



2017

**Administrative Services
of Eastern Visayas State
University**

(2017-EVSU Administrative Services)

MANUAL

Approved per Board Resolution
No. 31, s. 2018 on March 21, 2018
by the EVSU Board of Regents.



Preface

This 2017 Administrative Services of Eastern Visayas State University Manual or EVSU-2017 Administrative Services Manual is comprehensively crafted with the ultimate goal of making it consistent with and contributory to the proper, effective and efficient implementation of the mandates under paragraph 2, Section 5 of Article XIV of the 1987 Philippine Constitution Executive Order (E.O) No. 292, Section 7(i) of R.A. No. 9311, Section 5 of R.A. No. 8292 and its IRR, Section 13 of Batas Pambansa No. 232 and such policies issued by the Commission on Higher Education, Civil Service Commission, Department of Budget and Management, Commission on Audit and related laws, rules and regulations promulgated by the President of the Philippines, Congress of the Philippines, and such government agencies concerned including the jurisprudence or doctrines enunciated by the Supreme Court of the Philippines.

The EVSU-2017 Administrative Services Manual is organized according to the relevance and similarity of the provisions, and is comprised of 30 Chapters, 99 Articles and 241 Sections. These parts were organized according to the nature and purposes of the provisions with the end view of facilitating the understanding and interpretation by the students, officials and employees of the University. This Manual contains the mandates, duties and processes of the administrative offices, departments, sections or units of the University which are properly defined to ensure harmony, coordination and cooperation within the administrative branch of the University.

This EVSU-2017 Administrative Services Manual clearly embodies the noble resolve of the EVSU Board of Regents in making its officials, faculty members and non-teaching personnel as role models and exemplar public employees in continually achieving highest integrity, honesty, decency, accountability, transparency and genuine compassion in government services. In addition, the EVSU BOR completely and unconditionally recognizes that the administrative services are equally important elements in the desire of fulfilling the mandates and four-fold functions, vision, mission, objectives and goals of the University.

BY THE AUTHORITY OF THE EVSU BOARD OF REGENTS:

DOMINADOR O. AGUIRRE, JR., D.M.
University President III
Vice Chairperson, EVSU Board of Regents
Chairperson, EVSU- Administrative Council

J. PROSPERO E. DE VERA III, D.P.A.
Commissioner and Officer-in-Charge
Commission on Higher Education
Chairperson and Presiding Officer
EVSU Board of Regents



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

BOARD OF REGENTS

Board Resolution No. 31
Series of 2018

RESOLUTION APPROVING/ADOPTING THE 2017 ADMINISTRATIVE SERVICES OF EASTERN VISAYAS STATE UNIVERSITY MANUAL OR THE EVSU-2917 ADMINISTRATIVE SERVICES MANUAL (COPY HERETO ATTACHED AS INTEGRAL PART HEREOF), EFFECTIVE IMMEDIATELY UPON APPROVAL, SUBJECT TO APPLICABLE LAWS, RULES AND REGULATIONS

Adopted this 21st day of March 2018 pursuant to Board Resolution No. 31, s. 2018 approved during the 74th Regular Board Meeting (First Quarter, CY 2018) held at the at the Commission on Higher Education, Conference Room, 4th Floor, Higher Education Development Center Building, C.P. Garcia Ave., UP Campus, Diliman, Quezon City.

J. PROSPERO E. DE VERA III, D.P.A.
CHED Commissioner
Chair, 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 & Technical Education
House of Representatives
Member

Represented by:

Represented by:

FRANCES ANN BASILIO PETILLA

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 Supreme Student
Governments of EVSU
Member

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

PACIENTE A. CORDERO, JR., D.Sc.
Private Sector Representative
Member

Certified Correct:

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

ANALYN C. ESPAÑO, M.A.
Board/University 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

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The Board Committee on Finance, to which the **2017 Administrative Services of Eastern Visayas State University Manual or EVSU-2017 Administrative Services Manual** (*copy hereto attached as integral part hereof*) has been referred to for further review and evaluation, and after presentation by the Board Committee on Draft Writing and Review of Policies and Rules (*formerly 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 **EVSU-2017 Administrative Services** 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 **EVSU-2017 Administrative Services**.

Adopted this 3rd day of December 2017 during the Committee Meeting held at Regional Director, DOST-Regional Office No. VIII, Candahug, Palo, Leyte.

BONIFACIO G. UY, CESO IV

*Regional Director, NEDA-Region VIII/Member, EVSU Board of Regents
Committee Chair & Presiding Officer*

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

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

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:

ANALYN C. ESPAÑO, M.A.

