section 5, Rule IV of the Implementing Rules and Regulations of Republic Act No. 10627 otherwise known as the “Anti-Bullying Act of 2013.”

- 547.2. Bullying through the use of technology or an electronic device or other forms of media owned, leased or used by a University.
- 547.3. Bullying at a location, activity, function or program that is not school-related and through the use of technology or an electronic device or other forms of media that is not owned, leased or used by a University; and
- 547.4. Retaliation against a person who reports bullying, who provides information during an investigation of bullying, or who is a witness to or has reliable information about bullying.

Section 548. ***Composition and Duties and Functions of the Anti-bullying Committee of the University.*** – The following guidelines shall be strictly implemented:

- 548.1. *Composition of the Anti-bullying Committee.* – As University-wide Anti-Bullying Committee shall also be created by the University President composed of the Vice President for Administration and Finance as Chairperson, Vice President for Academic Affairs as Vice Chairperson, and other Vice Presidents, Deans, Directors and Presidents of Federation of Student Councils, Federation of Faculty Associations and Federation of Non-Teaching Personnel Associations, as Members.

*Provided,* that each Campus shall have an Anti-bullying Committee to be constituted by the University President which shall be composed of the Campus Director as Chairperson, Director or Head of Student Affairs and Services Office and Human Resource Management Officers as Vice Chairpersons, one representative each from the student sector, faculty sector and the non-teaching personnel duly recommended by their respective duly recognized associations.

- 548.2. *Committee Secretary.* - The Head or Chairperson of the Student Affairs shall serve as the Secretary of the foregoing Committees. *Provided,* That this shall not preclude the authority of the University President to designate any officer or employee of the University or Campus to serve as Committee Secretary.
- 548.3. *Duties and Functions.* – Notwithstanding as may be provided under existing laws, rules and regulations, the duly constituted Anti-bullying Committee shall perform the following duties and functions:
  - a. Conduct awareness-raising programs with school stakeholders in preventing and addressing bullying;
  - b. Monitor all cases or incidents related to bullying reported or referred by the teacher, guidance counselor or coordinator or any person designated to handle prevention and intervention measures mentioned in the IRR of Republic Act No. 10627;

- c. Ensure that the provisions of this Article and such anti-bullying policies adopted by the University is implemented; and
- d. Make the necessary referrals to appropriate agencies, offices or persons, as may be required by the circumstances.

Section 549. **Integration of Anti-bullying Policies.** – The anti-bullying policies of the University shall be integrated into the Students’ Handbook and services’ manuals as much as practicable subject to the approval by the EVSU Board of Regents upon the recommendation by the University President.

#### Article 128

### National Greening Program

Section 550. **Declaration of Policy and Institutionalization of the National Greening Program.** – The University shall conform to and contribute in the realization of the declared state policy under Executive Order No. 26, s. 2011<sup>252</sup> as amended by Executive Order No. 193 s. 2015<sup>253</sup>, to wit:

- 550.1. *Declaration of Policy.* – It is the policy of the State to pursue sustainable development for poverty reduction, food security, biodiversity conservation, and climate change mitigation and adaptation.
- 550.2. *Institutionalization of the National Greening Program (NGP) in the University.* – The National Greening Program is hereby institutionalized and the University President shall designate from among the employees the National Greening Program (NGP) Head/Coordinator.

Section 551. **General Guidelines.** – The following shall strictly be complied with by the University officials or officers, faculty members, non-teaching personnel or employees and students in various levels:

- 551.1. *Mandatory to Plant Trees.* - All officials or officers, faculty members, non-teaching personnel or employees and students in various levels of the University shall be individually required to plant a minimum of ten (10) seedlings per year in areas determined by the Convergence Initiative<sup>254</sup> and/or as may identified by the DENR.
  - a. The University shall undertake the following:
    1. Student mobilization;

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<sup>252</sup> “National Greening Program.”

<sup>253</sup> “Expanding the Coverage of the National Greening Program.”

<sup>254</sup> Section 3.1 of Executive Order No. 26, s. 2011.

2. Nursery establishment, seedling production and tree planting;
3. Information, Education and Communication;
4. Provision of extension services by the officials, faculty members and non-teaching personnel; and
5. Monitoring and evaluation.

551.2. *Inclusion of Tree Planting as a Major Requirement in the Clearances.* – The tree planting shall be included as a major requirement in the clearances of officials or officers, faculty member and non-teaching personnel or employees and students of the University. Henceforth, the National Greening Program Head/Coordinator shall not affix his/her signature in the clearance unless the concerned applicant shall have planted at least ten (10) trees and submission of the appropriate certificate issued by the NGP Coordinator, University President and the DENR official or personnel concerned.

551.3. *Coordination with Other Government Agencies and Stakeholders.* – The NGP Coordinator shall ensure proper coordination with other government agencies and stakeholders in the conduct of NGP programs, projects and activities.

Section 552. ***Credit Equivalency and Recognition for the Participation of the University in the Observance of Arbor Day.*** – The University shall participate in the Observance of Arbor Day as mandated under Republic Act No. 10176<sup>255</sup> and its IRR.

*Provided,* That University officials or officers, faculty members, non-teaching personnel or employees and students of the University who participated during the tree planting in the observance of the Arbor Day shall be entitled with credit equivalent to and be recognized as compliance to the requirement under Executive Order No. 26. *Provided, further,* That they shall plant at least ten (10) trees each.

Section 553. ***Policies on National Greening Program of the University.*** – The University President shall, upon the recommendation by the NGP Head/Coordinator, formulate such policies necessary to ensure proper, effective and efficient implementation of the National Greening Program taking into considerations applicable laws, rules and regulations.

## Article 129

### **National Service Training Program**

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<sup>255</sup> "An Act Reviving the Observance of Arbor Day by Authorizing the Local Government Units the Responsibilities for Celebrating the Day for Tree Planting as an Annual Event," otherwise known as the "Arbor Day Act of 2012."

Section 554. **Declaration of Policy and Coverage.** – The University shall adhere to the declared State policies under Republic Act No. 9163<sup>256</sup> and its Implementing Rules and Regulations (IRR), to wit:

- 554.1. *Declaration of Policy* - It is hereby affirmed the prime duty of the government to serve and protect its citizens. In turn, it shall be the responsibility of all citizens to defend the security of the State and in fulfillment thereof, the government may require each citizen to render personal, military or civil service.

Recognizing the youth's vital role in nation-building, the State shall promote civic consciousness among the youth and shall develop their physical, moral, spiritual, intellectual and social well-being. It shall inculcate in the youth patriotism, nationalism, and advance their involvement in public and civic affairs.

In pursuit of these goals, the youth, the most valuable resource of the nation, shall be motivated, trained, organized and mobilized in military training, literacy, civic welfare and other similar endeavors in the service of the nation.

- 554.2. *Coverage.* - Students, male and female, of any baccalaureate degree course or at least two (2)-year technical vocational courses in the University shall be required to complete one (1) of the NSTP components as requisite for graduation<sup>257</sup>.

Section 555. **Establishment of the National Service Training Program (NSTP) of the University**<sup>258</sup>. – There is hereby established a National Service Training Program, which shall form part of the curricula of all baccalaureate degree courses and of at least two (2)-year technical vocational courses and is a requisite for graduation, consisting of the following service components:

- 555.1. The Reserve Officers' Training Corps (ROTC), which is hereby made option and voluntary upon the effectivity of Republic Act No. 9163;
- 555.2. The Literacy Training Service (LTS); and
- 555.3. The Civic Welfare Training Service (CWTS).

*Provided,* That the ROTC under the NSTP shall instill patriotism, moral virtues, respect for rights of civilians, and adherence to the Constitution, among others. Citizenship training shall be given emphasis in all three (3) program components.

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<sup>256</sup> "An Act Establishing the National Service Training Program (NSTP) for Tertiary Level Students, Amending for the Purpose Republic Act No. 7077 and Presidential Decree No. 1706, and for Other Purposes."

<sup>257</sup> Section 3 of Republic Act No. 9163 otherwise known as the "National Service Training Program (NSTP) Act of 2001".

<sup>258</sup> Section 4 of Republic Act No. 9163 otherwise known as the "National Service Training Program (NSTP) Act of 2001".

*Provided, further,* That the University may design and implement such other program components as may be necessary in consonance with the provisions of Republic Act No. 9163 and its IRR and in so far as expressly authorized by the EVSU Board of Regents upon the recommendation by the University President.

Section 556. ***Duration and Equivalent Course Unit***<sup>259</sup>. - Each of the aforementioned NSTP program components shall be undertaken for an academic period of two (2) semesters.

*Provided,* That in lieu of the two (2) semester program for any of the components of the NSTP, a one (1)-summer program may be designed, formulated and adopted by University subject to pertinent guidelines promulgated jointly by the DND, CHED, and TESDA.

Section 557. ***Fees and Incentives.*** - The University shall not collect any fee for any of the NSTP components except basic tuition fees, which shall not be more than fifty percent (50%) of what is currently charged by the University per unit.

*Provided,* That in the case of ROTC, the DND shall formulate and adopt a program of assistance and/or incentive to those students who will take the said component.

*Provided, further,* That the University shall ensure that group insurance for health and accident shall be provided for students enrolled in any of the NSTP components.

Section 558. ***National Service Training Program (NSTP) Serial Numbers.*** - The issuance of the NSTP Serial Numbers of the University shall be consistent with CHED Memorandum Order No. 27, series of 2015 dated August 6, 2015<sup>260</sup> and its subsequent issuances.

Section 559. ***National Service Training Program (NSTP) Manual of the University.*** - The University President shall, upon the recommendation by the NSTP Director, formulate such policies necessary to ensure proper, effective and efficient implementation of the NSTP Manual taking into considerations applicable laws, rules and regulations, subject to the approval by the EVSU Board of Regents upon the recommendation by the University President.

### Article 130 **Anti-illegal Drugs**

Section 560. ***Declaration of Policy.*** - The University shall adhere to the policies declared by the State under Section 2 of Republic Act No. 9165<sup>261</sup> and its IRR, to wit:

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<sup>259</sup> Section 6 of Republic Act No. 9163 otherwise known as the "National Service Training Program (NSTP) Act of 2001".

<sup>260</sup> "Guidelines and Procedures on the Issuance of National Services Training Program (NSTP) Serial Numbers."

<sup>261</sup> "The Comprehensive Dangerous Drugs Act of 2002."

"It is the policy of the State to safeguard the integrity of its territory and the well-being of its citizenry particularly the youth, from the harmful effects of dangerous drugs on their physical and mental well-being, and to defend the same against acts or omissions detrimental to their development and preservation. In view of the foregoing, the State needs to enhance further the efficacy of the law against dangerous drugs, it being one of today's more serious social ills."

Section 561. **Random Drug Testing**<sup>262</sup>. – Students of secondary and tertiary programs of the University shall, pursuant to related rules and regulations as contained in the University's Students' Handbook and with notice to the parents, undergo a random drug testing: *Provided*, That all drug testing expenses will be borne by the government.

*Provided, further*, That the guidelines under Dangerous Board Resolution No. 6, s. 2003<sup>263</sup> shall strictly be observed subject to proper coordination with the officials of the University.

*Provided, furthermore*, That the drug testing and its results shall be subject to the following conditions:

1. Random sampling must be employed with full knowledge as to the purpose, however, the identified samples and victims of drug abuse must be treated with highest confidentiality;
2. Processing of test samples shall be administered by accredited personnel and facilities in accordance with pertinent standards and procedures under pertinent laws, rules and regulations;
3. Test results shall not be used or be exposed or revealed to any party/ies that may directly or indirectly constitute discrimination or oppression to the rights and welfare of the students concerned who are victims of drug abuse;
4. Drug testing shall be conducted for health intervention and assistance for students who are victims of drug abuse. For this purpose, the University shall formulate and implement comprehensive and positive initiatives, intervention and rehabilitation programs that would promote reintegration to mainstream society; and
5. The University shall ensure the conduct of regular anti-drug abuse programs.

Section 562. **Drug-Free Workplace**. – The University shall be a drug-free workplace and shall be governed with the provisions of Dangerous Drugs Board Regulation No. 2, s. 2004<sup>264</sup>, CSC Memorandum Circular No. 13, s.

<sup>262</sup> Section 36 (C), Article III of the IRR of Republic Act No. 9165.

<sup>263</sup> "Providing for the General Guidelines for the Implementation of Random Drug Testing for Secondary and Tertiary Students."

<sup>264</sup> "Guidelines for the Formulation and Implementation of a Drug-Free Workplace Program."

2010<sup>265</sup>, issuances by the President of the Philippines, and policies as the EVSU Board of Regents may promulgate upon the recommendation by the University President.

Section 563. **Integration of Illegal Drugs Prevention.** – The University shall integrate lessons on the prevention of illegal drugs in the different curricular offerings subject to the contents and standards developed by competent authority/ies and/or promulgated by the CHED in so far expressly authorized by the University President.

Section 564. **Creation of the Drug-Free Workplace Review Committee.** – The Drug-Free Workplace Review Committee (DFWRC) is hereby established which shall formulate and put in place the University’s Drug-Free Workplace Program and such policies which shall be in accordance with the pertinent provisions of Republic Act No. 9165 and its Implementing Rules and Regulations (IRR) in so far as authorized by the EVSU Board of Regents upon the recommendation by the University President.

Drug-Free Workplace Review Committee (DFWRC) of the University shall be composed of the following:

564.1. *University-wide DFWRC.* – The University-wide DFWRC shall be composed as follows:

Chairperson: University President  
 Co-Chair: Vice President for Academic Affairs  
 Vice-Chair: Vice President for Administration and Finance  
 Members: Director for Student Affairs and Services Office  
 Director for Administrative Services  
 Two (2) representatives from the rank-and-file employees chosen through a general assembly or by the officers or board of the association’s concerned or designated by the union in the absence of an accredited union (one from the first level and one from the second level).  
 President of the Federation of Students’ Councils  
 President of the Federation of Non-Teaching Personnel  
 Representative of the Philippine Drugs Enforcement Agency (PDEA)

564.2. *University Campus DFWRC.* – Each Campus of the University shall have a DFWRC composed of the following:

Chairperson: Campus Head or Campus Director or his/her authorized representative who shall hold at least a Department Head position  
 Vice-Chair: Head of Academic Department  
 Members: Administrative Officer or Head for Administrative Services

<sup>265</sup> “Guidelines for a Drug-Free Workplace in the Bureaucracy.”

Two (2) representatives from the rank-and-file employees chosen through a general assembly or by the officers or board of the association's concerned or designated by the union in the absence of an accredited union (one from the first level and one from the second level).

President of the Student Councils

President of the Non-Teaching Personnel

Representative of the Philippine Drugs Enforcement Agency (PDEA)

## Chapter L

### UNIVERSITY JOB PLACEMENT AND GO NEGOSYO

#### Article 131

#### Job Placement

Section 565. **Declaration of Policy.** – The University shall conform to the declared state policies under Republic Act No. 8759<sup>266</sup>, and Republic Act No. 10691 and its IRR<sup>267</sup>, and subsequent issuances thereof, to wit:

565.1. The State shall promote full employment and equality of employment opportunities for all. It shall institutionalize the NEFSM, as well as strengthen and expand the existing employment facilitation service machinery of the government through PESOs.

565.2. The State shall likewise professionalize the government service.

Section 566. **The Job Placement Office (JPO) of the University.** – There shall be established Job Placement Office (JPO) of the University which headed by a Head and assisted by staff duly designated by the University President. The Head of the University JPO shall be under the direct supervision by the Director for External Affairs.

The University JPO shall be a non-fee charging unit of the University created under a MOA between the University and the DOLE that provides employment facilitation services to the University students and graduates, and coordinate its activities with the LGU PESO<sup>268</sup>.

The University JPO and its Head shall perform the duties and functions as provided under relevant laws, rules and regulations in so far determined by the University President and duly confirmed by the EVSU Board of Regents.

Section 567. **Establishment of the Public Employment Service Office (PESO) in the University.** – Subject to the confirmation by the EVSU

<sup>266</sup> Public Employment Service Act of 1999.

<sup>267</sup> DOLE Department Order No. 157-16 dated June 26, 2016 entitled, "Implementing Rules and Regulations of Republic 8759, otherwise known as the Public Employment Service Act of 1999, as Amended by Republic Act No. 10691."

<sup>268</sup> Section 3(8), Rule I of DOLE Department Order No. 157-16 dated June 26, 2016.

Board of Regents, the University President may enter into an agreement or contract with the Department of Labor and Employment (DOLE) or appropriate agency for the establishment of PESO in the University to be managed and operated under such terms and conditions as provided in the said contract and applicable laws, rules and regulations.

Section 568. **Job Placement Policies Manual.** – There shall be a Job Placement Policies Manual of the University to be approved by the EVSU Board of Regents upon the recommendation of the University President. Its formulation and promulgation shall be subject to pertinent provisions of this Code and such services' manual as expressly authorized by the EVSU Board of Regents upon the recommendation by the University President.

## Article 132

### Go Negosyo or Entrepreneurship

Section 569. **Declaration of Policy.** – The University shall conform to and contribute in the realization of the declared state policies under Republic Act No. 10644<sup>269</sup>, and its IRR, to wit:

“It is hereby declared the policy of the State to foster national development, promote inclusive growth, and reduce poverty by encouraging the establishment of micro, small and medium enterprises (MSMEs) that facilitate local job creation, production and trade in the country. MSMEs increase income for poor households and build both business equity and personal assets over a period of time. To this end, the State shall develop plans and initiate means to ease the constraints on the establishment of MSMEs in order to rationalize the existing bureaucratic regulations, providing greater incentives and benefits to MSMEs, and strengthening the Micro, Small and Medium Enterprise Development (MSMED) Council.”