Associate Professor III
Board/University Secretary
Committee 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 Academic and Administration, to which the **2017 Administrative Services of Eastern Visayas State University Manual or EVSU-2017 Administrative Services Manual** (*copy hereto attached as integral part hereof*) has been referred to for further review and evaluation, and after presentation by the Board Committee on Draft Writing and Review of Policies and Rules (*formerly 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:

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EDGARDO M. ESPERANCILLA, CESO II

*Regional Director, DOST-Region VIII/Member, EVSU Board of Regents
Committee Chair & Presiding Officer*

DOMINADOR O. AGUIRRE, JR., D.M.

*University President III
Vice Chair, EVSU Board of Regents
Committee Vice Chair*

BONIFACIO G. UY, CESO IV

*Regional Director, NEDA-Region VIII
Member, EVSU-Board of Regents
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Governments of EVSU
Member, Board Committee

Certified Correct:

ANALYN C. ESPAÑO, M.A.

Associate Professor III
Board/University Secretary
Committee Secretary



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

BOARD OF REGENTS

**Board Committee on Draft Writing and Review of Policies and Rules
(PWRPR)**

**(formerly 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. 6, s. 2018

**FROM: Board Committee on Draft Writing and Review of Policies and
Rules (formerly Board Committee on Review of Policies, Fees,
Incentives and Assistance for Students & Employees)**

=====

The Board Committee on Draft Writing and Review of Policies and Rules (formerly Board Committee on Review of Policies, Fees, Incentives and Assistance for Students & Employees), to which the **2017 Administrative Services of Eastern Visayas State University Manual or EVSU-2017 Administrative Services Manual** (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 **EVSU-2017 Administrative Services Manual** 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
May 18, 2017	9:00AM-12:30PM	EVSU Tanauan Campus	26
May 24, 2017	9:00AM-3:00PM	EVSU Ormoc Campus	53
May 27, 2017	9:00AM-3:00PM	EVSU Main campus	90
June 8, 2017	8:20AM-12:20PM	EVSU Tanauan Campus	70
June 9, 2017	9:00AM-12:30PM	EVSU Carigara Campus	72
June 13, 2017	8:00AM-12:00NN	EVSU Main Campus	35
June 24, 2017	9:30AM-5:30PM	EVSU Main Campus	140
June 28, 2017	8:00AM-10:00AM	EVSU Burauen Campus	26
	11:00AM-2:00PM	EVSU Carigara Campus	39
	3:00PM-6:00PM	EVSU Ormoc Campus	86

August 23, 2017	3:00PM-5:00PM	EVSU Main Campus	74
September 6, 2017	8:00AM-10:00AM	EVSU Main Campus	78
November 2, 2017	8:00AM-12:00NN	EVSU Main Campus	46
	11:00AM-1:00PM	EVSU Burauen Campus	47
	3:30PM-5:30PM	EVSU Carigara Campus	49
November 3, 2017	8:00AM-5:00PM	EVSU Ormoc Campus	76
November 4, 2017	8:30AM-4:00PM	EVSU Main Campus	67

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

Sector/s	Dates	Time	Venue	Number of Participants
Student	August 22, 2017	9:00AM-12:00NN	Executive House, EVSU Main Campus	88
Vice Presidents, College Deans, Campus Directors	August 22, 2017	1:30PM-4:00PM	Executive House, EVSU Main Campus	68
Academic Department Heads, Non-Teaching Personnel	September 6, 2017	4:00PM-5:30PM	Executive House, EVSU Main Campus	70
Alumni and Industry	August 22, 2017	4:00PM-5:30PM	Executive House, EVSU Main Campus	30
Students and Parents	August 22, 2017	4:00PM-5:30PM	Executive House, EVSU Main Campus	49
	September 6, 2017	8:00AM-12:00NN	Graduate School, Function Room, EVSU Main Campus	35

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

2. The draft of the **EVSU-2017 Administrative Services Manual** was submitted to the Civil Service Commission (CSC and Department of Budget and Management (DBM) Regional Office No. VIII for evaluation pursuant to existing laws, rules and regulations;
3. The draft of the **EVSU-2017 Administrative Services Manual** was published in the EVSU website for wide dissemination to and generate of inputs, comments and refinements to thereof;
4. The Committee presented the foregoing draft Manual to the EVSU BOR during its 73rd Regular (Fourth Quarter) Board Meeting, held on December 8, 2017 at Granda Manor, Juan Luna cor. Gomez St., Tacloban City, with the following manifestations:
 - 4.1. The draft Manual was endorsed by the EVSU-Administrative Council, and EVSU-Academic Council on November 22, 2017; and

- 4.2. Following the process done by the EVSU BOR to the 2017 Revised University Code¹, 2017 Program on Awards and Incentives for Service Excellence (PRAISE) System of the University Manual² and 2017 Peoples' Freedom of Information of the University Manual³, the Committee strongly recommended to give the Regents, officials, faculty members, non-teaching personnel, students and stakeholders to submit their individual or collective comments, inputs to suggestions to the draft Manual and the same be submitted to the Office of the University President and/or University/Board Secretary and to the Committee for consolidation on or before December 31, 2017;
5. In view of the manifestations in item 4 above, the EVSU BOR passed Resolution No. 174, s. 2017 and duly executed by the University President per Memorandum Order No. 12-02, s. 2017 issued on December 11, 2017⁴;
6. Due to a series of tropical storms namely, Urduja, Vinta and Agaton, had struck Eastern Visayas Region from December 18, 2017-January 2, 2018 which limited or prevented the Regents, officials, faculty members, non-teaching personnel and stakeholders from preparing and submitting their individual or collective comments, inputs or suggestions on or before December 31, 2017, the Committee passed Resolution No. 01, s. 2018 on January 4, 2018⁵;
7. The Committee did not receive any opposition to the final draft of the **EVSU-2017 Administrative Services Manual**, whether in whole or in part/s; and
8. The comments and inputs provided by the Eastern Visayas Regional Offices of CSC per letter/s dated January 30, 2018 and DBM per letter dated December 20, 2017, and submitted individually or collectively by the Board Committee Members, the Regents, officials, faculty members, non-teaching personnel, students and stakeholders were carefully studied, enhanced and integrated to the final and clean copy of the Manual subject to their applicability, except those comments or inputs which the Committee found them irrelevant and inconsistent with the purposes and intents of the Manual as well as existing laws, rules and regulations.

Premises considered, the Committee strongly recommends for the immediate approval/adoption and implementation of the said **EVSU-2017 Administrative Services Manual**.

¹ Approved per Board Resolution No. 115, s. 2017 on April 19, 2017 during the 2017 Second Special Board Meeting held at the 5th Floor, Conference Room, Ironwood Hotel, P. Burgos St., cor. Juan Luna St., Barangay 34, Tacloban City.

² Approved per Board Resolution No. 116, s. 2017 on April 19, 2017.

³ Approved per Board Resolution No. 118, s. 2017 on April 19, 2017.

⁴ "Request for Inputs, Comments, Suggestions and Recommendations to the 2017 Revised University Students' Handbook and Nine (9) Services Manuals."

⁵ "Resolution Most Respectfully and Strongly Recommending to the EVSU Board of Regents for the Extension of Submission of Comments, Inputs or Suggestions by the Regents, Faculty Members, Non-Teaching Personnel and Stakeholders to the Ten (10) Service Manuals as Provided Herein from December 31, 2017 to January 15, 2018, and For Other Purposes."

Adopted this 3rd day of February 2018 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*

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

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*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:

ANALYN C. ESPAÑO, M.A.
Associate Professor III
Board/University 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 ADMINISTRATIVE SERVICES OF EASTERN VISAYAS STATE
UNIVERSITY MANUAL OR THE EVSU-2017 ADMINISTRATIVE SERVICES
MANUAL (COPY HERETO ATTACHED AS INTEGRAL PART HEREOF),
EFFECTIVE IMMEDIATELY UPON APPROVAL, SUBJECT TO APPLICABLE
LAWS, RULES AND REGULATIONS**

After presentation and thorough discussion by the Members, the EVSU-Administrative Council, on motion of _____ duly seconded by _____, hereby recommends EVSU Board of Regents, through the University President, for Approval/Adoption of **2017 Administrative Services of Eastern Visayas State University Manual or EVSU-2017 Administrative Services Manual** (*copy hereto attached as integral part hereof*), effective immediately upon approval, subject to applicable laws, rules and regulations.

Adopted this 22nd day of November 2017 during the 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., D.M.
University President III
Chair & Presiding Officer, EVSU-Administrative Council

Certified Correct:

ANALYN C. ESPAÑO, M.A.
Board/University Secretary
Secretary, Administrative Council



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

ACADEMIC COUNCIL

Resolution No. _____
Series of 2017

**RESOLUTION RECOMMENDING TO THE EVSU BOARD OF REGENTS,
THROUGH THE UNIVERSITY PRESIDENT, FOR APPROVAL/ADOPTION OF
THE 2017 ADMINISTRATIVE SERVICES OF EASTERN VISAYAS STATE
UNIVERSITY MANUAL OR THE EVSU-2017 ADMINISTRATIVE SERVICES
MANUAL (COPY HERETO ATTACHED AS INTEGRAL PART HEREOF),
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Adopted this 22nd day of November 2017 during the Council Meeting of the EVSU-Academic 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-Academic Council

Certified Correct:

GREGORIA C. DE LA CRUZ, MAIS
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 R.A. 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 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 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 RA 7722, 8292 and 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 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 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 Administrative Services of Eastern Visayas State University Manual or EVSU-2017 Administrative Services Manual.