Section 570. **Integration into Curriculum.** – Entrepreneurship shall be integrated into the curriculum of the University in all levels<sup>270</sup> subject to the policies and standards promulgated by the CHED and in so far as expressly authorized by the EVSU Board of Regents upon the recommendation by the University President.

Section 571. **Establishment, Management and Operation of Go Negosyo Center in the University.** – Subject to the confirmation by the Board, the University President may negotiate and enter into an agreement or contract with the Department of Trade and Industry (DTI) and other entities for the establishment of Go Negosyo Center in the University. The Go Negosyo Center shall be managed and operated based on the terms and conditions of the duly executed agreement or contract and approved by the Board.

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<sup>269</sup> “An Act Promoting Job Creation and Inclusive Growth Through the Development of Micro, Small and Medium Enterprises.”

<sup>270</sup> Section 10(e) of Republic Act No. 10644 otherwise known as the “Go Negosyo Act.”

**BOOK VI**  
**ADMINISTRATIVE MATTERS OF THE UNIVERSITY**

**Title XVIII**  
**PROPERTY OF THE UNIVERSITY**

Chapter LI  
**GENERAL PROVISIONS**

Article 133  
**Assets, Liabilities and Personnel, Buildings  
and Structures of the University**

Section 572. ***Assets, Liabilities and Personnel.*** – Pursuant to Section 18 of Republic Act No. 9311, all assets, real and personal, personnel and records of the Leyte Institute of Technology, as well as liabilities or obligations are transferred to the Eastern Visayas State University. All parcels of land belonging to the government and occupied by the Leyte Institute of Technology and its duly integrated campuses except the land occupied by the main campus in Tacloban City, Leyte are declared to be property of the Eastern Visayas State University shall be titled under that name; *Provided*, That should the University cease to exist or be abolished or such parcels of land aforementioned be no longer needed by the University, the same shall revert to the Province of Leyte.

*Provided*, That pursuant to the Deed of Donation executed by the Provincial Government of Leyte on March 1 2004 per authority contained under Resolution No. 04-42<sup>271</sup> approved on January 20, 2004 and duly ratified on March 2, 2004 per Resolution No. 04-104<sup>272</sup>, the entire lot of Tacloban City (Main Campus) designated as Lot No. 4700-A of Tacloban Cadastre 220, containing an area of more or less 105,640 square meters, shall automatically become the property and titled under the name of the Eastern Visayas State University. *Provided, further*, That the use of the said lot shall be in accordance with conditions setforth the Provincial Government of Leyte contained in the said Deed of Donation.

Section 573. ***University Land Titling and Land Use Planning Committee (ULTUPC).*** – The University Land Titling and Land Use Planning Committee is hereby constituted to be composed of the University President or his/her authorized Representative as Chairperson, Vice President for Administration and Finance as Vice Chairperson, Vice President for Planning,

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<sup>271</sup> "Resolved, to authorize, as it hereby authorizes, the Honorable Remedios L. Petilla, Provincial Governor, to execute a Deed of Donation for and in behalf of the Provincial Government of Leyte, in favor of the Leyte Institute of Technology, Tacloban City, of a parcel of land designated as Real Estate Lot No. 4700-Portion, Tacloban Cadastre 220 under Certificate of Title No. 267, with an estimated area of 106,274 square meters, situated I Salazar Street, Tacloban City, and for such Deed of Donation to be submitted to the Sangguniang Panlalawigan for its Ratification."

<sup>272</sup> A Resolution Ratifying the Deed of Donation entered into Between the Province of Leyte Represented by the Honorable Remedios L. Petilla, Provincial Governor, by Authority of the Sangguniang Panlalawigan of Leyte per Resolution No. 04-42 dated January 20, 2004, in Favor of the Leyte Institute of Technology (LIT), Tacloban City Represented by Dr. Bonifacio S. Villanueva, President, Over a 106,640 Square Meter Parcel of Land Designated as Lot No. 4700-A of the Tacloban Cadastre 220, Located in Tacloban City, with an Additional Condition to be Incorporated in Page 3 Thereof."

Research and Extension Services, as Vice Chairperson, and Director for Planning and Development, Director for Administrative Services, Director for Finance Services, and Campus Directors, as Members.

The duly constituted ULTUPC shall be directly responsible in the land titling and use planning of the lots of the different Campuses. The Planning and Development Office shall serve as the Secretariat of the said Committee.

*Provided*, That all expenses necessary in the gathering of documents and processing of land titles and land use plans of the University shall be charged against the GAA or income and/or appropriate funds of the University subject to usual accounting and auditing rules and regulations.

Section 574. **Names of Buildings, Structures and Others.** – The University campuses, edifices, buildings, and other structures shall have such names as may be given them by the University President or the duly constituted Committee for the purpose.

Section 575. **Primary and Secondary Responsibility.** – The University President is immediately and primarily responsible for all the funds and property pertaining to the University. Persons entrusted with the possession or custody of the funds or property under the University President shall be immediately responsible to him or her without prejudice to the liability of either party to the government.

Section 576. **Ways of Acquiring Properties.** – The University acquires supplies, materials, equipment, and other properties by any of the following ways:

- 576.1. Procurement/purchase;
- 576.2. Construction;
- 576.3. Production/Manufacture;
- 576.4. Transfer; and
- 576.5. Contribution or Donation.

Section 577. **Management of Buildings and Grounds.** – The University Main Campus grounds and buildings' maintenance shall be under the immediate supervision of the Chief of Maintenance and Engineering Services under the Office of the Director of the Administrative Services. For other Campuses, the grounds and building maintenance shall be the responsibility of the Head of the Administrative Office. The Office of the Director of the Administrative Services shall be responsible for the assignments of building/office/classroom space, land use, their proper care, repair and maintenance in coordination with the different departments and colleges in the Main campus subject to approval by the University President.

Section 578. **Accountability and Responsibility of University's Properties.** – Every officer of the University whose duties permit or require the

possession or custody of its property shall be accountable therefore and for the safekeeping thereof in conformity with law.

*Provided*, That every officer accountable for University property shall be liable for its money value in case of improper or unauthorized use or misapplication thereof, by himself/herself or by any person for whose acts he may be responsible. He/she shall likewise be liable for all losses, damage or deterioration occasioned by negligence in the keeping or use of the property, whether or not, it be at the time in his/her actual custody.

Section 579. ***Bonding of Accountable Officers.*** – Every accountable officer of the University whose duties permit or require the possession or custody of government funds or property shall be accountable therefore and for the safekeeping thereof in conformity with law and shall be properly bonded in accordance with law.

Section 580. ***Insurance of Property.*** – The University shall secure from the General Insurance Fund directly all insurances or bonds covering properties, contracts, rights of action and other insurable risks of the University. Pursuant to existing laws, no insurance agent or general agent shall hereafter be appointed or maintained to represent the General Insurance Fund and/or the Government Service Insurance System (GSIS). The University shall submit its inventories of property every end of the fiscal year to the Commission on Audit, furnishing the GSIS with a copy of said inventory for appraisal of the amount of the premium to be paid for the insurance of the property reported.

Section 581. ***Inventory of Supplies, Materials, Equipment and Other Facilities.*** – Physical stock-taking is an indispensable procedure for checking the integrity of property custodianship. Physical inventory-taking of all property of the University shall be done annually through a person, unit or committee designated for the said purpose.

Section 582. ***Issuance of Equipment to Officers and Employees.*** – Equipment issued by the Head of the Procurement and Supply Office for official use of officials and employees of the University shall be covered by an Acknowledgment Receipt of Equipment (ARE) which shall be renewed every January of the third year after issue. AREs not renewed after three (3) years shall not be considered in making physical count of equipment pursuant to existing rules and regulations.

Section 583. ***Inventory of Structural Strength and Integrity of Buildings and Structures.*** – There shall be periodic inventory of structural strength and integrity of buildings and structures of the University. For this purpose, a Committee on Inventory of Structural Strength and Integrity of Buildings and Structures (CISSIBS) shall be constituted by the University which shall discharge specific duties and responsibilities as may be provided under the appropriate service manual of the University and/or as the University President may determine.

Section 584. ***Use of Buildings and Other facilities.*** – The different colleges, departments, units, organizations duly recognized by the University

and others shall be allowed to use its buildings and other facilities in accordance with the University rules and procedures as promulgated by the EVSU BOR.

Section 585. ***Application of Existing Accounting and Auditing Rules and Regulations.*** – The University shall implement the existing accounting and auditing rules and regulations governing custodianship of property.

## Chapter LII **PROCUREMENT**

### Article 134

#### **Principles, Scope and Application and Competitive Bidding**

Section 586. ***Governing Principles on Procurement of the University***<sup>273</sup>. All procurement of the University, shall, in all cases, be governed by these principles:

- 586.1. Transparency in the procurement process and in the implementation of procurement contracts.
- 586.2. Competitiveness by extending equal opportunity to enable private contracting parties who are eligible and qualified to participate in public bidding.
- 586.3. Streamlined process that will uniformly apply to all University procurement. The procurement process shall be simple and made adaptable to advances in modern technology in order to ensure an effective and efficient method.
- 586.4. System of accountability where both the University Offices directly or indirectly involved in the procurement process as well as in the implementation of procurement contracts and the private parties that deal with University are, when warranted by circumstances, investigated and held liable for their actions relative thereto.
- 586.5. Public monitoring of the procurement process and the implementation of awarded contracts with the end in view of guaranteeing that these contracts are awarded pursuant to the provisions of Republic Act No. 9184 and its Implementing Rules and Regulations, and that all these contracts are performed strictly according to specifications.

Section 587. ***Scope and Application.*** – This shall apply to the procurement of infrastructure projects, goods, and consulting services, regardless of source of funds, whether local or foreign, by the University, subject to the provisions of Commonwealth Act No. 138. Any treaty or international or executive agreement affecting the subject matter of Republic

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<sup>273</sup> Section 3, Article I of Republic Act No. 9184 otherwise known as the Government Procurement Reform Act.”

Act No. 9184 to which the Philippine government is a signatory shall be observed<sup>274</sup>. Relatedly, the following shall strictly be observed:

587.1. *Procurement Arising from a Treaty or International or Executive Agreement.* – Any Treaty or International or Executive Agreement to which the GoP<sup>275</sup> is a signatory affecting the subject matter of R.A. No. 9184 and its IRR shall be observe. In case of conflict between the terms of the Treaty or International or Executive Agreement and the IRR of Republic Act No. 9184, the former shall prevail<sup>276</sup>.

Unless the Treaty or International or Executive Agreement expressly provides another or different procurement procedures and guidelines, R.A. 9184 and its IRR shall apply to Foreign-funded Procurement of Goods, Infrastructure Projects, and Consulting Services by the GoP.

The GoP negotiating panels shall, as its default position, agree to R.A. 9184 and its IRR, or at the very least, selection through competitive bidding, in all Foreign-funded Procurement. If the Treaty or International or Executive Agreement states otherwise, then the negotiating panel shall ensure that the reasons for the adoption of a different rule or method of procurement are clearly reflected in the records of discussion<sup>277</sup>.

587.2. *Activities Excluded from the Application of the IRR of Republic Act No. 9184*<sup>278</sup>. – This Code and the IRR of R.A. No. 9184 shall not apply to the following activities:

- a. Procurement of Goods, Infrastructure Projects and Consulting Services funded from Foreign Grants covered by R.A. 8182, as amended by R.A. 8555, entitled "An Act Excluding Official Development Assistance (ODA) from the Foreign Debt Limit in order to Facilitate the Absorption and Optimize the Utilization of ODA Resources, Amending for the Purpose Paragraph 1, Section 2 of R.A. 4860, As Amended," unless the GoP and the foregoing grantor/foreign or international financing institution agree otherwise;
- b. Acquisition of real property which shall be governed by R.A. 10752, entitled "An Act Facilitating the Acquisition of Right-Of-Way Site or Location for National Government Infrastructure Projects," and other applicable laws, rules and regulations; and

<sup>274</sup> Section 4, Article I of Republic Act No. 9184.

<sup>275</sup> GoP- refers to Government of the Philippines.

<sup>276</sup> Section 4.2., Rule I of the 2016 Revised Implementing Rules and Regulations of R.A. No. 9184 which took effect on October 29, 2016.

<sup>277</sup> Section 4.3. Rule I of the 2016 Revised Implementing Rules and Regulations of R.A. No. 9184 which took effect on October 29, 2016.

<sup>278</sup> Section 4.4., Rule I of the Implementing Rules and Regulations of R.A. No. 9184 which took effect on October 29, 2016.

- c. Public-Private sector infrastructure or development projects and other procurement covered by R.A. 6967, as amended by R.A. 7718, entitled "An Act Authorizing the Financing, Construction, Operation and Maintenance of Infrastructure Projects by the Private Sector, and for Other Purposes," as amended: *Provided, however,* That for the portions financed by the GoP, in whole or in part, the provisions of R.A. No. 9184 and its IRR shall apply.

587.3. *Activities Classified as Not Procurement and Exempted under R.A. No. 9184 and its IRR.* – The following are not procurement activities under R.A. 9184 and its IRR<sup>279</sup> and this Code:

- a. Direct financial or material assistance given to beneficiaries in accordance with existing laws, rules and regulations, and subject to the guidelines of the concerned agency;
- b. Participation in local or foreign scholarships, trainings, continuing education, conferences, seminars or similar activities that shall be governed by applicable COA, CSC, and DBM rules;
- c. Lease of University or government-owned property as lessor for private use;
- d. Hiring of Job Order Workers;
- e. Joint Venture under the revised NEDA Guidelines (GOCC and Private Entities, and Joint Venture Agreements LGU with Private entities; and
- f. Disposal of Property and Other Assets of the University or government.

Section 588. ***Competitive Bidding***<sup>280</sup>. – All procurement of the University shall be done through Competitive Bidding, except and provided for in Article XVI of Republic Act No. 9184.

#### Article 135 **Procurement Planning**

Section 589. ***Procurement Planning and Budgeting Linkage.*** – Procurement Planning and Budget Linkage of the University shall be subject to the following, among others:

- 589.1. All procurement shall be within the approved budget of the University or procuring entity and should be meticulously and judiciously planned by the procuring entity. Consistent with

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<sup>279</sup> Section 4.5., Rule I of the Implementing Rules and Regulations of R.A. No. 9184 which took effect on October 29, 2016.

<sup>280</sup> Section 10, Article IV of Republic Act No. 9184.

government fiscal discipline measures, only those considered crucial to the efficient discharge of governmental functions shall be included in the Annual Procurement Plan (APP). A procurement project shall be considered crucial to the efficient discharge of governmental functions if it is required for the day-to-day operations or is in pursuit of the principal mandate of the University. The APP shall include provisions for foreseeable emergencies based on historical records. In the case of infrastructure projects, the APP shall consider the appropriate timing/phasing of related project activities, such as, engineering design and acquisition of right of way, to reduce/lower project costs<sup>281</sup>.

- 589.2. No procurement shall be undertaken unless it is in accordance with the approved APP, including approved changes thereto. The APP must be consistent with the duly approved yearly budget of the University or Procuring Entity and shall bear the approval of the HoPE<sup>282</sup> or second-ranking official designated by the HoPE to act on his or her behalf<sup>283</sup>.
- 589.3. The APP shall be formulated and revised only in accordance with the following guidelines<sup>284</sup>:
- a. Upon issuance of the budget call, the University President shall prepare its indicative APP for succeeding calendar year to support its proposed budget taking into consideration the budget framework for that year in order to reflect its priorities and objectives.
  - b. In the preparation of the indicative APP, the end-user or implementing units of the University shall formulate their respective Project Procurement Management Plans (PPMPs) for their different programs, activities, and projects (PAPs). The PPMP shall include:
    1. information on whether PAPs will be contracted out, implemented by administration in accordance with the guidelines issued by the GPPB<sup>285</sup>, or consigned;
    2. the type and objective of contract to be employed;
    3. the extent/size of contract scopes/packages;

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<sup>281</sup> Section 7.1, Rule I of the 2016 Revised Implementing Rules and Regulations of R.A. No. 9184.

<sup>282</sup> HoPE- refers to the Head of Procuring Entity (Section 5(t) of the 2016 Revised Implementing Rules and Regulations of R.A. No. 9184. In EVSU, HoPE shall be the EVSU-Board of Regents or the University President or the any Campus Director in case for decentralized in so far as expressly authorized and subject to the limitations and delegated authority by the EVSU-Board of Regents.

<sup>283</sup> Section 7.2, Rule I of the 2016 Revised Implementing Rules and Regulations of R.A. No. 9184.

<sup>284</sup> Section 7.3. Rule I of the 2016 Revised Implementing Rules and Regulations of R.A. No. 9184.

<sup>285</sup> GPPB refers to Government Procurement Policy Board created under Section 63 of Republic Act No. 9184.

4. the procurement methods to be adopted, and indicating if the procurement tasks are to be outsourced as provided in Section 7.3.3 of the IRR of R.A. No. 9184;
  5. the time schedule for each procurement activity and for the contract implementation; and
  6. the estimated budget for the general components of the contract.
- c. In order to hasten project implementation, the University which may not have the proficiency or capability to undertake a particular procurement, as determined by the EVSU-Board of Regents upon the recommendation by the University President, may outsource the procurement tasks by:
1. Requesting other GoP agencies to undertake such procurement for the University, through the execution of a memorandum of agreement containing specific arrangements, stipulations and covenants, in accordance with government budgeting, accounting and auditing rules;
  2. Engaging private procurement agents to directly undertake the procurement for the University, subject to the guidelines to be issued by the GPBB; or
  3. Recruiting or engaging consultants to assist the University directly and/or train its staff in the management of the procurement function.
- d. The PPMPs shall then be submitted to the University's Budget Office for evaluation in order to ensure consistency with the University's budget proposal and compliance with existing budgeting rules. The PPMPs included in the budget proposal shall be forwarded to the BAC Secretariat for consolidation into an indicative APP, and to the BAC for final recommendation of the appropriate procurement modality. For this purpose, the Indicative APP shall include the following:
1. Name of Procurement Project;
  2. Procurement Management Office/end-user/implementing unit;
  3. Method of Procurement;
  4. Schedule of identified procurement activities as reflected in the APP form approved by the GPPB;
  5. Source of funds;

6. Indicative ABC; and
7. Other relevant descriptions of the project, if applicable

*Provided*, That the indicative APP and budget proposal shall be simultaneously submitted to the University President and EVSU Board of Regents for approval.

- e. As soon as the GAA, corporate budget, or appropriation resolution, as the case may be, becomes final, the end-user or implementing units shall re vise and adjust the PPMPs to reflect the budgetary allocation for their respective PAPs. The revised PPMPs shall be submitted to the BAC, through its Secretariat, for the final recommendation of the methods of procurement. The indicative APP shall then be revised and approved in accordance with Section 7.2 of the IRR of R.A. 9184. The APP shall be submitted to the GPBB on or before the end of January of the budget year, and shall be posted in accordance with E.O. 662, series of 2007, as amended.

- 589.4. Changes to the individual PPMPs and the consolidated APP may be undertaken every six (6) months or as often as may be required by the EVSU Board of Regents upon the recommendation by the University President. The respective end-user or implementing units of the University shall be responsible for the changes to the PPMPs, while the BAC Secretariat shall be responsible for the consolidation of these PPMPs into an APP, which shall be subject to the approval by the EVSU Board of Regents upon the recommendation by the University President.

Changes in the APP, if any, for the budget year shall be submitted to the GPPB in July of the current budget year, and in January of the following budget year.

- 589.5. To facilitate the immediate implementation of procurement of Goods, Infrastructure Projects or Consulting Services, even pending approval of the GAA, corporate budget or appropriations resolutions, as the case may be, and notwithstanding Section 7.2 of the IRR of R.A. No. 9184, the University may undertake the procurement activities short of award subject to the approval by the EVSU Board of Regents upon the recommendation by the University President.

The University may start its procurement activities immediately after the National Expenditure Program (NEP) has been submitted by the President to the Congress, *provided*, that the EVSU Board of Regents has approved the corresponding indicative APP. This will facilitate the awarding of procurement contracts after the enactment of the GAA, enabling the timely implementation and completion of programs and projects.

For a contract with a period not exceeding one (1) year, the ABC shall be based on the amount in the indicated APP as included in the proposed national budget submitted by the President to Congress. In case of multi-year contracts, for which a MYOA<sup>286</sup> or an equivalent document is required, the BAC shall be the amount reflected in the MYOA or equivalent documents.

No award of contract shall be made until the GAA, corporate budget or resolution appropriations, as the case may be, has been approved or enacted.

Section 590. **Requisition and Procurement.** – Requisition of supplies, materials, equipment, facilities, services and others, as well as its procurement and acquisition shall be made in accordance with the provisions of existing laws, rules and regulations.

#### Article 136

### **Procurement by Electronic Means and the Philippines Electronic Procurement System (PhilGEPS)**

Section 591. **General Policies.** – To promote transparency and efficiency, information technology and communications shall be utilized in the conduct of procurement procedures. Accordingly, there shall be a single portal that shall serve as the primary source of information on all University procurement. The PhilGEPS shall serve as the primary and definitive source of information on University procurement<sup>287</sup>.

Section 592. **Procurement Using the PhilGEPS.** – To take advantage of the significant built-in efficiencies of the PhilGEPS and the volume discounts inherent in bulk purchasing, the University shall utilize the PhilGEPS for the procurement of Common-Use Supplies in accordance with the rules and procedures to be established by the GPPB. With regard to the procurement of non-common use items, Infrastructure Projects, and Consulting Services, University may hire service providers through competitive bidding to undertake its electronic procurement: *Provided, however,* That these service providers meet the following minimum requirements<sup>288</sup>:

- 592.1. Comply with the provisions of R.A. No. 9184 and its IRR, and R.A. 8792, otherwise known as the "Electronic Commerce Act;"
- 592.2. Linked to the PhilGEPS, particularly with regard to the posting of all bid opportunities and awards;
- 592.3. Allow parallel manual submission of bids to the University;
- 592.4. Must have sufficient redundant back-up facilities;

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<sup>286</sup> MYOA- refers to Multi-Year Obligation Authority as defined under Section 3.6. of DBM Circular Letter No. 2015-7 dated June 3, 2015 entitled, "Updated Guidelines for Issuance of Multi-Year Obligation Authority or MYOA."

<sup>287</sup> Section 8.1.1 . Rule III of the 2016 Revised Implementing Rules and Regulations of R.A. No. 9184.

<sup>288</sup> Section 8.1.2. Rule III of the 2016 Revised Implementing Rules and Regulations of R.A. No. 9184.

- 592.5. Ensure that the BAC shall have complete control of the bidding process, and that the BAC's sole authority to open bids is strictly observed;
- 592.6. Its system must be virus-resilient and must provide sufficient security which is at least equivalent to that employed by the PhilGEPS, such as, but not limited to firewall and encryption devices;
- 592.7. Must provide for the use of electronic signatures and other current electronic authentication devices;
- 592.8. Must have provisions for linkage to the University's Financial Management Information System (FMIS), Logistics Management Systems, and other internal information systems that may interact with the procurement process; and
- 592.9. Electronic payment facilities if used, shall comply with all laws, rules and regulations issued by the Government.

Section 593. **Electronic Bulletin Board**<sup>289</sup>. – The University shall post the invitation to Bid for Goods and Infrastructure Projects or the Request for Expression of Interest for Consulting Services, in the electronic bulletin board in accordance with Section 21 of IRR of R.A. No. 9184.

Section 594. **Use of the PhilGEPS**<sup>290</sup>. – The University shall fully use the PhilGEPS in accordance with the policies, rules and regulations, and procedures adopted by the GPPB and embodied under the IRR of R.A. No. 9184. In this connection, the University shall register with the PhilGEPs and shall undertake measures to ensure its access to an on-line network to facilitate the open, speedy and efficient on-line transmission, conveyance and use of electronic data messages or electronic documents. The DBM-PS shall assist the University to ensure its on-line connectivity and help in training its personnel responsible for the operation of the PhilGEPS from their terminals.

Section 595. **Responsibilities of the University President.** – The University President, or his duly authorized representative, shall have the following responsibilities in the procurement process:

- 595.1. He/she must ensure that the Annual Procurement Plan (APP) is regularly prepared, reviewed and updated by the Procurement Management Office and the end-user units, in accordance with the guidelines set forth by applicable laws, rules and regulations. He/she must also approve the same, or delegate the approval authority to the Vice President for Administration and Finance. He/she must ensure that all procurements are in line with the APP;

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<sup>289</sup> Section 8.2.1, Rule III of the 2016 Revised Implementing Rules and Regulations of R.A. No. 9184.

<sup>290</sup> Section 8.3.1. Rule III of the 2016 Revised Implementing Rules and Regulations of R.A. No. 9184.

- 595.2. He/she must establish the Bids and Awards Committee (BAC), BAC Secretariat, and the Technical Working Group (TWG) for every campus of the University in accordance with the guidelines set forth by law;
- 595.3. Upon submission by the BAC of the recommendation for award, the University President or his/her representative may approve the same. He/she may, however, disapprove the recommendation but only on the basis of valid, reasonable and justifiable grounds to be expressed in writing, and furnished to the BAC;
- 595.4. He/she must ensure that the BAC and the BAC Secretariat gives utmost priority to BAC assignments over all other duties and responsibilities, until the requirements for the said assignments at hand are completed;
- 595.5. He/she must ensure that the staff of the Procurement and Supply Office and the members of the BAC, BAC Secretariat, and TWG are given ample training on procurement and related matters;
- 595.6. He/she must impose the necessary administrative sanctions on errant members of the BAC, BAC Secretariat and TWG, in accordance with existing laws, rules and regulations; and
- 595.7. He/she must ensure that the members of the BAC and the TWG shall receive their incentives.

#### Article 137

### **Structure, Composition, Term of Office, Hold-over, and Functions of the Bids and Awards Committee (BAC)**

Section 596. **University BAC Structure.** – The Structure of the BAC of the University shall be as follows:

- 596.1. *University-wide BAC.* – The University shall establish and maintain in its Main Campus a single BAC to undertake the functions specific in Section 12 of the IRR of R.A. No. 9184 in order to facilitate professionalization and harmonization of procedures and standards. In line with the standardization of procurement procedures and the thrust towards strengthening the procurement function to increase operational efficiency and effectiveness, the University President shall aim to consolidate or unity all procurement activities of the University, whether locally-funded or foreign-assisted, and whether pertaining to Goods, Infrastructure Projects or Consulting Services<sup>291</sup>.
- 596.2. *Separate BACs.* – To expedite the procurement process for practical intents and purposes, the EVSU Board of Regents, upon

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<sup>291</sup> Section 11.1.1, Rule I of the Implementing Rules and Regulations of R.A. No. 9184 which took effect on October 29, 2016.

the recommendation of the University President, may create separate BACs where the number and complexity of the items to be procured shall so warrant. The BACs may be organized either according to<sup>292</sup>:

- a. Geographical location of PMO or end-user or implementing units of the University or by University Campus; or
- b. Nature of procurement.

*Provided*, That similar committees for decentralized and lower level offices may also be formed when deemed necessary by the Board upon recommendation by the University President.

Section 597. **BAC Composition**<sup>293</sup>. – Subject to the confirmation by the EVSU Board of Regents, the University President shall designate at least five (5) but not more than seven (7) members to the BAC of unquestionable integrity and procurement proficiency. The composition and representation of the BAC shall be as follows:

597.1. *Regular Members*:

- a. Chairperson, who is at least a third (3<sup>rd</sup>) ranking permanent official of the University. For this purpose, third (3<sup>rd</sup>) ranking official of the University shall include Vice Presidents, Deans, Campus Directors and Directors of various academic and administrative branches of the University.
- b. An officer, who is at least a fifth (5<sup>th</sup>) ranking permanent official, or if not available, an officer of the next lower rank with knowledge experience and/or expertise in procurement who, to the extent possible, represents the legal or administrative area of the University; *Provided*, That in the case of University Campus, BAC members shall be at least a third (3<sup>rd</sup>) ranking permanent personnel or if not available, an officer of the next lower rank;
- c. An officer, who is at least a fifth (5<sup>th</sup>) ranking [permanent official, or if not available, an officer of the next lower rank with knowledge, experience and/or expertise in procurement who, to the extent possible, represents the finance area of the University; *Provided*, That in the case of University Campus, BAC members shall be at least a third (3<sup>rd</sup>) ranking permanent personnel or if not available, an officer of the next lower rank;

597.2. *Provisional Members*:

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<sup>292</sup> Section 11.1.2 , Rule I of the Implementing Rules and Regulations of R.A. No. 9184 which took effect on October 29, 2016.

<sup>293</sup> Section 11.2, Rule I of the Implementing Rules and Regulations of R.A. No. 9184 which took effect on October 29, 2016.

- d. An officer who has technical expertise relevant to the procurement at hand, and, to the extent possible, has knowledge, experience and/or expertise in procurement; and
- e. A representative from the end-user or implementing unit who has knowledge of procurement laws and procedures. When procurement tasks are outsourced to another GoP agency as a procurement agent pursuant to Section 7.3.3. of the IRR of R.A. No. 9184, a representative from the University may be designated as [provisional member to the BAC. For this purpose, the University President shall recommend the provisional member to be designated.

597.3. *Chairperson and Vice Chairperson of BAC.* – The Chairperson and the Vice-Chairperson shall also be designated by the University President subject to the confirmation by the EVSU Board of Regents. Moreover, the Vice-Chairperson shall be a regular member of the BAC.

Section 598. **Coverage of Permanent Position.** – For purposes of this Code and the IRR of R.A. No. 9184, permanent shall refer to a *plantilla* position within the University<sup>294</sup>.

Section 599. **Alternate BAC Members.** – Subject to the confirmation of the EVSU Board of Regents, the University President may designate alternate BAC Members, who shall have the same qualifications as that of the members originally designated under Section 11 .2.2 of the IRR of R.A. 9184 or as provided under this Code.

Section 600. **Disqualified Officials to Become Members of the BAC.** – The following officers of the University are disqualified from membership in the BAC:

- 600.1. The University President;
- 600.2. The official who approves procurement transactions such as, but not limited to, Members of the EVSU Board of Regents; and
- 600.3. The Chief Accountant/Head of the Accounting Department and his/her staff<sup>295</sup>, unless the Accounting Department is the end-user unit, in which case the Chief Accountant, Head of the Accounting Department or his/her staff may be designated as the end-user member.

Section 601. **Term of Office and Hold-over Capacity.** – Unless sooner removed for a cause, the members of the BAC shall have a fixed term of one

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<sup>294</sup> Last para. of Section 11.2.2, Rule I of the Implementing Rules and Regulations of R.A. No. 9184 which took effect on October 29, 2016.

<sup>295</sup> COA Circular No. 2003-004 dated July30, 2003 entitled, "Prohibition for Chief Accountant and Personnel of the Accounting Units to be Regular Members of the Bids and Awards Committees", and GPBB Circular No. 03-2003 dated December 1, 2003.

(1) year reckoned from the date of appointment, renewable at the discretion of the University President subject to the approval by the EVSU Board of Regents. Upon the expiration of the terms of the current members, they shall continue to exercise their functions until new BAC members are designated. In case of resignation, retirement, separation, transfer, re-assignment, removal or death, the replacement shall service only for the unexpired term: *Provided, however*, That in case of leave or suspension, the replacement shall serve only for the duration of the leave or suspension. For justifiable causes, a member shall be suspended or removed by the University President subject to the confirmation by the EVSU Board of Regents<sup>296</sup>.

Section 602. **Functions of the BAC**<sup>297</sup>. – The BAC shall have the following functions:

- 602.1. Advertise and/or post the invitation to bid/request for expressions of interest;
- 602.2. Conduct pre-procurement and pre-bid conferences;
- 602.3. Determine the eligibility of prospective bidders;
- 602.4. Receive bids and open bids<sup>298</sup>;
- 602.5. Conduct the evaluation of bids;
- 602.6. Undertake post-qualification proceedings;
- 602.7. Resolve requests for reconsideration<sup>299</sup>;
- 602.8. Recommend awards of contracts to the EVSU-BOR through the University President or his/her duly authorized representative;
- 602.9. Recommend the imposition of sanctions in accordance with Rule XXIII of the 2016 Revised IRR of R.A. No. 9184;
- 602.10. Recommend to the EVSU-Board of Regents through University President the use of Alternative Methods of Procurement as provided in Rule VI of the 2016 Revised IRR of R.A. No. 9184<sup>300</sup>;
- 602.11. Conduct any of the Alternative Methods of Procurement<sup>301</sup>;
- 602.12. Conduct of periodic assessment of the procurement processes and procedures to streamline procurement activities pursuant to Section 3(c) of the IRR of Republic Act No. 9184; and

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<sup>296</sup> Section 11.2.6, Rule I of the Implementing Rules and Regulations of R.A. No. 9184 which took effect on October 29, 2016.

<sup>297</sup> Section 12, Article V of Republic Act No. 9184.

<sup>298</sup> Section 12.1(d), Article V of 2016 Revised IRR of R.A. No. 9184.

<sup>299</sup> Section 12.1(g), Article V of 2016 Revised IRR of R.A. No. 9184.

<sup>300</sup> Section 12.1(j), Article V of 2016 Revised IRR of R.A. No. 9184.

<sup>301</sup> Section 12.1(k), Article V of 2016 Revised IRR of R.A. No. 9184.

- 602.13. Perform such other related functions as may be necessary, including the creation of a Technical Working Group (TWG) from a pool of technical, financial, and/or legal experts to assist in the following:
- a. Review of the Technical Specifications, Scope of Work, and Terms of Reference;
  - b. Review of Bidding Documents;
  - c. Shortlisting of Consultants;
  - d. Eligibility Screening;
  - e. Evaluation of Bids;
  - f. Post-Qualification; and
  - g. Resolution of request for Reconsideration.

*Provided*, That to the extent possible, the BAC in the University level shall render necessary assistance to the BAC of the different Campuses to facilitate the conduct of procurement from pre-procurement conference to the post-qualification stage. *Provided, further*, That the BAC shall be responsible for ensuring that the University abides by the standards set forth by the Republic Act No. 9184 and its IRR, and it shall prepare a Procurement Monitoring Report (PMR) in the form prescribed by the Government Procurement Policy Board (GPPB). The PMR shall cover all procurement activities specified in the APP, whether ongoing or completed, from the holding of the pre-procurement conference to the issuance of notice of award and the approval of the contract, including the standard and actual time for each major procurement activity. The PMR shall be approved and submitted by the EVSU Board of Regents through University President to the GPPB in printed and electronic format within fourteen (14) calendar days after the end of each semester. The PMR shall likewise be posted in accordance with E.O. 662, s. 2007, as amended<sup>302</sup>.

#### Article 138

### **Quorum, Meetings and Internal Rules of Procedures**

Section 603. **Quorum.** – A majority of the total BAC compositions as designated by the University President shall constitute a quorum for the transaction of business, *provided*, that the presence of the Chairman or Vice-Chairman shall be required.