Special thanks to the Officials and staff of the Civil Service Commission and Department of Budget and Management, for painstakingly reviewing or evaluating, and immediate submission of inputs which were integrated to and surely made this EVSU-2017 Administrative Services Manual compliant to the applicable laws, rules and regulations.

The EVSU Family is also grateful to the Board Committee on Draft Writing and Review of Policies and Rules (*formerly Board Committee on Review of Policies, Fees, Incentives and Assistance for Students & Employees*) Chaired by Regent Daniel A. Ariaso Sr., for drafting this 2017 Code of Conduct, and Rules on Administrative and Disciplinary Cases of the Officials and Employees of Eastern Visayas State University (EVSU-2017 CCRADCOE) Manual 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 providing inputs which further strengthened this Manual.

It is just proper and fitting to acknowledge all 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 had contributed in shaping this Manual 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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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 Administrative Services of the Eastern Visayas State University Manual, hereinafter referred to, as the 2017 Administrative Services Manual of EVSU, EVSU 2017 Administrative Services Manual or the 2017 University Administrative Services Manual, *for brevity*.

Section 2. **Legal Bases of Promulgation.** – This 2017 University Administrative Services Manual 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 Constitution¹, Executive Order (E.O) No. 292², Section 7(i)³ of R.A. No. 9311⁴, Section 5⁵ of R.A. No. 8292⁶ and its IRR⁷, Section 13 of Batas

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

² "Administrative Code of the Philippines."

³ "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:

Xxxxxxxxxx

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

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(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;

⁴ "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."

⁵ "Section 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."

Xxxxxxxxxx

(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;

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(h) 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;"

⁶ "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."

⁷ CHED Memorandum Order No. 03, s. 2001 entitled, Implementing Rules and Regulations of Republic Act No. 8292.

Pambansa No. 232⁸, pertinent laws, rules and regulations promulgated by competent authority/ies.

Further, this 2017 University Administrative Services Manual 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 EVSU⁹.

Section 3. **Coverage and Uniform Implementation.** – This 2017 University Administrative Services Manual shall cover and be implemented uniformly in the Eastern Visayas State University (EVSU) comprised of its Main Campus located in Tacloban City and its 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 Supplementary Application of Relevant Laws, Rules and Regulations Promulgated by Competent Authorities

Section 4. **Construction and Interpretation of the 2017 University Administrative Services Manual.** – All doubts in the implementation of any of the provisions of this 2017 University Administrative Services Manual 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 2017 University Administrative Services Manual 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 2017 University Administrative Services Manual 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 2017 University Administrative Services Manual:

- 5.1. *Academic Officers* – refer to the Deans of Colleges and their Heads or Chairpersons or Coordinators of various academic departments or units.

⁸ “An Act Providing for the Establishment and Maintenance of an Integrated System of Education”.

⁹ PSLMC Resolution No. 02, s. 2009 dated June 11, 2009.

- 5.2. *Administrative Services* – refer to the functions of the University which directly relate to the supervision and control of administration of the University other than academic in nature.
- 5.3. *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.
- 5.4. *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.
- 5.5. *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 nature¹⁰.
- 5.6. *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.
- 5.7. *Board* – refers to the Board of Regents of Eastern Visayas State University which is the highest policy-making body of the University.
- 5.8. *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 Satellite Community Campus in the Municipality of Dulag, all in the Province of Leyte.
- 5.9. *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.
- 5.10. *COA* – refers to the Commission on Audit created under Article IX-D of the 1987 Philippine Constitution.
- 5.11. *Code* – refers to the 2017 Revised Code of the Eastern Visayas State University or 2017 Revised University Code approved per Board Resolution No. 115, s. 2017.

¹⁰ *Tapispisan v. Court of Appeals*, G.R. No. 157950, June 8, 2005.

- 5.12. *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.
- 5.13. *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.
- 5.14. *Congress of the Philippines* – refers to the legislative branch of the Republic of the Philippines created under Article X of the 1987 Philippine Constitution.
- 5.15. *CSC*– refers to Civil Service Commission created pursuant to Article IX-B of the 1987 Philippine Constitution hereinafter referred to as the CSC Commission Proper.
- 5.16. *DBM* – refers to Department of Budget and Management created pursuant to Executive Order No. 25 dated April 25, 1936, as amended.
- 5.17. *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 named¹¹.
- 5.18. *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.
- 5.19. *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.
- 5.20. *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.
- 5.21. *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-

¹¹ **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.

Board of Regents to be the legitimate and lawful organization of its alumni.