Section 604. **Meetings.** – The Chairman or, in his absence, the Vice-Chairman, shall preside at all meetings of the BAC. The decision of at least a majority of those present at a meeting at which there is quorum shall be valid and binding as an act of the BAC: *Provided, however*, That the Chairman or, in his absence, the Vice-Chairman, shall vote only in case of a tie.

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<sup>302</sup> Section 12.2, Article V of 2016 Revised IRR of R.A. No. 9184.

Section 605. **Internal Rules of Procedures or Manual.** – The BAC shall, in its discretion, promulgate such internal rules of procedures or manual consistent with the provisions of Republic Act No. 9184 and its 2016 Revised Implementing Rules and Regulations (IRR)<sup>303</sup> subject to the review and approval by the Board upon the recommendation by the University President.

#### Article 139

### **Secretariat and Technical Working Group (TWG)**

Section 606. **BAC Secretariat**<sup>304</sup>. – The University President shall create a Secretariat which will serve as the main support unit of the BAC, and, for this purpose, he/she has the discretion to create a new office or to merely designate an existing organic office to be the BAC Secretariat. With respect to the latter case, the University President may consider designating the Head of the Procurement and Supply Office as the BAC Secretariat, because this office is best equipped for the task. The appropriate rank of the Head of the BAC Secretariat should be at least a fifth ranking permanent employee. The University President may designate other personnel to be a member of the BAC Secretariat.

Section 607. **Functions and Responsibilities of the BAC Secretariat.**  
– The BAC Secretariat shall have the following functions and responsibilities:

- 607.1. Provide administrative support to the BAC;
- 607.2. Organize and make all necessary arrangements for BAC meetings and conferences;
- 607.3. Prepare minutes of meetings and resolutions of the BAC;
- 607.4. Take custody of procurement documents and other records;
- 607.5. Manage the sale and distribution of bidding documents to interested bidders;
- 607.6. Advertise and/or post bidding opportunities, including bidding documents, and notices of awards;
- 607.7. Assist in managing the procurement processes;
- 607.8. Monitor procurement activities and milestones for proper reporting to relevant agencies when required;
- 607.9. Consolidate Project Procurement Management Plan (PPMP) from various units of the procuring entity to make them available for review; and
- 607.10. Act as the central channel of communications for the BAC with end users, other government agencies, providers of goods,

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<sup>303</sup> 2016 Revised Implementing Rules and Regulations which took effect on November 2016.

<sup>304</sup> Section 14, Article V of Republic Act No. 9184

infrastructure projects, and consulting services, observers, and the general public.

Section 608. **Technical Working Group.** – The BAC may create a Technical Working Group from a pool of technical, financial and or legal experts to assist in the procurement process.

- 608.1. In creating the TWG, the BAC shall consider the expertise required based on the nature of the procurement.
- 608.2. To be able to effectively study the requirements and evaluate the bids submitted, the BAC may create several TWGs to handle different procurements, for example:
- 608.3. TWG for infrastructure projects, whose membership shall include experts in civil works like civil engineers, an architect, an accountant or finance expert to handle of the financial aspect of the procurement, etc.;
- 608.4. TWG for ICT projects, whose membership shall include experts in ICT like a computer engineer, as systems analyst, a programmer, etc.; and
- 608.5. The BAC may also create a TWG for a specific procurement, particularly if the procurement at hand is highly technical or is a major or priority project of the University.

#### Article 140

### **BAC Honorarium and Sources of Funds**

Section 609. **Honoraria of BAC Members**<sup>305</sup>. – The grant of honorarium to the Members of the EVSU-BAC shall be consistent to DBM Budget Circular No. 2004-5A dated October 7, 2005<sup>306</sup> and its subsequent issuances.

Section 610. **Disposition of Issues.** – Any issue arising from the grant of honorarium of BAC Members shall be referred to the Secretary of the Department of Budget and management (DBM) for proper disposition.

#### Article 141

### **Observers**

Section 611. **Observers**<sup>307</sup>. – To enhance the transparency of the process, the BAC shall, during the eligibility checking, shortlisting, pre-bid conference, preliminary examination of bids, bid evaluation, and post-qualification, invite, in addition to the representative of the COA, at least two (2) observers, who shall not have the right to vote, to sit in its proceedings where:

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<sup>305</sup> Section 15, Article V of Republic Act No. 9184.

<sup>306</sup> "Guidelines on the Grant of Honoraria to Government Personnel Involved in Government Procurement."

<sup>307</sup> Section 13, Article V of Republic Act No. 9184.

- 611.1. At least one (1) shall come from a duly recognized private group in a sector or discipline relevant to the procurement at hand, for example:
- a. For Infrastructure Projects, national associations of constructors duly recognized by the Construction Industry Authority of the Philippines (CIAP), such as, but not limited to the following:
    1. Philippine Constructors Association, Inc. (PCA); or
    2. National Constructors Association of the Philippines, Inc.
  - b. For Goods, a specific relevant chamber-member of the Philippine Chamber of Commerce and Industry (PCCI).
  - c. For Consulting Services, a project-related professional organization accredited or duly recognized by the Professional Regulation Commission (PRC) or the Supreme Court, such as, but not limited to,
    1. Philippine Institute of Civil Engineers (PICE);
    2. Philippine Institute of Certified Public Accountants (PICPA); or
    3. Confederation of Filipino Consulting Organizations; and
- 611.2. The other observer shall come from a Non-Government Organization (NGO).

Section 612. **Qualifications and Requirements of Observers.** – The observers shall come from an organization duly registered with the Securities and Exchange Commission (SEC) or the Cooperative Development Authority (CDA), and should meet the following criteria:

- 612.1. Knowledge, experience or expertise in procurement or in the subject matter or the contract to be bid;
- 612.2. Absence of actual or potential conflict of interest in the contract to be bid; and
- 612.3. Any other relevant criteria that may be determined by the BAC.

Section 613. **Issuance of Invitation.** – Observers shall be invited at least three (3) calendar days before the date of the procurement stage/activity. The absence of observers will not nullify the BAC proceedings, *provided*, that they have been duly invited in writing.

Section 614. **Duties and Responsibilities of the Observers.** – The observers shall have the following responsibilities:

- 614.1. To prepare the report either jointly or separately indicating their observations made on the procurement activities conducted by

the BAC for submission to the University President, copy furnished the BAC Chairman. The report shall assess the extent of the BAC's compliance with the provisions of the procurement law and areas of improvement in the BAC's proceedings;

- 614.2. To submit their report to the procuring entity and furnish a copy to the Government Procurement Policy Board (GPPB) and Office of the Ombudsman/Resident Ombudsman. If no report is submitted by the observer, then it is understood that the bidding activity conducted by the BAC followed the correct procedures; and
- 614.3. To immediately inhibit and notify in writing the procuring entity concerned of any actual or potential interest in the contract to be bid.

Section 615. **Access of Observers to Documents.** – Observers shall be allowed access to the following documents upon their request, subject to signing of confidentiality agreement: (a) minutes of the BAC meetings; (b) abstract of Bids; (c) post-qualification summary report; (d) APP and related PPMP; and (e) opened proposals.

#### Article 142

### **Divestment and Disposal of Property**

Section 616. **Condemnation, Sales, Divestment and Disposal of University Property.** – The condemnation, sale, divestment and disposal of equipment or any property of the University shall be in accordance with existing laws, rules, and regulations.

## **BOOK VII**

### **FINANCIAL MATTERS OF THE UNIVERSITY**

#### **Title XIX**

### **FINANCIAL ADMINISTRATION**

#### Chapter LIII

### **FINANCIAL RESOURCES**

#### Article 143

### **Funds and Income of the University**

Section 617. **University Funds.** – The amount necessary for the continued operation and maintenance of the Eastern Visayas State University shall be included in the General Appropriations Act pursuant to existing laws, rules and regulations.

Section 618. **Use of Income.** – Pursuant to existing laws, rules and regulations, the University is authorized to use its income derived from tuition

and other fees which shall be deposited in an authorized government bank and shall constitute as Special Trust Fund of the University.

Section 619. **Uniform Fiscal Policies.** – The EVSU Board of Regents shall establish and institutionalize uniform fiscal policies and provide guidelines for the use and disposition of all internally generated funds.

Section 620. **Composition of the University Funds.** – University funds include moneys of every sort and other resources pertaining to the University system.

Section 621. **Composition of the Revenue Funds.** – Revenue funds comprise all funds derived from the income of the University and available for appropriation or expenditure in accordance with law.

Section 622. **Trust Funds of the University.** – Trust funds refer to funds which have come officially into the possession of the University as trustee, agent, or administrator, or which have been received for the fulfillment of some obligations.

Section 623. **Service Fees and Honoraria.** – The University is authorized to charge fees, including honoraria and other reasonable allowances as compensation for consultation, seminars or training programs or technical services rendered to other government agencies or private parties. *Provided,* That such fees or honoraria shall be recorded as income of the University and subject to the usual accounting, auditing and other pertinent requirements.

Section 624. **Charges for Property Sold or Services Rendered.** – For services rendered, for supplies furnished, or articles of any kind sold to other divisions of the government or to any person under its income generating projects, the University may charge and collect fees which shall be paid through the EVSU cashiering section and accounted for pursuant to pertinent accounting and auditing rules and regulations.

#### Article 144

### Collection and Reporting Mechanisms

Section 625. **Designation of Collecting Officers.** – The University President may designate such number of collecting officers or agents as may be deemed necessary.

As a general rule, the collection of revenues and receipts shall be done by the regularly appointed collecting officers/cashiers. *Provided,* That collectors or tellers may also be designated to assist the collecting officers/cashiers and they shall turn over their collections daily to the collecting officer/cashier concerned.

Section 626. **Prohibition from Holding Other Positions as Cashier or Treasurer.** – University cashiers are prohibited from holding positions as cashiers or treasurers of savings and loan associations or any other association or organization.

Section 627. **Reporting.** – Collecting Officers/Cashiers shall submit daily records of receipts, together with the supporting documents, to the Chief Accountant. The official assigned to the daily recording of transaction in the books of accounts shall turn over the receipts and supporting documents to the Auditor within ten (10) days after receipt of such records and documents. The Auditor concerned shall conduct the necessary examination and audit within thirty (30) days from receipt thereof.

Section 628. **Issuance of Official Receipt.** – No payment of any nature shall be received by a collecting officer without immediately issuing an official receipt in acknowledgment thereof. The official receipt must be officially numbered, subject to proper custody, accountability and audit.

Section 629. **Prohibition Against the Use of Temporary Receipts.** – At no instance shall temporary receipts be issued to acknowledge receipt of public funds.

Section 630. **Acceptance of checks in payment for indebtedness to the University.** – An officer charged with the collection of receipts or moneys payable to the University shall accept payment for dues or other indebtedness to the University in the form of checks issued in payment for obligations to the University, upon proper indorsement and identification of the payee or indorsee.

Section 631. **Drawing of Checks.** – Checks in payment for indebtedness to the University must be drawn by the payor himself and made payable to the University. Under no circumstance shall the following checks be accepted:

- 631.1. Checks drawn payable to the name of the University President or any of its officials;
- 631.2. Indorsed checks;
- 631.3. Stale checks; and
- 631.4. Out-of-town checks except, those which are drawn by the Government or its instrumentalities.

#### Article 145

### **Application of No Shortchanging**

Section 632. **Declaration of Policy and Duties of the University.** – The University shall conform to the declared State policy and duties of the University under Republic Act No. 10909<sup>308</sup>, and its IRR<sup>309</sup>, to wit:

- 632.1. **Declaration of Policy.** – It is the policy of the State to protect the interest and promote the general welfare of the consumer as well as standards of conduct for business and industry.

<sup>308</sup> "An Act Prohibiting Business Establishments from Giving Insufficient or No Change to Consumers and Providing Penalties Therefor."

<sup>309</sup> Department Administrative Order No. 16-03, series of 2016 dated December 21, 2016 entitled, "Implementing Rules and Regulations of Republic Act No. 10909, "An Act Prohibiting Business Establishments from Giving Insufficient or No Change to Consumers and Providing Penalties Therefor."

632.2. *Duties of the University*<sup>310</sup>. – The following guidelines shall strictly be observed:

- a. It shall be the duty of the University through its Cashier and authorized staff to give exact amount of change to the consumer without waiting for the student or consumer to ask for the same. The cashier or staff clerk or their equivalent of the University shall count the change in front of the consumer and place the same on the hand of the student or consumer or the change tray, whichever is applicable.
- b. Use price tags or schedule of fees indicating the exact fee or price per unit or service which already includes the taxes applicable to the goods or services being offered.
- c. Issue Official Receipts to the students or consumers.
- d. Put signs in conspicuous places within the University or reflect in the Official Receipts issues, the taxes incorporated in the price per unit of goods or services, whenever applicable.
- e. Post notices in every counter to ensure/remind the cashiers to give exact amount of change e.g. "Please demand for your exact change" or any languid or literature to such effect.

Section 633. ***Prohibited Acts***<sup>311</sup>. – The following practices of the University shall be prohibited:

- 633.1. Shortchanging a consumer, even if such change is only a small amount. Shortchanging is not be construed as restricting the University from giving an amount greater than the sufficient change.
- 633.2. Changing in any form other than the present currency.
- 633.3. Asking the students or consumers for permission to be exempted from the provisions of R.A. No. 10909 and its IRR for any reason, including the non-availability of small bills or coins without prejudice to Section 1.1, Rule V of the IRR of R.A. No. 10909.

Section 634. ***Intervention Mechanisms***. – The University shall design such intervention mechanisms to fully implement the provisions of this Article and Republic Act No. 10909 and its IRR.

## Article 146 **Accounting and Auditing**

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<sup>310</sup> Section 1, Rule IV of the Implementing Rules and Regulations of Republic Act No. 10909 otherwise known as the "No Shortchanging Act of 2016."

<sup>311</sup> Section 1, Rule V of the Implementing Rules and Regulations of Republic Act No. 10909 otherwise known as the "No Shortchanging Act of 2016."

Section 635. **Application of the Accounting and Auditing Policies of the University.** – The financial accounting and auditing practices of the University shall be in conformity with existing government laws, rules, and regulations.

Section 636. **Accounting for Money and Property Received by University Officials and Personnel.** – Except as may otherwise be specifically provided by law or competent authority, all moneys and property officially received by University officials and personnel in any capacity or upon any occasion must be accounted for as University funds and University property. University property shall be taken up in the books of the University at acquisition cost or at appraised value.

Section 637. **Special, Fiduciary and Trust Funds.** – Receipts shall be recorded as income of special, fiduciary or trust funds other than the General Fund only when authorized by law as implemented pursuant to law.

Section 638. **Billing of Receivables.** – Income derived from transactions on credit, whether from the sale of goods and services or otherwise, shall be evidenced by a charge note, invoice or statement. These forms shall be pre-numbered accountable documents, subject to proper custody and accountability.

Bills shall be prepared in such manner as to enable the debtor to ascertain the account to be credited, and the amount and the proper expense classification of each items, and should be supported by authenticated copy of pertinent papers. Billing and the preparation of student assessments shall be done by the accounting section of the different EVSU campuses.

Section 639. **Administrative Responsibility.** – The responsibility for assuring that complete information reaches the accounting unit rests with the operating divisions/departments of the University.

Section 640. **Recording of Receivables.** – Each accounting unit with accounts receivables shall keep subsidiary ledgers showing the name of the debtors, the amount due and received from them and the balances of their accounts. These subsidiary records shall support the general ledger control account. The accounting units shall prepare a monthly statement of receivables.

#### Article 147

### Traveling Funds and Expenses

Section 641. **Traveling Policies of the University.** – The expenses incurred for local travels shall be subject to the provisions of existing laws and rules/regulations. Existing laws and rules on foreign travel shall govern expenditures for foreign travel.

Section 642. **Authority to Grant to Grant.** – The University President may, in his/her discretion, authorize any college of the University to spend from its appropriation for "Traveling Expenses of Personnel" such amount as may be

necessary for travel within the country for purposes of research, extension community training, observation of study tours and similar purposes subject to existing accounting and auditing rules and regulations.

Section 643. **Reserved Funds.** – Units/Departments in the University managing trust funds shall reserve a certain portion thereof, which shall be equitably distributed to the Faculty Development fund of the different colleges including those as may be provided under CHED Memorandum No. 20, s. 2011 duly adopted per Board Resolution No. 93, s. 2016.

Section 644. **Mandatory Echo Seminar or Meeting.** – All officials or officers, faculty members or non-teaching personnel or employees of the University as well as students, who had been authorized to attend trainings, seminars or conferences, whether local or abroad, shall be required to conduct echo seminar or present in any meeting/s to their respective officemates or colleagues in the University and/or appropriate audiences or participants. *Provided,* That the expenses necessary for all echo seminars shall be provided by the University from its appropriate funds subject to the availability of funds, and usual accounting and auditing rules and regulations.

*Provided, further,* That failure to comply such requirement shall bar the officials or officers, faculty members or non-teaching personnel or employees and students concerned from attending succeeding trainings, seminars, conferences or similar activities.

#### Article 148 **Donations**

Section 645. **Authority to Accept Donations.** – The University President in behalf of the Board of Regents of EVSU shall accept all donations to the University unless the same is onerous, in which case the donation shall be submitted to the Board for approval.

Section 646. **Rates and Exchanges of Subscription.** – The rates of subscription to the University’s publications shall be approved by the University President and the income that may be derived therefrom shall accrue for its maintenance and support, provided, that all requisitions shall have prior approval of the University President.

*Provided,* That all exchanges for University’s publication shall be turned over to the University Library.

#### Article 149 **Write-off of Dormant of Accounts**

Section 647. **General Policy.** – The University shall adhere to the provisions of COA Circular No. 2016-005 dated December 19, 2016<sup>312</sup> and such applicable laws, rules and regulations.

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<sup>312</sup> “Guidelines and Procedures on the Write-off of Dormant Receivables Accounts, Unliquidated Cash advances, and Fund Transfers of National Government Agencies (NGAs), Local Government Units (LGUs) and Government-owned and Controlled Corporations (GOCCs).”

Section 648. **Exemptions**<sup>313</sup>. – The following shall not be subject to write-off:

- 648.1. Receivables arising from disallowances and charges;
- 648.2. Receivables arising from cash shortages; and
- 648.3. Claims from University's officers and employees and other parties for transactions which are the subject of a pending case in court or before investigative authorities.

Section 649. **Duties of the Accountant and Officials of the University.** – The Accountant and Officials of the University shall strictly perform their respective duties and functions under the COA Circular No. 2016-005 dated December 19, 2016 and such applicable laws, rules and regulations relative on the write-off of accounts.

## BOOK VIII

### MISCELLANEOUS PROVISIONS

#### Title XX

### DATA PRIVACY AND PROTECTION

#### Chapter LIV

### POLICIES AND SCOPE

#### Article 150

### Declaration of Policies and Scope

Section 650. **Declaration of Policy.** – The University shall conform to the declared State policies under Section 2 of Republic Act No. 10173<sup>314</sup>, to wit:

“It is hereby the policy of the State to protect the fundamental human right of privacy, of communication while ensuring free flow of information to promote innovation and growth. The state recognizes the vital role of information and communications technology in nation-building and its inherent obligation to ensure that personal information in information and communications systems in the government and in the private sector are secured and protected.

Section 651. **Scope**<sup>315</sup>. – This Article shall, in conformity with Republic Act No. 10173, apply to the processing of all types of personal information to any natural and juridical person involved in personal information processing

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<sup>313</sup> Item 4.0 (last para.) of COA Circular No. 2016-005 dated December 19, 2016.

<sup>314</sup> An Act Protecting Individual Personal Information in Information and Communications Systems in the Government and the Private Sector, Creating for this Purpose a National Privacy Commission, and for Other Purposes.”

<sup>315</sup> Section 4 of Republic Act No. 10173 otherwise known as the Data Privacy Act of 2012.”

including those personal controllers and processors who, although not found or established in the Philippines, use equipment that are located in the Philippines or those who maintain an office, branch or agency in the Philippines subject ,to the immediately succeeding paragraph: *Provided*, That the requirements of Section of R.A. No. 10173 are complied with.

This Article, per R.A. No. 10173, does not apply to the following:

- 651.1. Information about any individual who is or was an officer or employee of the University that relates to the position or functions of the individual, including:
  - a. The fact that the individual is or was an officer or employee of the University;
  - b. The title, business address and office telephone number of the individual;
  - c. The classification, salary range and responsibilities of the position held by the individual; and
  - d. The name of the individual on a document prepared by the individual in the course of employment with the government or University.
- 651.2. Information about an individual who is or was performing service under contract for a University that relates to the services performed, including the terms of the contract, and the name of the individual given in the course of the performance of those services.
- 651.3. Information relating to any discretionary benefit of a financial nature such as the granting of a license or permit given by the government or University to an individual, including the name of the individual and the exact nature of the benefit;
- 651.4. Personal information processed for journalistic, artistic, literary or research purposes;
- 651.5. Information necessary in order to carry out the functions of public authority which includes the processing of personal data for the performance by the independent central monetary authority and law enforcement and regulatory agencies of their constitutionally and statutorily mandated functions. Nothing in R.A. No. 10173 shall be construed as to have amended or repealed Republic Act No. 1405, otherwise known as the Secretary of Bank Deposits Act; Republic Act No. 6426, otherwise known as the Foreign Currency Deposit act; and R.A. No 9510, otherwise known as the Credit Information System Act (CSA);
- 651.6. Information necessary for banks and other financial institutions under the jurisdiction of the independent central monetary

authority or Bangko Sentral ng Pilipinas to comply with Republic Act No. 9510, and R.A. No. 9160, as amended, otherwise known as the Ant-Money Laundering Act and other applicable laws; and

- 651.7. Personal information originally collected from residents of foreign jurisdictions in accordance with the laws of those foreign jurisdictions, including any applicable data privacy laws, which is being processed in the Philippines.

#### Article 151

### **Rights of the Data Subject and Non-Applicability**

Section 652. ***Rights of the Data Subject***<sup>316</sup>. – The data subject<sup>317</sup> is entitled to:

- 652.1. Be informed whether personal information pertaining to him or her shall be, are being or have been processed;
- 652.2. Be furnished the information indicated hereunder before the entry of his or personal information into the processing system of the personal information controller, or at the next practical opportunity;
- a. Description of the personal information to be entered into the system;
  - b. Purposes for which they are being or are to be processed;
  - c. Scope and method of the personal information processing;
  - d. The recipients or classes of recipients to whom they are or may be disclosed;
  - e. Methods utilized for automated access, if the same is allowed by the data subject, and the extent to which such access is authorized.
  - f. The identity and contact details of the personal information controller or its representative;
  - g. The period for which the information will be stored; and
  - h. The existence of their rights, i.e., to access, correction, as well as the right to lodge a complaint before the Commission<sup>318</sup>.

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<sup>316</sup> Section 16, Chapter IV of Republic Act No. 10173, otherwise known as the "Data Privacy Act of 2012."

<sup>317</sup> Refers to an individual whose personal information is processed as provided under Section 3(c) of Republic Act No. 10173. In the University, it shall refer to officials, faculty members or non-teaching personnel or employees and students.

<sup>318</sup> Refers to the National Privacy Commission created pursuant to Chapter II of Republic Act No. 10173, otherwise known as the "Data Privacy Act of 2012."

Any information supplied or declaration made to the data subjects on these matters shall not be amended without prior notification of data subject: Provided, That the notification under subsection (b) shall not apply should the personal information be needed pursuant to a subpoena or when the collection and processing are for obvious purposes, including when it is necessary for the performance of or in relation to a contract or service or when necessary or desirable in the context of an employer-employee relationship, between the collector and the data subject, or when the information is being collected and processed as a result of legal obligation;

- 652.3. Reasonable access to, upon demand, the following:
- a. Contents of his or her personal information that were processed;
  - b. Sources from which personal information were obtained;
  - c. Names and addresses of recipients of the personal information;
  - d. Manner by which such data were processed;
  - e. Reasons for the disclosure of the personal information to recipients;
  - f. Information on automated processes where the data will or likely to be made as the sole basis for any decision significantly affecting or will affect the data subject;
  - g. Date when his or her personal information concerning the data subject were last accessed and modified; and
  - h. The designation, or name or identity and address of the personal information controller.
- 652.4. Dispute the inaccuracy or error in the personal information and have the personal information controller correct it immediately and accordingly, unless the request is vexatious or otherwise unreasonable. If the personal information have been corrected, the personal information controller shall ensure the accessibility of both the new and the retracted information and the simultaneous receipt of the new and the retracted information by recipients thereof; Provided, That the third parties who have previously received such processed personal information shall be informed of its inaccuracy and its rectification upon reasonable request of the data subject;
- 652.5. Suspend, withdraw or order the blocking, removal or destruction of his or her personal information from personal information controller's filing system upon discovery and substantial proof

that the personal information are incomplete, outdated, false, unlawfully obtained, used for unauthorized purposes or are no longer necessary for the purposes for which they were collected. In this case, the personal information controller may notify third parties who have previously received such processed personal information;

- 652.6. Be indemnified for any damages sustained due to such inaccurate, incomplete, outdated, false, unlawfully obtained or unauthorized use of personal information.

Section 653. **Right to Data Portability**<sup>319</sup>. – The data subject shall have the right, where personal information is processed by electronic means and in a structured and commonly used format, to obtain from the personal information controller a copy of data undergoing processing in an electronic or structured format, which is commonly used and allows for further use by the data subject. The Commission may specify the electronic format referred to above, as well as the technical standards, modalities and procedures for their transfer.

Section 654. **Non-Applicability**. – The immediately preceding sections are not applicable if the processed personal information as used only for the needs of scientific and statistical research and, on the basis of such, no activities are carried out and no decisions are taken regarding the data subject:

*Provided*, That the personal information shall be held under strict confidentiality and shall be used only for the declared purpose. Likewise, the immediately preceding sections are not applicable.

#### Article 152

### Data Privacy Principles<sup>320</sup>

Section 655. **General Data Privacy Principles**. – The processing of personal data shall be allowed, subject to compliance with the requirements of R.A. No. 10173 and other laws allowing disclosure of information to the public, and adherence to the principles of transparency, legitimate purpose, and proportionality.

Section 656. **Principles of Transparency, Legitimate Purpose and Proportionality**. – The processing of personal data shall be allowed subject to adherence to the principles of transparency, legitimate purpose, and proportionality.

- 656.1. **Transparency**. The data subject must be aware of the nature, and extent of the processing of his or her personal data, including the risks and safeguards involved, the identity of personal information controller, his or her rights as a data

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<sup>319</sup> Section 18 of Republic Act No. 10173 otherwise known as the Data Privacy Act of 2012.

<sup>320</sup> Rule IV of the Implementing Rules and Regulations of Republic Act No. 10173 otherwise known as the Data Privacy Act of 2012.”

subject, and how these can be exercised. Any information and communication relating to the processing of personal data should be easy to access and understand, using clear and plain language.

- 656.2. *Legitimate purpose.* The processing of information shall be compatible with a declared and specific purpose which must not be contrary to law, morals, or public policy.
- 656.3. *Proportionality.* The processing of information shall be adequate, relevant, suitable, necessary, and not excessive in relation to a declared and specific purpose. Personal data shall be processed only if the purpose of the processing could not reasonably be fulfilled by other means.

Section 657. ***General Principles in Collection, Processing and Retention.*** – The processing of personal data shall adhere to the following general principles in the collection, processing, and retention of personal data:

- 657.1. Collection must be for a declared, specific, and legitimate purpose.
  - a. Consent is required prior to the collection and processing of personal data, subject to exemptions provided by Republic Act No. 10173 and other applicable laws and regulations. When consent is required, it must be time-bound in relation to the declared, specific and legitimate purpose. Consent given may be withdrawn.
  - b. The data subject must be provided specific information regarding, where applicable, the automated processing of his or her personal data for profiling, or processing for direct marketing, and data sharing.
  - c. Purpose should be determined and declared before, or as soon as reasonably practicable, after collection.
  - d. Only personal data that is necessary and compatible with declared, specified, and legitimate purpose shall be collected.
- 657.2. Personal data shall be processed fairly and lawfully.
  - a. Processing shall uphold the rights of the data subject, including the right to refuse, withdraw consent, or object. It shall likewise be transparent, and allow the data subject sufficient information to know the nature and extent of processing.
  - b. Information provided to a data subject must always be in clear and plain language to ensure that they are easy to understand and access.
  - c. Processing must be in a manner compatible with declared, specific, and legitimate purpose.

- d. Processed personal data should be adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed.
  - e. Processing shall be undertaken in a manner that ensures appropriate privacy and security safeguards.
- 657.3. Processing should ensure data quality.
- a. Personal data should be accurate and where necessary for declared, specified and legitimate purpose, kept up to date.
  - b. In accurate or incomplete data must be rectified, supplemented, destroyed or their further processing restricted.
- 657.4. Personal Data shall not be retained longer than necessary.
- a. Retention of personal data shall only for as long as necessary:
    - 1. For the fulfillment of the declared, specific, and legitimate purpose, or when the processing relevant to the purpose has been terminated;
    - 2. For the establishment, exercise or defense of legal claims; or
    - 3. For legitimate business purposes, which must be consistent with standards followed by the applicable industry or approved by appropriate government agency.
  - b. Retention of personal data shall be allowed in cases provided by law.
  - c. Personal data shall be disposed or discarded in a secured manner that would prevent further processing, unauthorized access, or disclosure to any other party or the public, or prejudice the interests of the data subjects.
- 657.5. Any authorized further processing shall have adequate safeguards.
- a. Personal data originally collected for a declared, specified, or legitimate purpose may be processed further for historical, statistical, or scientific purposes, and, in cases laid down in law, may be stored for longer periods, subject to implementation of the appropriate organizational, physical, and technical security measures required by Republic Act No. 10173 in order to safeguard the rights and freedoms of the data subject.
  - b. Personal data which is aggregated or kept in a form which does not permit identification of data subjects may be kept longer than necessary for the declared, specified, and legitimate purpose.

- c. Personal data shall not be retained in perpetuity in contemplation of a possible future use yet to be determined.

Section 658. **General Principles for Data Sharing.** – Further Processing of Personal Data collected from a party other than the Data Subject shall be allowed under any of the following conditions:

- 658.1. Data sharing shall be allowed when it is expressly authorized by law: *Provided*, That there are adequate safeguards for data privacy and security, and processing adheres to principle of transparency, legitimate purpose and proportionality.
- 658.2. Data sharing for commercial purposes, including direct marketing, shall be covered by a data sharing agreement.
  - a. The data sharing agreement shall establish adequate safeguards for data privacy and security, and uphold rights of data subjects.
  - b. The data sharing agreement shall be subject to review by the Commission, on its own initiative or upon complaint of data subject.
- 658.3. Data collected from parties other than the data subject for purpose of research shall be allowed when the personal data is publicly available, or has the consent of the data subject for purpose of research: *Provided*, That adequate safeguards are in place, and no decision directly affecting the data subject shall be made on the basis of the data collected or processed. The rights of the data subject shall be upheld without compromising research integrity.
- 658.4. Data sharing between government agencies for the purpose of a public function or provision of a public service shall be covered a data sharing agreement.
  - a. Any or all government agencies party to the agreement shall comply with Republic Act No. 10173 and its Implementing Rules and Regulations (IRR), this Code and all other issuances of the Commission, including putting in place adequate safeguards for data privacy and security.
  - b. The data sharing agreement shall be subject to review of the Commission, on its own initiative or upon complaint of data subject.

#### Article 153

### **Management of the Data Privacy and Protection Office (DPPO) of the University**

Section 659. **Director of Data Privacy and Protection Office (DPPO).**  
– There shall be a Data Privacy and Protection Office of the University headed by a Director duly designated by the University.

The DPPO Director shall be under the direct supervision of the Vice President for Administration and Finance, and shall be assisted by adequate personnel such as, but not limited to, Personal Information Controllers and Personal Information Processors, administrative staff and Data Protection Coordinators in various Campuses and Colleges duly designated or hired by the University President in accordance with applicable laws, rules and regulations.

Section 660. **Data Privacy and Protection Manual of the University.** – There shall be a Data Privacy and Protection Manual of the University to be formulated by the Data Privacy Office taking into consideration the provisions of Republic Act No. 10173 and its IRR and subsequent issuances of the Commission which shall be reviewed and approved by the Board upon the recommendation by the University President.

#### Article 154

### **Board of Visitors, and Treasurer of the University**

Section 661. **Composition of the Board of Visitors of the University.** – The Board of Visitors of the University shall be composed of the President of the Philippines, Senate President, Speaker of the House of Representatives, Congressional Chairpersons of the Committee on Education or their respective representatives to the EVSU Board of Regents, Chairperson of the CHED and/or his/her authorized representative, and Provincial Governor of Leyte.

Section 662. **Privileges of the Board of Visitors.** – The Board of Visitors may visit the University Campuses, to discuss any topics related to the mandates, curricular offerings and functions of the University, and to attend public functions and activities of the University, such but not limited to, Commencement Exercises, Foundation or University Days, Athletic Meet or Competition, etc., the expenses of which shall be charged against the income and/or appropriate funds of the university subject to proper coordination with the University President, and consistent with pertinent laws, and regulations.

Section 663. **Treasurer of the University.** – The Treasurer of the Philippines shall be the ex-officio Treasurer of the University<sup>321</sup>.

#### Chapter LV

### **ALUMNI AFFAIRS AND RELATIONS OFFICE**

#### Article 155

### **Management**

Section 664. **Management of the Alumni Relations and Affairs Office (ARAO).** – The Alumni Relations and Affairs Office (ARAO) shall be headed by a Director assisted by Heads/Chairpersons by the different Campuses and Colleges of the University and who are all designated by the University President in consultation with the officers of the duly recognized

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<sup>321</sup> Section 8 of Republic Act No. 9311.

Federation of Alumni Associations of the University and Alumni Associations of the different Campuses.

*Provided*, That the duties and functions, term of office and entitlements of the Director, Head/Chairpersons of the ARAO shall be those provided under this Code and service manuals or policies of the University duly approved by the EVSU Board of Regents upon the recommendation by the University President.

#### Article 156

### **Alumni Associations of University Campuses**

Section 665. ***Establishment and Sustainability of Autonomous Duly Recognized Alumni Association in Each University Campus.*** – The University shall ensure the establishment and sustainability of autonomous duly recognized Alumni association in each Campus.

Section 666. ***Government of the Autonomous Duly Recognized Alumni Association in Each University Campus.*** – The University shall ensure the establishment and continued operations of the duly recognized Alumni association in each University Campus subject to the requirements of applicable laws, rules and regulations. *Provided*, That the duly established Alumni Associations shall be autonomous and must operate in accordance with their respective Constitution and by-laws consistent with existing laws, rules and regulations.

Section 667. ***Establishment and Operations of the Alumni Associations for High School Graduates of the University Campuses.*** – Each University Campus may organize a separate alumni association for high school graduates which shall be duly registered at the Alumni Relations Affairs Office.