- 5.22. *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.
- 5.23. *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.
- 5.24. *Employee* – refers to any Official, faculty member or non-teaching personnel of the University, regardless of employment status.
- 5.25. *EVSU* –refers to the Eastern Visayas State University.
- 5.26. *EVSU BOR* – refers to the Board of Regents of Eastern Visayas State University.
- 5.27. *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.
- 5.28. *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.
- 5.29. *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. 10121¹² and its IRR and the provisions of this Code.

¹² 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.

- 5.30. *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.
- 5.31. *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 approval¹³.
- 5.32. *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 supervision¹⁴.
- 5.33. *Governing Board* – refers to the EVSU Board of Regents.
- 5.34. *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.
- 5.35. *Head of the University* – refers to the President of the University or University President.
- 5.36. *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, projects and activities of the campus in accordance with the overall vision, mission, goals and objectives of the University¹⁵.
- 5.37. *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.
- 5.38. *Head of the Department, Unit or Section* – refers to the Director or head, chairperson or coordinator, as the case may be.

¹³ 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.

¹⁴ Section 3(f), Article I of CHED Memorandum Order No. 20, s. 2011.

¹⁵ Section 3(b), Article I of CHED Memorandum Order No. 20, s. 2011.

- 5.39. *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 office¹⁶.
- 5.40. *Income* – refers to all revenue derived by the University from fees and charges authorized by existing laws, rules and regulations.
- 5.41. *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 subject pertinent policies issued by the CHED or DBM and duly approved by the EVSU Board of Regents.
- 5.42. *Intervening Assignment* – refers to involvement of faculty members in the processing of documents for any of the following: SUC Levelling, AACUP Accreditation, ISO Certification, IQUAME, 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, 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.
- 5.43. *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.
- 5.44. *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.
- 5.45. *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.

¹⁶ **Adap, et al. v. Commission on Elections**, G.R. No. 161984, February 21, 2007 citing *Nueno, et al. vs. Angeles, et al.*, 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.”

- 5.46. *Non-teaching Personnel* – refers to personnel or employees of the University whose duties and functions relate to administrative services and who are not required to perform instructional or academic services and functions of the University.
- 5.47. *Personnel* – refers to executive officials, officers, faculty members and non-teaching personnel of the University which they are also called as employees.
- 5.48. *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.
- 5.49. *Regent* – refers to the Chairperson or Vice Chairperson or any Member of the Board.
- 5.50. *Security of Tenure* – simply means that a public officer or employee shall not be suspended or dismissed except for cause, as provided by law and after due process¹⁷.

Further, well-entrenched is the rule on security of tenure that such an appointment is issued and the moment the appointee assumes a position in the civil service under a completed appointment, he acquires a legal, not merely equitable right (to the position), which is protected not only by statute, but also by the Constitution [Article IX-B, Section 2, paragraph (3)] and cannot be taken away from him either by revocation of the appointment, or by removal, except for cause, and with previous notice and hearing.¹⁸

- 5.51. *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 incumbent¹⁹.
- 5.52. *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 qualify²⁰.
- 5.53. *University* – refers to Eastern Visayas State University or EVSU.

¹⁷ **The Provincial Government of Camarines Norte v. Beatriz O. Gonzales**, G.R. No. 185740, July 23, 2013.

¹⁸ **Civil Service Commission v. Gregorio Magnaye, Jr.**, G.R. No. 183337, April 23, 2010 citing *Aquino v. Civil Service Commission*, G. R. No. 92403, April 22, 1992, 208 SCRA 240, 247.

¹⁹ **Valle Verde Country Club, Inc. v. Africa**, G.R. No. 151969, September 4, 2009.

²⁰ **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.

5.54. *Vacancy* – a condition or situation “when there is no person lawfully authorized to assume and exercise at present the duties of the office”²¹.

Section 6. ***Suppletory Application of Laws, Rules and Regulations.*** – Notwithstanding as explicitly adopted or provided under this 2017 University Administrative Services Manual, all laws, 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 2017 University Administrative Services Manual, insofar 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***²² ***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.²³ 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 service²⁴. Public office therefore is given utmost regard, and the highest standards of service are expected from it²⁵.

Further, the University shall adhere to the policies laid down under Republic Act No. 9485²⁶ and its IRR²⁷ and subsequent issuances thereof. Relatedly, all

²¹ In ***Gamboa vs. Augiree, et al.***, 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.”

²² ***Government Service Insurance System (GSIS) v. Kapisanan Ng Mga Manggagawa Sa GSIS***, G.R. No. 170132, December 6, 2006, the Supreme Court ruled:

“The principle of accountability demands that every erring government employee be made answerable for any malfeasance or misfeasance committed.”

²³ Section 1, Article XI of the 1987 Philippine Constitution.