*Provided*, That pursuant to pertinent provisions of R.A. No. 9311, R.A. No. 8292 and its IRR and this Code, the members of the high school alumni association in the EVSU-Main Campus shall not be eligible for regular membership to the duly recognized Alumni Association of the Main Campus and the recognized Federation of Alumni Associations of the University. *Provided, further*, That members of the high school alumni associations of the Integrated or External Campuses, after the integration of their respective Campuses to the University (*formerly Leyte Institute of Technology*), shall not be eligible regular membership to the duly recognized Campus Alumni Association concerned and of the recognized Federation of Alumni Associations of the University.

Section 668. ***Rights, Duties and Obligations of Members and Officers.*** – The rights, duties and obligations of members and officers shall be in accordance with the provisions of their respective Constitution and by-laws consistent with existing laws, rules and regulations.

#### Article 157

### **Federation of Alumni Associations of the University**

Section 669. **Establishment and Sustainability of Autonomous Duly Recognized Federation of Faculty Associations of the University.** – The University shall ensure the establishment and continued operations of the duly recognized Federation of Alumni Association of the University subject to the requirements of R.A. No. 8292 and its IRR. *Provided,* That the duly established Federation of Alumni Associations of the University shall be autonomous and must operate in accordance with its respective Constitution and by-laws consistent with the provisions of this Code and existing laws, rules and regulations.

Section 670. **Government of the Autonomous Duly Recognized Federation of Alumni Associations of the University.** – The government of the duly recognized Federation of Faculty Associations of the University shall be in accordance of its Constitution and by-laws and policies of the University.

Section 671. **Rights, Duties and Obligations of Members and Officers.** – The rights, duties and obligations of members and officers shall be in accordance with the provisions of its respective Constitution and by-laws consistent with the provisions of this Code and existing laws, rules and regulations.

#### Article 158 Prohibitions

Section 672. **Prohibitions.** – To avoid conflict of interest and provide opportunities to alumni who are working in the private sector or government agencies to assist the University in the realization of its mandates, vision, mission, goal and objectives, no alumni who are connected with the University, in whatever capacity, shall be qualified from seeking election in any position/s in the Federation of Alumni Associations.

*Provided,* That the President of the Federation of Alumni Associations or Alumni Sector Representative (ASR) to the EVSU Board of Regents shall not hold positions in any government agency/ies deemed incompatible as Member of the EVSU Board of Regents or shall not hold multiple positions as provided under the 1987 Philippine Constitution<sup>322</sup> and jurisprudence such as, but not limited to in **Public Interest Center, Inc. etal vs. Elma** (G.R. No. 138965, June 30, 2006)<sup>323</sup>.

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<sup>322</sup> Section 7, par. 2, Article IX-B of the 1987 Constitution;

“Unless otherwise allowed by law or by the primary functions of his position, no appointive official shall hold any other office or employment in the Government or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations or their subsidiaries.”

<sup>323</sup> **Public Interest Center, Inc. etal vs. Elma** (G.R. No. 138965, June 30, 2006), citing **Quimson vs. Ozatea**, 98 Phil. 705 and **People vs. Green**, 13 Sickels 295, 58 N.Y.295, 1874WL 11282 (N.Y.), the Supreme Court held:

“The general rule contained in Article IX-B of the 1987 Constitution permits an appointive official to hold more than one office only if allowed by law or by the primary functions of his position. In the case of *Quimson v. Ozatea*, this Court ruled that, [t]here is no legal objection to a government official occupying two government offices and performing the functions of both **as long as there is no incompatibility**. The crucial test in determining whether incompatibility exists between two offices was laid out in *People v. Green* - whether one office is subordinate to the other, in the sense that one office has the right to interfere with the other.

**Title XXI**  
**VISION, MISSION, GOALS AND OBJECTIVES**  
**(VMGO) STATEMENTS**

Chapter LVI  
**UNIVERSITY VISION, MISSION, GOALS AND OBJECTIVES**  
**(VMGO) STATEMENTS**

Article 159  
**Vision, Mission, Goals and Objectives (VMGO) Statements of**  
**Administrative and Academic Branches**

Section 673. ***Vision, Mission, Goals and Objectives (VMGO) Statements of the University.*** – The University President shall, after due consultations of the different stakeholders, formulate the Vision, Mission, Goals and Objectives (VMGO) Statements of the University and submit the same to the EVSU Board of Regents for approval upon the recommendation of the Board Committee concerned.

Section 674. ***Vision, Mission, Goals and Objectives (VMGO) Statements of Colleges of the University.*** – The College Deans shall, after due consultations of the different stakeholders, formulate the Vision, Mission, Goals and Objectives (VMGO) Statements of their respective Colleges and submit the same to the University President for review and to the EVSU Board of Regents for approval upon the recommendation of the Board Committee concerned and University President.

Section 675. ***Vision, Mission, Goals and Objectives (VMGO) Statements of Campuses of the University.*** – The Campus Directors shall, after due consultations of the different stakeholders, formulate the Vision, Mission, Goals and Objectives (VMGO) Statements of their respective Campuses and submit the same to the University President for review and to the EVSU Board of Regents for approval upon the recommendation of the Board Committee concerned and University President.

Section 676. ***Vision, Mission, Goals and Objectives (VMGO) Statements of Academic and Administrative Department, Offices, Units and Sections of the University Campuses.*** – The Directors, Heads or Chairpersons shall, after due consultations of the different stakeholders, formulate the Vision, Mission, Goals and Objectives (VMGO) Statements of their respective Academic and Administrative Departments, Offices, Unit and

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[I]ncompatibility between two offices, is an inconsistency in the functions of the two; x x x Where one office is not subordinate to the other, nor the relations of the one to the other such as are inconsistent and repugnant, there is not that incompatibility from which the law declares that the acceptance of the one is the vacation of the other. The force of the word, in its application to this matter is, that from the nature and relations to each other, of the two places, they ought not to be held by the same person, from the contrariety and antagonism which would result in the attempt by one person to faithfully and impartially discharge the duties of one, toward the incumbent of the other. x x x The offices must subordinate, one [over] the other, and they must, per se, have the right to interfere, one with the other, before they are incompatible at common law. x x x"

Sections and submit the same to the University President for review and approval.

*Provided,* That approval by the EVSU Board of Regents shall be resorted upon the recommendation by the University President.

#### Article 160

### **Updating of the Vision, Mission, Goals and Objectives (VMGO) Statements**

Section 677. **Committee.** – The University President shall constitute a Committee on the Draft Writing and Review of the Vision, Mission, Goals and objectives (VGMO) Statements of the University and its Campuses, branches, offices, sections or units. It shall be responsible of preparing and/or reviewing proposals to amend or revise VMGO statements.

Section 678. **Frequency.** – The VGMO Statements shall be reviewed and/or updated every three (3) years or as frequent as may be practicable based on the recommendations of accreditation and surveillance audits and/or as the EVSU Board of Regents or the University President may direct.

Section 679. **Consultations with the Stakeholders.** – The stakeholders of the University shall be consulted with any proposal to amend or revise the VGMO statements. The proceedings of every consultation shall properly be documented by the Committee Secretary duly attested by its Chairperson constituted under Section 677 hereof and copies thereof shall be posted in the bulletin boards of the University and distributed to the University President, Board Secretary, officials and Quality Assurance and Accreditation Center of the University.

Section 680. **Approval.** – All proposals to amend or revise the VMGO Statements of the University-wide, Campuses and Colleges shall be approved by the EVSU Board of Regents.

*Provided,* That the Academic Council shall have the authority to review any proposal to amend or revise the VMGO statements of the different academic and administrative departments, units or sections of the University subject to the approval by the University President.

## **Title XXII**

### **ORGANIZATIONAL STRUCTURE AND SERVICES' MANUALS**

#### Chapter LVII

### **ORGANIZATIONAL STRUCTURE OF THE DIFFERENT ADMINISTRATIVE AND ACADEMIC BRANCHES OF THE UNIVERSITY**

#### Article 161

### **Organizational Structure of the Board, University and Executive Offices or Major Branches of the University**

Section 681. **Organizational Structure of the Board.** – The University President shall, with the assistance of the Board Secretary, prepare the Organizational Structure of the Board taking into account the provisions of Republic Act No. 9311, Republic Act No. 8292 and its IRR, and this Code.

Section 682. **Organizational Structure of University.** – The University President shall prepare the Organizational Structure of the University, and submit the same to the EVSU Board of Regents for approval, taking into consideration the academic and administrative branches and offices duly created under this Code and in relevant services' manuals in so far as expressly authorized by the EVSU Board of Regents.

Section 683. **Organizational Structure of the Executive Offices or Major Branches of the University.** – Vice Presidents shall prepare their respective organizational structure based on the provisions of this Code and in relevant services' manual in so far as expressly approved by the EVSU Board of Regents. These organizational structures shall be submitted to the University President for further review and approval. *Provided, however,* That the University President shall submit such organizational structure/s to the EVSU Board of Regents for review and approval especially when the same involves the creation of new and/or merging or offices, units or sections as provided under this Code.

Section 684. **Publication and Dissemination of the Organizational Structures.** – The organizational structure of the Board and of the University shall be published in the University website, posted or displayed in the bulletin boards and conspicuous places of the University and be integrated in the annual or periodic reports, souvenir programs and such official documents as may be practicable.

#### Article 162

### **Organizational Structure of Campuses, Colleges, Academic and Administrative Departments, Offices, Units or Sections**

Section 685. **Organizational Structure of Campuses, Colleges, Departments, Units and Sections.** – Heads of Campuses, Colleges, Departments, Units and Sections of the University shall prepare their respective organizational structure based on the provisions of this Code and in relevant services' manual in so far as expressly approved by the EVSU Board of Regents. These organizational structures shall be submitted to the University President for further review and approval. *Provided, however,* That the University President shall submit such organizational structure/s to the EVSU Board of Regents for review and approval especially when the same involves the creation of new and/or merging or offices, units or sections as provided under this Code.

Section 686. **Publication and Dissemination of the Organizational Structures.** – The duly approved organization structures of major branches, centers, campuses, colleges, departments, units and sections of the University shall be published in their respective websites and posted or displayed in the bulletin boards and conspicuous places in their respective jurisdiction.

Integration of these organizational structures in the annual or periodic reports, souvenir programs and such official documents shall be subject to the approval by the University President.

## Chapter LVIII

### **FORMULATION AND PROMULGATION OF SERVICES' MANUALS**

#### Article 163

#### **Classifications, Formulation and Promulgation**

Section 687. ***Classifications of the Services' Manuals of the University.*** – The University shall have the following services' manuals:

- 687.1. Freedom of Information (FOI) Manual of the University;
- 687.2. Academic Services Manual;
- 687.3. Administrative Services Manual;
- 687.4. Research and Development Manual;
- 687.5. Extension Services Manual;
- 687.6. Production Services and Income Generating Projects (IGP) Manual;
- 687.7. Finance Administration and Income Utilization Manual;
- 687.8. External Affairs Manual;
- 687.9. Internationalization of Higher Education of the University Manual;
- 687.10. Development Planning Manual;
- 687.11. Student Affairs and Services Manual;
- 687.12. Health and Wellness Services Manual;
- 687.13. Guidance Services Manual;
- 687.14. Students' Publications and Campus Journalism Manual;
- 687.15. Security and Safety Manual;
- 687.16. Students' Handbook of the University;
- 687.17. Anti-Bullying, Anti-Hazing and Anti-Illegal Drugs Manual;
- 687.18. On-the-Job-Training (OJT) and Apprenticeship Manual;
- 687.19. Educational Field Trips and Off-Campus Engagements of Students Manual;
- 687.20. Merit Promotion Plan Manual of the University;
  - a. Faculty Members
  - b. Non-Teaching Personnel
- 687.21. Industry Immersion for Faculty Members Manual;
- 687.22. University Charter Manual;
- 687.23. Graduate School Manual;
- 687.24. Manuals of the Different Colleges, and Curricular Programs or Courses;
- 687.25. Program on Awards and Incentives for Service Excellence (PRAISE) System Manual;
- 687.26. Strategic Performance and Management System (SPMS) Manual;
- 687.27. Gender and Development (GAD) Manual;
- 687.28. Anti-Sexual Harassment Manual;
- 687.29. Grievance Machinery Manual;
- 687.30. Disaster Risk Reduction Management of the University Manual;
- 687.31. National Service Training Program (NSTP) Manual;
- 687.32. Technical and Professional Review Training Center Manual;
- 687.33. Information Technology and Development Center Manual;
- 687.34. National Greening Program (NGP) Manual;

- 687.35. K to 12 Programs and Services Manual;
- 687.36. Procurement Services Manual;
- 687.37. Property Management Manual;
- 687.38. Electricity, Water and Other Utilities Conservation Manual;
- 687.39. Green Building and Physical Development Manual;
- 687.40. Data Privacy and Protection Manual of the University;
- 687.41. Continuing Education and Life-long Education Manual;
- 687.42. Provident Fund Management Manual;
- 687.43. Internal Rules of Procedures of the EVSU Board of Regents;
- 687.44. Alternative Disputes Resolution Manual; and
- 687.45. Other Services' Manuals as the University President may determine upon the recommendation of the different Committees and offices created under this Code and subsequent policies promulgated by the EVSU Board of Regents.

*Provided*, That the University Code and all manuals provided above shall be applied of ISSN/ISBN at the National Library in accordance with existing laws, rules and regulations.

Section 688. **Formulation and Promulgation.** – The services' manuals of the University shall be prepared by the Committee/s duly constituted by the University President. *Provided*, That all proposals of the services' manuals shall be submitted to the appropriate government agencies for comments and to the Committee on Draft Writing and Review of Policies, Fees, Incentives and Assistance of Students Employees or its equivalent Board Committee, for further review and conduct of consultations with the stakeholders, duly created under this Code and/or by the EVSU Board of Regents.

*Provided, further*, That after the proper consultations, the services' manuals shall be submitted to the Academic Council and/or Administrative Council for deliberation and endorsements to the appropriate Board Committees created by the EVSU Board of Regents. *Provided, furthermore*, That the EVSU Board of Regents shall approve all the services' manual upon the recommendation by the University President. *Provided, finally*, That all approved services' manuals shall be posted or displayed in the bulletin boards of the University Campuses and distributed to the concerned offices, departments, units or sections of the University for their proper guidance and execution.

**Title XXIII**  
**PROVIDENT FUND OF THE UNIVERSITY**  
**AND NBC 461 ZONAL COMPUTERIZATION CENTER**

Chapter LVIX  
**PROVIDENT FUND PROGRAM**

Article 164  
**Establishment and Management**

Section 689. **Establishment.** – There is hereby an established Provident Fund of the University which shall cover all Officials or Officers, Faculty

Members and Non-Teaching Personnel or Employees of the University subject to the qualifications and requirements provided in relevant laws, rules and regulations duly approved by the EVSU Board of Regents upon the recommendation by the University President.

Section 690. **Management.** – The management of the provident fund shall be vested to the a Committee on Provident Fund (CPF) composed of the University President or his/her authorized representative, as Chairperson, Vice President for Administration and Finance, as Vice Chairperson, other Vice Presidents of the University, President of the Federation of the Faculty Associations, President of the Federation of Non-Teaching Personnel, Director for Financial Services, and Director for Administrative Services, as Members.

*Provided,* That the duly constituted Committee on Provident Fund shall promulgate policies on the qualifications and requirements for availment of the provident fund and such policies necessary to ensure effective and efficient implementation of the provident fund program of the University subject to the approval by the EVSU Board of Regents upon the recommendation by the University President.

## Chapter LVX

### **NBC 461 ZONAL COMPUTERIZATION CENTER**

#### Article 165

#### **Establishment, Management and Functions**

Section 691. **Establishment and Management.** – The establishment of the National Budget Circular No. 461 (NBC 461) Zonal Computerization Center and its management shall be subject to the provisions on the contract or agreement entered into by the University and appropriate party/ies.

The Center undertakes the review and computerization of faculty evaluation in accordance with the established standards for promotion of equitable professional advancement resulting in much improved faculty morale and the quality of academic services on the state higher education institutions. It also aims to produce timely and accurate results of the review and computerization of faculty evaluation.

The Center shall be headed by a Director and assisted by adequate staff duly designated by the University President subject to applicable laws, rules and regulations.

Section 692. **Functions of the Center.** – The Center shall have the following functions:

- 692.1. To review the faculty evaluation with the appropriate consultation and in accordance with the standard methods and procedures;
- 692.2. To computerize the results of the final review of faculty evaluation;
- 692.3. To generate the necessary reports of computerization;

692.4. To disseminate pertinent information; and

692.5. To insure the safety of records and other documents pertinent to the faculty evaluation.

#### Chapter LVXI

### **CLEARANCES OF EMPLOYEES AND STUDENTS**

#### Article 166

#### **Designs and Signatories of Clearances**

Section 693. ***Clearances of Officials or Officers, Faculty Members, Non-Teaching Personnel or Employees of the University.*** – The design and signatories of the Clearances of Officials or Officers, Faculty Members, Non-Teaching Personnel or Employees of the University shall be determined by the University President after proper consultation with the Faculty Associations and Non-Teaching Personnel Associations of the University.

Section 694. ***Clearances of Students of the University.*** – The design of student's clearance of the University shall be determined by the University President after proper consultation with the Student Councils/Government of the University which shall be uniformly implemented in the University Campuses. *Provided*, That the number of signatories of the student's clearance shall be limited to maximum seven (7) officials, to wit:

694.1. *For the EVSU-Main Campuses.* – University Registrar, Director for Financial Services, University Librarian, Director for Student Affairs and Services Office (SASO), Director for National Service Training Program (NSTP), Head of the National Greening Program (NGP), and the University President.

694.2. *For the EVSU External or Integrated Campuses.* – Registrar, Head for Financial Services, Librarian, Head for SASO, Head for NSTP, Head of the NGP, and Campus Director as the representative of the University President, subject to such limitations as the University President may impose.