²⁴ ***GSIS v. Mayordom***, G.R. No. 191218, May 31, 2011.

²⁵ ***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.

²⁶ “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.”

²⁷ Implementing Rules and Regulations of Republic Act No. 9485.

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 time²⁸.

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. 6713²⁹ 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.

²⁸ Section 3, Rule VI of CSC MC No. 12, s. 2008.

²⁹ “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.”

- 8.5. *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.
- 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*³⁰ and *Javier*³¹ 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

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

³⁰ *Serana v. 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."

³¹ *Javier v. 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*).

- 11.1. 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.
- 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.

Article 5

University Seal and Colors

Section 12. **Seal.** – The seal of the University shall be in accordance with the design, form, and style as prescribed herein:

- 12.1. 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.
- 12.2. The *white book* at the lower portion of the logo represents education as a basic mandate of the University. It signifies truth and knowledge as the fundamental philosophy and the foundation of development of both the individual and society.
- 12.3. 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.
- 12.4. 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.*

- 12.5. 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 13. **Colors.** – The basic colors of the University shall be maroon, white, green and gold as briefly described herein:

- 13.1. *Maroon* represents energy, fervor, passion, and zeal for excellence.
- 13.2. *White* represents life, purity, and truth.
- 13.3. *Green* represents productivity and the promotion of sustainable development of the Eastern Visayas region.
- 13.4. *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 14. ***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 15. ***Freedom of Information (FOI) of the University.*** – The Freedom of Information (FOI) of the University shall be governed by Executive Order No. 02, s. 2016³² and its IRR and its subsequent issuances and enabling law/s. Thus, the following guidelines shall strictly be observed:

- 15.1. *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.
- 15.2. *Exception.* – Access to information shall be denied when the information falls under any of the exceptions enshrined in the Constitutions, existing laws or jurisprudence.
- 15.3. *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.
- 15.4. *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.
 - 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.

³² “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.”

- 15.5. *People's Freedom of Information (FOI) Manual of the University*³³. – 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 or 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.

Chapter IV

GOVERNANCE OF THE EASTERN VISAYAS STATE UNIVERSITY

Article 7

The Board of Regents; Composition, Powers and Duties and Entitlements of Regents

Section 16. ***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:

- 16.1. The Chairman of the Commission on Higher Education (CHED), as *Chairperson*;
- 16.2. The President of the Eastern Visayas State University, as *Vice-Chairperson*;

³³ Section 8 of Executive Order No. 02, s. 2016.

- 16.3. The Chairperson of the Committee on Education, Arts and Culture of the Senate, Congress of the Philippines, as *Member*;
- 16.4. The Chairperson of the Committee on Higher and Technical Education of the House of Representatives, Congress of the Philippines, *Member*;
- 16.5. The Regional Director of the National Economic Development Authority (NEDA) Regional Office No. VIII, as *Member*;
- 16.6. The Regional Director of the Department of Science and Technology (DOST) Regional Office No. VIII, as *Member*;
- 16.7. The President of the Federation of the Faculty Associations of the University, *Member*;
- 16.8. The President of the Federation of the Student Councils of the University, *Member*;
- 16.9. The President of the Federation of the Alumni Associations of the University, *Member*; and
- 16.10. 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 the Revised University Code and/or normal standards and qualifications for the position³⁴ as prescribed under applicable policies or issuances by the CHED insofar 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 17. ***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 Code³⁵ and existing laws:

- 17.1. To promulgate rules and regulations not contrary to law as may be necessary to carry out the purposes and functions of the University.
- 17.2. 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.
- 17.3. To import duty-free economic, technical and cultural books and/or publications, upon certification by the CHED that such imported books

³⁴ Section 5 of Republic Act No. 9311.

³⁵ Batas Pambansa Blg. 68.

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.

- 17.4. 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.

- 17.5. 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 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.

- 17.6. To adopt and implement a socialized scheme of tuition and school fees for greater access to poor but deserving students.
- 17.7. 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.

- 17.8. To appoint, upon recommendation of the President of the University, Vice-presidents, Deans, Directors, Heads of departments, faculty members and other officials and employees.
- 17.9. 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.
- 17.10. To approve the curricula, institutional programs, and rules of discipline drawn by the Administrative and Academic councils as herein provided.
- 17.11. To set policies on admission and graduation of students.
- 17.12. 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.
- 17.13. 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.
- 17.14. To establish research and extension centers of the University where such will promote the development of the latter.
- 17.15. To establish chairs in the University and to provide fellowships for qualified faculty members and scholarship to deserving students.
- 17.16. 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.
- 17.17. 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.
- 17.18. 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.