694.3. *For Graduate School Students.* – University Registrar, Director for Financial Services, University Librarian, Director for Student Affairs and Services Office (SASO), Head of the National Greening Program (NGP), and the University President.

694.4. *For SLD Students.* – University Registrar, Director for Financial Services, University Librarian, Director for Student Affairs and Services Office (SASO), Head of the National Greening Program (NGP), and the University President.

Section 695. ***General Guidelines on the Processing of Clearances.*** – The following guidelines shall strictly be observed in the processing of clearances of Officials or Officers, Faculty Members, Non-Teaching Personnel or Employees, and Students of the University, to wit:

- 695.1. *Alternate Signing Officers.* – The signing officers identified under Section 694 above shall recommend to the University President their respective five (5) alternate signing officers. *Provided,* That should the incumbent signatories fails to identify his or her alternate signing officers, their respective next highest ranking official/s shall act on the clearances during their absence of at least one (1) day which shall properly be recorded.
- 695.2. *Maximum Processing Period.* – A clearance shall be acted on or disposed of by the concerned signing officer within twenty four (24) hours upon receipt thereof. In case the applicant for clearance has deficiencies, the signing officer or his/her authorized representative shall indicate in the space provided in the clearance or submit in writing such deficiencies and measures for compliance thereof. *Provided,* That each signing officer may prescribed signing schedules which shall not be later than as provided in the University Calendar of Activities, and/or as the University President may determine.
- 695.3. *Denial of Application for Clearance.* – The University President or the Campus Director or their respective authorized representative/s may deny clearance of any applicant for such deficiency/ies generated from the different signatories or such ground/s he/she may deems proper and necessary.
- 695.4. *Re-filing of Clearance.* – Should a clearance is denied by the University President or Campus Director or their respective authorized representatives, the applicant shall accomplish and re-file a new clearance, attached therewith the duly denied clearance, which shall be presented to the concerned signatory/ies to determine compliance and clear such deficiencies and to the University President or Campus Director for approval.
- 695.5. *Prohibited Acts.* – Signing officers shall be prohibited from requesting or receiving such gift, favor or presents, whether monetary or non-monetary, as a condition for a favorable action on the application for clearance. In addition, any delay in the processing of clearance without valid cause shall subject the concerned signing officer/s to disciplinary action in accordance with the provisions of this Code, appropriate services' manual of the University, and CSC rules and regulations.

*Provided, further,* That the University President, in consultation with the sectors concerned, is hereby authorized to revise the designs including the signatories of the clearances, and to issue such policies to ensure proper, effective and efficient implementation of this Article.

## **BOOK IX**

### **CONCLUDING TITLE (XXIII)**

## FINAL PROVISIONS

### Chapter LVXII

## PARITY CLAUSE, PROHIBITION AGAINST DIMINUTION AND ELIMINATION IMPLEMENTING GUIDELINES

### Article 165

#### Parity Clause and Prohibition Against Diminution and Elimination

Section 696. **Parity Clause.** – All other powers, functions and privileges, responsibilities and limitations to state universities and/or their officials under existing laws shall be deemed granted to or imposed upon the University and/or its officials or officers, faculty members, non-teaching personnel or employees and students whenever appropriate.

Section 697. **Prohibition Against Diminution and/or Elimination.** – Nothing in this Code shall be construed to eliminate or in any way diminish rights, benefits, privileges, powers, duties and functions, as the case may be, being enjoyed by the officials or officers, faculty members, non-teaching personnel or employees and students of the University at the time of the effectivity of this Code.

### Article 166

#### Transitory Provisions and Implementing Guidelines

Section 698. **Transitory Provisions.** – The following provisions shall strictly be observed and carried out, within such period as provided below or as the University President may determine, upon approval of this Code:

698.1. All provisions beneficial to the graduating students of the University on March 2017 and thereafter shall be implemented accordingly.

698.2. The University President shall cause for the reorganization and all positions created under this Code shall be filled up subject to the pertinent provisions of applicable laws, rules and regulations.

*Provided,* That all designated positions shall be filled in according to the provisions of this Code on or before July 31, 2017.

698.3. The contracts of students, faculty members who are granted scholarship shall be revisited and amended where such amendment would be beneficial to the recipients and mutually agreed by the parties.

698.4. The vision, mission, objectives and goals of the University and its Campuses, Colleges, Centers, Offices, Departments and Sections or Units shall be reviewed and submitted to the EVSU Board of Regents for review and approval in accordance with the provisions of this Code.

- 698.5. All Campuses, Colleges, Centers, Offices, Departments, Sections or Units including Committees of the University shall be renamed, reconstituted or reorganized taking into considerations pertinent provisions of this Code.
- 698.6. The forms of the different Offices, Centers, Departments, Units or Sections shall be revised in accordance with the provisions of this Code.
- 698.7. This Code shall be reproduced to adequate copies to be distributed to all Regents, University President, Vice Presidents Campus Directors, Deans, Directors and Heads or Chairpersons and Coordinators of Departments, Sections or Units of the University including the Presidents of the Campus Associations or Organizations of the Student, Faculty, Non-teaching Personnel, Alumni Sectors, and Parents and Teachers Association (PTA). Periodic information dissemination activities shall be conducted among the stakeholders or sectors of the University to further improve the awareness and compliance of the provisions of this Code.

*Provided,* That the copies shall be displayed in their respective offices or units for ready reference of the faculty members, non-teaching personnel, students and clients of the University.

Section 699. **Rule-Making Authority.** – The University President shall, upon recommendation by the proper Council or committee duly constituted for the purpose, and stakeholders of the University, formulate such implementing guidelines deemed necessary and incidental to ensure proper, effective and efficient implementation or execution of the provisions of this Code.

Section 700. **Review and Ratification of Implementing Guidelines.** – The implementing guidelines of any and/or all of the provisions of this Code shall be submitted to the Board for review and ratification.

## Chapter LXI FINAL CLAUSES

### Article 167 Penal, Amendment and Revision

Section 701. **Penal Provisions.** – Violation/s of any of the provisions of this Code shall be dealt with and proper penalties be imposed accordingly as provided under existing laws, rules and regulations, and jurisprudence.

Section 702. **Amendment.** – Any provision/s or part/s of this Code may be amended by the EVSU Board of Regents upon the recommendation of the University President and the appropriate Board Committee. *Provided,* That the Councils and stakeholders of the University concerned are properly consulted.

Section 703. **Revision.** – This Code may be revised by the EVSU Board of Regents upon the recommendation of the University President and the appropriate Board Committee.

*Provided,* That the Councils and stakeholders of the University concerned are properly consulted.

Section 704. **Updating and Review of the Code.** – It shall be the responsibility of the University President with the assistance of the Board and University Secretary to ensure periodic updating of this Code taking into account the subsequent policies approved by the EVSU Board of Regents and such rules and regulations promulgated by competent authorities in so far as expressly adopted or authorized by the Board.

*Provided,* That any and/or all provisions of this Code shall be reviewed by the EVSU Board of Regents every three (3) years after its approval based on the rules it may promulgate.

Article 168

**Repealing, Separability and Effectivity**

Section 705. **Repealing Clause.** – The University Code approved per Board Resolution No. 76, s. 2010, and all Board Resolutions, manuals, orders, issuances, rules and regulations and policies of the University, or parts thereof, inconsistent with the provisions of this Code are hereby amended or repealed accordingly.

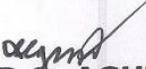
Section 706. **Separability Clause.** – The provisions of this Code are hereby declared separable. In the event that any provision hereof is rendered unconstitutional, those that are not affected shall remain valid and effective.

Section 707. **Effectivity.** – This 2017 Revised Code of the Eastern Visayas State University shall take effect immediately upon approval by the Board of Regents of the Eastern Visayas State University.

**Adopted/Approved** this 19<sup>th</sup> day of April 2017 pursuant to Board Resolution No. 115, s. 2017 approved during the 2017 Second Special Board Meeting held at the 5<sup>th</sup> Floor, Conference Room, Ironwood Hotel, P. Burgos St., cor. Juan Luna St., Barangay 34, Tacloban City.

**APPROVED:**

  
**J. PROSPERO E. DE VERA III, DPA**  
Commissioner  
Commission on Higher Education  
**Chairperson, EVSU Board of Regents**

  
**DOMINADOR O. AGUIRRE, JR., D.M.**  
University President III  
**Vice Chair, EVSU Board of Regents**



**FRANCIS JOSEPH G. ESCUDERO**

Chair, Committee on Education  
Senate of the Philippines

**Member**

Represented by:



**FRANCES ANN BASILIO PETILLA**

**ANN K. HOFER**

Chair, Committee on Higher & Tech. Education  
House of Representatives

**Member**

Represented by:

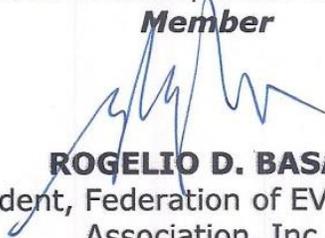


**FLORENCIO "BEM" GABRIEL NOEL**

**EDGARDO M. ESPERANCILLA, CESO II**

Regional Director, DOST-Region VIII

**Member**



**ROGELIO D. BASAS**

President, Federation of EVSU Faculty  
Association, Inc.

**Member**

**BONIFACIO G. UY, CESO IV**

Regional Director, NEDA-Region VIII

**Member**



**MICHAEL L. MUZONES**

President, Federation of Student  
Governments of EVSU

**Member**



**RAUL S. SOLIVA**

President, Federation of Alumni  
Associations of EVSU, Inc.

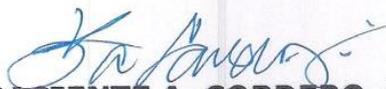
**Member**



**PACIENTE A. CORDERO, JR.**

Private Sector Representative

**Member**



**DANIEL A. ARIASO SR., CESO II**

Private Sector Representative

**Member**



**I hereby certify to the correctness of the foregoing Resolution No. 115, s. 2017 as duly adopted by unanimous/affirmative vote by the EVSU Board of Regents during the 2017 Second Special Board Meeting held on April 19, 2017, as indicated above.**

Certified Correct:



**MA. BELINDA C. LORA, MAIS**  
*Associate Professor III*  
**Board/University Secretary**

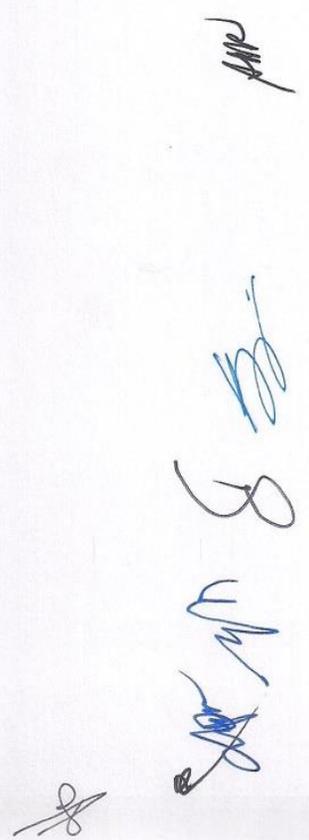


## COMMITMENT

I hereby commit to implement and abide by the provisions of this 2017 Revised Code of the Eastern Visayas State University approved per Board Resolution No. 115, s. 2017 and its subsequent issuances thereof.

  
**DOMINADOR O. AGUIRRE, JR., DM**  
University President III

\_\_\_\_\_  
(Date)



## ANNEX A

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Twelfth Congress

Third Regular Session

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

### [REPUBLIC ACT NO. 9311]

#### **AN ACT CONVERTING THE LEYTE INSTITUTE OF TECHNOLOGY (LIT) IN THE PROVINCE OF LEYTE INTO A STATE UNIVERSITY TO BE KNOWN AS THE EASTERN VISAYAS STATE UNIVERSITY AND APPROPRIATING FUNDS THEREFOR**

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

**SECTION 1.** *Conversion.* — The Leyte Institute of Technology (LIT) in the Province of Leyte is hereby converted into a state university to be known as the Eastern Visayas State University, hereinafter referred to as the University. The main campus of the University shall be in Tacloban City, Leyte.

**SEC. 2.** *General Mandate.* — The University shall primarily provide advanced education, higher technological, professional instruction and training in trade, fishery, agriculture, forestry, science, education, commerce, architecture, engineering and related courses. It shall also undertake research and extension services and provide progressive leadership in its areas of specialization.

**SEC. 3.** *Curricular Offerings.* — The University shall offer undergraduate, graduate and short term technical 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 to meet the needs of the Province of Leyte and the Eastern Visayas Region.

The existing high school/s shall be transferred to the jurisdiction and supervision of the Department of Education: *Provided*, That the high school/s shall be allowed to remain and operate within the campus of the University until the existing students shall have completed their high school education: *Provided, further*, That the University may operate a reasonably-sized laboratory school, if it has a College of Education.

**SEC. 4. Administration.** — The University 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 University and the exercise of its corporate powers shall be vested exclusively in the Board of Regents and the president of the University insofar as authorized by the Board.

**SEC. 5. Governing Board.** — The Governing Board 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 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 (DOST), member;
- (g) The president of the federation of the faculty associations of the University, member;
- (h) The president of the federation of the student councils of the University, member;
- (i) The president of the federation of the alumni associations of the University, member; and
- (j) Two (2) prominent citizens who have distinguished themselves in their professions or fields of specialization of the University, members.

The Board of Regents shall appoint the two (2) prominent citizens from among a list of at least five (5) persons qualified in the Province of Leyte, as recommended by the search committee constituted by the University president, in consultation with the Chairperson of the CHED, 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 contemporaneous with their respective terms of office.

The two (2) prominent citizens shall serve for a term of two (2) years.

**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 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 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 rules and regulations not contrary to law as may be necessary to carry out the purposes and functions of the University;
- (b) 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, to carry out the purposes and functions of the University;
- (c) To import duty-free economic, technical and cultural books and/or publications, upon certification by the CHED that such imported books and/or publications are for economic, technical, vocational, scientific, philosophical, historical or cultural purposes, in accordance with the provisions of the Tariff and Customs Code, 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 University, 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), 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, but not limited to, matriculation fees, graduation fees and laboratory fees, as the Board may deem proper to impose, after due consultations with 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, and 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 other grants, shall be retained by the

University, and may be disbursed by the Board for instruction, research, extension or other programs and projects of the University:*Provided*, That all fiduciary fees shall be disbursed for the specific purposes for which they are collected.

If, for any reason beyond its control, the University shall not be able to pursue any project for which 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.

- (f) To adopt and implement a socialized scheme of tuition and school fees for greater access to poor but deserving students;
- (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 recommendation of the president of the University, vice presidents, deans, directors, heads of campuses, faculty members and other officials and employees of the University;
- (i) To fix and adjust salaries of faculty members, administrative officials and employees subject to the provisions of the Revised Compensation and Position Classification System and other pertinent budget and compensation laws governing hours of service, and such other duties and conditions as it may deem proper; to grant them, at its discretion, leaves of absence under such regulations as it may promulgate, any provision of existing laws 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, institutional programs and rules of discipline drawn by the Administrative and Academic Councils as herein provided;
- (k) To set policies on admission and graduation of students;
- (l) To award honorary degrees upon persons in recognition of 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 non-degree and non-traditional courses;
- (m) To establish and absorb non-chartered tertiary institutions within the Province of Leyte as branches and centers, 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 mandated by the Constitution;

- (n) To establish research and extension centers of the University where such will promote the development of the latter;
- (o) To establish chairs in the University and to provide fellowships for qualified faculty members and scholarships to deserving students;
- (p) 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 or the affairs of the University;
- (q) To authorize an external management audit of the institution, to be financed by the CHED, subject to Commission on Audit (COA) rules and regulations, 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 state universities and colleges within the Province of Leyte or the Eastern Visayas Region, 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;
- (s) To enter into joint ventures with business and industry for the profitable development and management of the-economic assets of the University, the proceeds of which shall be used for the development and strengthening of the University;
- (t) To develop consortia and other economic forms of linkages with local government units, institutions and agencies, both public and private, local and foreign, in furtherance of the purpose and objectives of the University;
- (u) To develop academic arrangements for institution 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, 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 system, open learning or distance education, community laboratory, for the promotion of greater access to higher education;
- (w) To establish policy guidelines and procedures for participative decision-making and transparency within the University;
- (x) To privatize, where most advantageous to the University, management of non-academic services such as health, food, building, grounds or property maintenance and such other similar-activities; and

- (y) To extend the term of the president of the University beyond the age of retirement but not later than the age of seventy (70), whose performance has been unanimously rated by the Governing Board as outstanding, after unanimous recommendation by the search committee.

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

A quorum of the Board shall consist of a majority of all its members holding office at the time of the meeting: *Provided*, That the Chairperson of the CHED or the president of the University is among those present in the meeting. In the absence of the Chairperson of the CHED, a commissioner of the CHED duly designated by him/her, shall represent him/her in the meeting with all the rights and responsibilities of a regular member: *Provided, however*, That in the said meeting, the president of the University as 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 of Regents, in which case, said CHED commissioner shall act as the presiding officer.

In the absence of the Chairpersons of the Congressional Committees on Education, they may designate their respective representatives who shall attend said meetings with all the rights and responsibilities of a regular member.

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 University President.** — The University shall be headed by a president who shall render full time service. He/She shall be appointed by the Board, upon recommendation of a duly constituted search committee. He/She shall hold office for a term of four (4) years and shall be eligible for reappointment for another term: *Provided*, That in order to effect a smooth transition into a state university, the incumbent president of the Leyte Institute of Technology, if qualified, shall be the first president of the University.

The president shall be assisted by a vice president for Academic Affairs, who shall be appointed by the Board for a term of three (3) years, upon the recommendation of the president after due consultation with all sectors of the University, without prejudice to the appointment of additional vice presidents when so warranted.

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 his/her office, the Board shall have the authority to designate an officer-in-charge of the University, pending the appointment of a new president.

In case of vacancy in the office of the president as mentioned in the immediately preceding paragraph, his/her successor or the officer-in-charge of the University shall hold office for the unexpired term only.

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 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 educational institutions of like standing.

**SEC. 10. *The Administrative Council.*** — There shall be an Administrative Council consisting of the president of the University as chairperson, vice president(s), deans, directors, and other officials of equal rank as members, whose duty is to review and recommend to the Board of Regents policies governing the administration, management and development of the University.

**SEC. 11. *The Academic Council.*** — There shall be an Academic Council with the president of the University as chairperson and all members of the academic staff, with the rank of not lower than assistant professor as members.

The Academic Council shall have the power to review and recommend 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/or approval of the Board of Regents through the president of the University. It shall have disciplinary power over the students of the University and shall formulate academic policies, rules and regulations on discipline, subject to the approval of the Board of Regents.

**SEC. 12. *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 records and proceedings of the Board. He/She shall communicate to each member of the Board the notices of meetings.

**SEC. 13. *The Treasurer of the University.*** — The Treasurer of the Philippines shall be the *ex officio* treasurer of the University.

**SEC. 14. *Faculty.*** — No political beliefs, gender preference, cultural or community affiliation or ethnic origin, religious opinion or affiliation shall be a matter of inquiry in the appointment of faculty members of the University: *Provided, however,* That no member of the faculty shall teach for or against any particular church or religious sect.

**SEC. 15. *Scholarship Program/Admission.*** — 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.

No student shall be denied admission to the University by reason of sex, religion, cultural or community affiliation or ethnic origin.

**SEC. 16.** *Academic Freedom and Institutional Autonomy.* — The University 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. 17.** *Authority to Loan or Transfer.* — The heads of bureaus and offices of the national government are hereby authorized to loan or transfer, upon 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 judgment of the head of bureau or office, such apparatus, equipment, supplies or services of such employees can be spared without serious detriment to public service. Employees so detailed shall perform such duties as required of them by the president of the University, and the time so employed shall be counted as part of their regular services.

**SEC. 18.** *Assets, Liabilities and Personnel.* — All assets, real and personal, personnel and records of the Leyte Institute of Technology, as well as liabilities or obligations, are hereby transferred to the University. The positions, rights and security of tenure of the personnel therein employed under existing laws shall be respected.

All parcels of land belonging to the government and occupied by the Leyte Institute of Technology and its duly integrated campuses except the land occupied by the main campus in Tacloban City, Leyte are hereby declared to be the property of the Eastern Visayas State University and shall be titled under that name: *Provided*, That should the University cease to exist or be abolished or such parcels of land aforementioned be no longer needed by the University, the same shall revert to the Province of Leyte.

**SEC. 19.** *Appropriations.* — The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the Leyte Institute of Technology except the sums needed to continue the operations of the existing high school/s. Thereafter, such sums as may be necessary for the continued operation and maintenance of the Eastern Visayas State University shall be included in the annual General Appropriations Act.

**SEC. 20.** *Development Plan, Management Audit, Organizational/Administrative/Academic Structure.* — Within the period of one hundred and twenty (120) days after the approval of this Act, the University shall accomplish the following:

- (1) Submit a five (5)-year development plan, including its corresponding program budget, to the CHED, for appropriate recommendation to the DBM;
- (2) Undergo a management audit in cooperation with the CHED; and
- (3) Accordingly set-up its organizational, administrative as well as academic structure, including the appointment/designation of key University officials.

**SEC. 21. *Filing of Report.*** — On or before the fifteenth (15th) day of the second 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. 22. *Inclusion Clause.*** — 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 together shall serve as part of the Governing Charter of the University.

**SEC. 23. *Repealing Clause.*** — All laws, presidential decrees, executive orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

**SEC. 24. *Effectivity.*** — This Act shall take effect upon its approval.

Approved:

(Sgd.) **FRANKLIN M. DRILON**  
*President of the Senate*

(Sgd.) **JOSE DE VENECIA**  
*Speaker of the House  
of Representatives*

This Act which originated in the House of Representatives was finally passed by the House of Representatives and the Senate on June 10, 2004.

(Sgd.) **OSCAR G. YABES**  
*Secretary of the Senate*

(Sgd.) **ROBERTO P. NAZARENO**  
*Secretary General  
House of Representatives*

**Approved:** AUG 07 2004

(Sgd.) **GLORIA MACAPAGAL-ARROYO**  
*President of the Philippines*

## ANNEX B

### Republic of the Philippines Congress of the Philippines Metro Manila

#### Tenth Congress

#### Second Regular Session

Begun and held in Metro Manila, on Monday, the twenty-second day of July, nineteen hundred and ninety-six.

#### [REPUBLIC ACT NO. 8292]

### AN ACT PROVIDING FOR THE UNIFORM COMPOSITION AND POWERS OF THE GOVERNING BOARDS, THE MANNER OF APPOINTMENT AND TERM OF OFFICE OF THE PRESIDENT OF CHARTERED STATE UNIVERSITIES AND COLLEGES, AND FOR OTHER PURPOSES

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

**Section 1.** *Short title.* – This Act shall be known as the "*Higher Education Modernization Act of 1997.*"

**SEC. 2.** *Declaration of policy.* – It is the declared policy of the State to establish, maintain, and support a complete, adequate and integrated system of education relevant to the needs of the people society. Towards this end, the composition of the governing boards of chartered state universities and colleges is hereby modified in order to:

- (a) achieve a more coordinated and integrated system of higher education;
- (b) render them more effective in the formulation and implementation of policies on higher education;
- (c) provide for more relevant direction in their governance; and
- (d) ensure the enjoyment of academic freedom as guaranteed by the Constitution.

**SEC 3.** *The Governing Boards; manner of appointment.* – (a) *Composition* – The governing body of state universities and colleges is hereby in the Board of Regents for universities and in the Board of Trustees for colleges which shall be composed of the following:

- (i) Chairman of the Commission on Higher Education (CHED), Chairman;
- (ii) President of the university or college, Vice Chairman;
- (iii) Chairmen of the Congressional Committees on Education and Culture;
- (iv) Regional Director of the National Economic Development Authority (NEDA) where the main campus of the university or college is located;
- (v) Regional Director of the Department of Science and Technology (DOST) in case of science and technological colleges; or the Regional Director of the Department of Agriculture colleges; or the Secretary of Education for an Autonomous Region. In lieu of such representation, the commanding generals of the Philippine Air Force and the Philippine Navy shall sit as members of the Board of the Philippine State College of Aeronautics and the Philippine Merchant marine Academy, respectively;
- (vi) President of the faculty association;
- (vii) President of the supreme student council or the student representative elected by the student council:*Provided*, That in the absence of a student council president of student representative elected by the student council, the university or college shall schedule one (1) weekly for the campaign and election of student representative;
- (viii) President of the alumni association of the institution concerned;
- (ix) Two (2) prominent citizens who have distinguished themselves in their professions or fields of specialization chosen from among lists of at least five (5) persons qualified in the city or the province where the school is located, as recommended by the search committee constituted by the President consultation with the Chairman of the CHED based on the normal standards and qualifications for the position;

The faculty and the student council shall be represented of their respective federations in multi-campus universities and colleges. The private sector representatives shall be appointed by the Board of Regents/Trustees upon recommendation of a duly constituted search committee.

(b) *Term of office* – The president of the faculty and alumni associations and the student regents or trustees shall sit in the board until expiration of their term of office in such capacities.

The prominent citizens shall serve for a term of two (2) years.

(c) *Meetings; quorum* – The Board of Regents/Trustees shall regularly convene at least once every quarter. The Chairman of the Board of

Regents/Trustees may call a special meeting whenever necessary: *Provided*, That members are notified in writing at least three (3) days prior to said meeting.

A majority of all members holding office shall constitute a quorum for board meetings: *Provided*, that the Chairman of the CHED who is the chairman of the Board or the president of the university or college is among those present in the meeting. In the absence of the Chairman of the CHED, a commissioner of the CHED, duly designed by him, shall represent him in the meeting all the rights and responsibilities of a regular member: *Provided, however*, That in the said meeting, the president of the university or college as vice chairman shall be the presiding officer: *Provided, further*, That this proviso notwithstanding, the Chairman of the CHED is hereby authorized to designate a CHED Commissioner the regular Chair to the Board of a particular university or college, in which case said CHED Commissioner shall act as the presiding officer.

The members shall serve without compensation, but they shall be reimbursed for necessary expense incurred in their attendance of meetings of the Board or in connection with their official business authorities by resolution of the Board.

**SEC. 4. Powers and duties of Governing Boards.** – The governing 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 Section 36 of Batas Pambansa Blg. 68 otherwise known as the Corporation Code of the Philippines;

- (a) to enact rules and regulations not contrary to law as may be necessary to carry out the purposes and functions of the university or college;
- (b) to receive and appropriate all sums as may be provided, for the support of the university or college in the manner it may determine, in its discretion, to carry out the purposes and functions of the university or college;
- (c) to receive in trust legacies, gifts and donations of real and personal properties of all kinds, to administer and dispose the same when necessary for the benefit of the university or college, subject to limitations, directions and instructions of the donors, if any. Such donations shall be exempt from all taxes and shall be considered as deductible items from the income tax of the donor: *Provided, however*, That the rights, privileges and exemptions extended by this Act shall likewise be extended to non-stock, non-profit private universities and colleges: *Provided, finally*, That the same privileges shall also be extended to city colleges and universities with the approval of the local government to city colleges and universities with the approval of the local government unit concerned and in coordination with the CHED;

- (d) to fix the tuition fees and other necessary school charges, such as but not limited matriculation fees, graduation fees and laboratory fees, as their respective boards 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 or college, shall constitute special trust funds and shall be deposited in any authorized government depository bank, and all interests shall accrue therefrom shall part of the same fund for the use of the university or college: *Provided*, That income derived from university hospitals shall be exclusively earmarked for the operating expenses of the hospitals.

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

If, for reason of control, the university or college, shall not be able to pursue any project for which funds have been appropriated and, allocated under its approved program of expenditures, the Board of Regents/Trustees 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 universities or college;

- (e) to adopt and implement a socialized scheme of tuition and school fees for greater access to poor but deserving students;
- (f) to authorize the construction or repair of its buildings, machineries, equipment and other facilities and the purchase and acquisition of real and personal properties including necessary supplies, materials and equipment. Purchases and other transactions entered into by the university or college through the Board of Regents/Trustees shall be exempt from all taxes and duties;
- (g) to appoint, upon the recommendation of the president of the university or college, vice presidents, deans, directors, heads of departments, faculty members and other officials and employees;
- (h) to fix and adjust salaries of faculty members and administrative officials and employees subject to the provisions of the revised compensation and classification system 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 provisions of existing law to the contrary not with standing; and to remove them for cause in accordance with the requirements of due process of law;

- (i) to approve the curricula, institutional programs and rules of discipline drawn by the administrative and academic councils as herein provided;
- (j) to set polices on admission and graduation of students;
- (k) to award honorary degrees upon persons in recognition of outstanding contribution in the field of education, public service, arts, science and technology or in any field of specialization within the academic competence of the university or college and to authorize the award of certificates of completion of non-degree and non-traditional courses;
- (l) to absorb non-chartered tertiary institutions within their respective provinces in coordination with the CHED and in consultation with the Department of Budget and Management, and to offer therein needed programs or courses, to promote and carry out equal access to educational opportunities mandated by the Constitution;
- (m) to establish research and extension centers of the SUC where such will promote the development of the latter;
- (n) to establish chairs in the university or college and to provide fellowships for qualified faculty members and scholarships to deserving students;
- (o) to delegate any of its powers and duties provided for hereinabove to the president and/or other officials of the university or college as it may deem appropriate so as to expedite the administration of the affairs of the university or college;
- (p) to authorize an external management audit of the institution, to be financed by the CHED and to institute reforms, including academic and structural changes, on the basis of the audit results and recommendations;
- (q) to collaborate with other governing boards of SUCs within the province or the region, under the supervision of the CHED and in consultation with the Department of Budget and Management, the restructuring of said colleges and universities to become more efficient, relevant, productive, and competitive;
- (r) to enter into joint ventures with business and industry for the profitable development and management of the economic assets of the college or institution, the proceeds from which to be used for the development and strengthening of the college or university;

- (s) to develop consortia and other forms of linkages with local government units, institutions and agencies, both public and private, local and foreign, in furtherance of the purposes and objectives of the institution;
- (t) to develop academic arrangements for institution capability building with appropriate institutions and agencies, public or private, local or foreign, and to appoint experts/specialists as consultants, or visiting or exchange professors, scholars, researchers, as the case may be;
- (u) to set up the adoption of modern and innovative modes of transmitting knowledge such as the use of information technology, the dual system, open learning, community laboratory, etc., for the promotion of greater access to higher education;
- (v) to establish policy guidelines and procedures for participative decision-making and transparency within the institution;
- (w) to privatize, where most advantageous to the institution, management and non-academic services such as health, food, building or grounds or property maintenance and similar such other objectives; and
- (x) to extend the term of the president of the college or university beyond the age of retirement but not later than the age of seventy (70), whose performance has been unanimously rated as outstanding and upon unanimous recommendation by the search committee for the president of the institution concerned.

**SEC. 5.** *Promulgation and implementation of policies.* – The governing boards shall promulgate and implement policies in accordance with the declared state policies on education and other pertinent provisions of the Philippine Constitution on education, science and technology, arts, culture and sports; as well as the policies, standards and thrusts of the CHED under Republic Acts No. 7722.

**SEC. 6.** *The Administration.* – The administration of the university or college shall be vested in the president of the university or college who shall render full-time service. He shall be appointed by the Board of Regents/Trustees, upon the recommendation of a duly constituted search committee. He shall have a term of four (4) years and shall be eligible for reappointment for another term: Provided, That this provision shall not adversely affect the terms of the incumbents.

The president shall be assisted by a vice president for academic affairs who shall be appointed by the Board upon the former's recommendation without prejudice to the appointment of more than one vice president when so warranted.

In case of vacancy by reason of death, resignation, removal for cause or incapacity of the president to perform the functions of his office, the Board shall

have the authority to designate an officer-in-charge pending the appointment of a new president.

In case of vacancy in the office of the president as mentioned in the immediately preceding paragraph, his successors shall hold office for the unexpired term.

**SEC. 7. *The Secretary of the University or College.*** – The Board shall appoint a secretary who shall serve as such for both the Board and the university or college and shall keep all records and proceedings of the Board. He shall communicate to each member of the Board notice of meetings.

**SEC. 8. *The Treasurer of the Philippines.*** – The Treasurer of the Philippines shall be the ex-officio treasurer of the university or college. All accounts and expenses of the university or college shall be audited by the Commission on Audit or its duly authorized representative.

**SEC. 9. *Administrative Council.*** – There shall be an administrative council consisting of the president of the university or college as Chairman, the vice president(s), deans, directors and other officials of equal rank as members, and whose duty is to review and recommend to the Board of Regents/Trustees policies governing the administration, management and development planning of the university or college for appropriate action.

**SEC. 10. *Academic Council.*** – There shall be an academic council with the president of the university or college as Chairman and all members of the instructional staff with the rank of not lower than 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 or college subject for appropriate action of the Board of Regents/Trustees. It shall fix the requirements for the admission of students as well as for graduation and the conferment of degrees subject to review and/or approval by the Board of Regents/Trustees through the president of the university or college.

**SEC. 11. *Academic freedom.*** – Pursuant to paragraph 2, Section 5 of Article XIV of the Constitution of the Republic of the Philippines, all institutions of higher learning, public or private, shall enjoy academic freedom and institutional autonomy.

**SEC. 12. *Admission.*** – No student shall be denied admission to any university or college by reasons of sex, nationality, religion, political affiliation, or physical disability.

**SEC. 13. *Exclusion clause.*** – Except for the chairmanship of the Board, the provisions of this Act shall not affect the charter of the University of the Philippines System. Likewise, this Act shall not affect the charter of the Mindanao State University (MSU) except for the provision of this Act on chairmanship of the Board, and the membership of the Chairmen of the Congressional Committees on Education and Culture.

**SEC. 14. *Filing of report.*** – On or before the fifteenth (15th) day of the second month after the opening of regular classes each year, the president of the university or college shall file with the Office of the President of the Philippines through the Chairman of the CHED, and with the Senate and House of Representatives a detailed report on the progress, conditions and needs of the university or college.

**SEC. 15. *Implementation.*** – The Chairman of the CHED is hereby directed to take such steps as are necessary for the immediate implementation of this Act.

**SEC. 16. *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. 17. *Repealing clause.*** – All laws, presidential decrees, executive orders, letters of instruction and SUC charters contrary to or inconsistent with this Act are hereby repealed or amended accordingly.

**SEC. 18. *Effectivity clause.*** – This Act shall take effect upon its approval.

Approved:

(Sgd.) **JOSE DE VENECIA, JR.**  
*Speaker of the House  
of Representatives*

(Sgd.) **ERNESTO M. MACEDA**  
*President of the Senate*

This Act, which is a consolidation of Senate Bill No. 1721 and House Bill No 4525 was finally passed by the Senate and the House of Representatives on June 3, 1997 and May 19, 1997, respectively.

(Sgd.) **ROBERTO P. NAZARENO**  
*Secretary General*

(Sgd.) **LORENZO E. REYES, JR.**  
*Secretary of the Senate*

**Approved:** JUN 06 1997

(Sgd.) **FIDEL V. RAMOS**  
*President of the Philippines*