- 17.19. 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.
- 17.20. 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.
- 17.21. 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.
- 17.22. 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.
- 17.23. To establish policy guidelines and procedures for participative decision-making and transparency within the University.
- 17.24. 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.
- 17.25. 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 18. **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 19. **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 20. **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:

- 20.1. 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.
- 20.2. 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 election³⁶ as provided in their respective Constitution and By-Laws, and qualification³⁷ into their respective offices as provided under the 2017 Revised University Code and/or in this Manual.
- 20.3. The private sector representatives must take their oaths of office as hereinafter provided for before they could assume as Board members.

Section 21. **Representatives of the Members of the EVSU-Board of Regents Coming From the Government**³⁸. – If the Chairperson of the

³⁶ **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*).

³⁷ 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*).

³⁸ Section 8, Rule IV of the IRR of R.A. 8292.

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 22. ***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:

22.1. *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
 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.

22.2. *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.

- 22.3. *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.
- 22.4. *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.
- 22.5. *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. 7041³⁹ and its IRR⁴⁰.
- 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.
- 22.6. *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.
- 22.7. *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.

³⁹ "An Act Requiring Regular Publication of Existing Vacant Positions in Government Offices, Appropriating Funds Therefore, and for Other Purposes".

⁴⁰ CSC MC No. 27, s. 1991 dated July 2, 1991.

- 22.8. *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.

- 22.9. *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.

- 22.10. *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.

- 22.11. *Re-appointment of the Private Sector Representative/s.* – The EVSU Board of Regents may re-appoint 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.

- 22.12. *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 23. ***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:

23.1. *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.

23.2. *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.

23.3. *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 the 2017 Revised University Code and/or their respective Constitution and by-laws and other applicable laws, rules and regulations.

Section 24. ***Meetings/Sessions.*** – The EVSU Board of Regents shall hold either regular meetings or special sessions⁴¹.

24.1. *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 necessary⁴².

⁴¹ Section 12, Rule IV of the Implementing Rules and Regulations of R.A. No. 8292.

⁴² Section 8 of Republic Act No. 9311.

24.2. *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.

24.3. *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 25. ***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 26. ***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 27. ***Presiding Officer.*** – The CHED Chairperson or the CHED Commissioner as duly designated Chair in his/her capacity of the Board shall 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 28. ***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 Resolution⁴³.

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/incentive⁴⁴ 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 29. **Report of the Board.** – On or before 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 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 30. **The Secretary of the University.** – The Board shall appoint a Board Secretary⁴⁵ who shall serve as such for both the Board and the University taking into considerations the following:

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

- a. Monthly RATA as provided under item 2.3 of NCC No. 67⁴⁶ with the corresponding equivalent rank as prescribed under Annex A thereof and the amount of which shall be in accordance with NBC No. 548⁴⁷ 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

⁴³ Section 17, Rule IV of the Implementing Rules and Regulations of Republic Act No. 8292.

⁴⁴ Section 17 (c), Article III of CHED Memorandum Order No. 20, s. 2011.

⁴⁵ **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); *Grio 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.”

⁴⁶ National Compensation Circular dated January 1, 1992 entitled, “Representation and Transportation Allowance of National Government Officials and Employees.”

⁴⁷ National Budget Circular No. 548 dated January 17, 2013 entitled, “Amended Rules and Regulations on the Grant of Representation and Transportation Allowances.”

- c. Monthly communication assistance of not less than Five Thousand Pesos (Php5,000.00) subject to usual accounting and auditing rules and regulations.
- 30.2. *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.
- 30.3. *Automatic Fallback Position of the University/Board Secretary.* – Considering that the position of the University/Board Secretary is a confidential and on-career position pursuant to **CSC v. Javier**⁴⁸, a

⁴⁸ **Civil Service Commission v. Nita P. Javier**, G.R. No. 173264, February 22, 2008 citing, *Tria v. Sto. Tomas*, supra note 29; *Ingles v. Mutuc*, 135 Phil. 177 (1968), *De los Santos v. Mallare*, supra note 39, at 297, *Gloria v. De Guzman, Jr.*, 319 Phil. 217 (1995), *Samson v. Court of Appeals*, supra note 51, at 64; *Ingles v. Mutuc*, supra note 42, at 183, *Cortez v. Bartolome*, supra note 18, at 8; *Samson v. Court of Appeals*, supra note 51, at 63; *Gray v. De Vera*, supra note 65, at 284; *Ingles v. Mutuc*, supra note 42, at 183; *Gloria v. De Guzman*, supra note 69 at 227, *Mendenilla v. Onandia*, 115 Phil. 534, 541 (1962); *De la Llana v. Alba*, 198 Phil. 1, 86 (1982), Concurring Opinion of J. Guerrero; *Aparri v. Court of Appeals*, 212 Phil. 215, 222 (1984); *Dario v. Mison*, G.R. No. 81954, August 8, 1989, 176 SCRA 84, Dissenting Opinion of J. Melencio-Herrera; *Siete v. Santos*, G.R. No. 82421, September 26, 1990, 190 SCRA 50, 60; *In the Matter to Declare in Contempt of Court Hon. Datumanong, Secretary of DPWH*, G.R. No. 150274, August 4, 2006, 497 SCRA 626, 637; *Engao v. Court of Appeals*, G.R. No. 156959, June 27, 2006, 493 SCRA 323, 330, *Montesclaros v. Comelec*, 433 Phil. 620, 637 (2002), *Aparri v. Court of Appeals*, supra note 77, *Mendenilla v. Onandia*, supra note 77, at 221-222; and *De la Llana v. Alba*, supra note 77, at 86, the Supreme Court ruled:

"A strict reading of the law reveals that primarily confidential positions fall under the non-career service. It is also clear that, unlike career positions, primarily confidential and other non-career positions do not have security of tenure. The tenure of a confidential employee is co-terminous with that of the appointing authority, or is at the latter's pleasure. However, the confidential employee may be appointed or remain in the position even beyond the compulsory retirement age of 65 years.

A position that is primarily confidential in nature is defined as early as 1950 in *De los Santos v. Mallare*, through the *ponencia* of Justice Pedro Tuason, to wit:

x x x These positions (policy-determining, primarily confidential and highly technical positions), involve the highest degree of confidence, or are closely bound up with and dependent on other positions to which they are subordinate, or are temporary in nature. It may truly be said that the good of the service itself demands that appointments coming under this category be terminable at the will of the officer that makes them.

x x x x

Every appointment implies confidence, but much more than ordinary confidence is reposed in the occupant of a position that is primarily confidential. The latter phrase denotes not only confidence in the aptitude of the appointee for the duties of the office but primarily close intimacy which insures freedom of [discussion, delegation and reporting] without embarrassment or freedom from misgivings of betrayals of personal trust or confidential matters of state. x x x

In classifying a position as primarily confidential, its functions must not be routinary, ordinary and day to day in character. A position is not necessarily confidential though the one in office may sometimes handle confidential matters or documents. Only ordinary confidence is required for all positions in the bureaucracy. But, as held in *De los Santos*, for someone holding a primarily confidential position, more than ordinary confidence is required.

The following were declared in jurisprudence to be primarily confidential positions: xxxxxxxxxx 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.*

The responsibilities of the corporate secretary are not merely clerical or routinary in nature. The work involves constant exposure to sensitive policy matters and confidential deliberations that are not always open to the public, as unscrupulous persons may use them to harm the corporation. Board members must have the highest confidence in the secretary to ensure that their honest sentiments are always and fully expressed, in the interest of the corporation. In this respect, the nature of the corporate secretary's work is akin to that of a personal secretary of a

faculty member who is appointed or designated as University/Board Secretary, and whose term of office ends with the incumbent University President, shall have an automatic fallback to academic rank of his/her most current evaluation results of the NBC 461 cycle.

Provided, that she/he shall be given special evaluation under NBC 461 should her/his term ends prior to the NBC 461 evaluation cycle.

Provided, further, that his/her plantilla position shall not be filled in within the period of his/her incumbency as University/Board Secretary.

Article 8 **Pre-Board Meeting and Committees of the Board**

Section 31. **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 32. **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:

public official, a position long recognized to be primarily confidential in nature. The only distinction is that the corporate secretary is secretary to the entire board, composed of a number of persons, but who essentially act as one body, while the private secretary works for only one person. However, the degree of confidence involved is essentially the same.

Not only do the tasks listed point to sensitive and confidential acts that the corporate secretary must perform, they also include such other functions as the Board may direct and/or require, a clear indication of a closely intimate relationship that exists between the secretary and the board. In such a highly acquainted relation, great trust and confidence between appointer and appointee is required.

The loss of such trust or confidence could easily result in the board's termination of the secretary's services and ending of his term. This is understandably justified, as the board could not be expected to function freely with a suspicious officer in its midst. It is for these same reasons that jurisprudence, as earlier cited, has consistently characterized personal or private secretaries, and board secretaries, as positions of a primarily confidential nature.

Moreover, it is a basic tenet in the country's constitutional system that public office is a public trust, and that there is no vested right in public office, nor an absolute right to hold office. No proprietary title attaches to a public office, as public service is not a property right. Excepting constitutional offices which provide for special immunity as regards salary and tenure, no one can be said to have any vested right in an office. The rule is that offices in government, except those created by the constitution, may be abolished, altered, or created anytime by statute. And any issues on the classification for a position in government may be brought to and determined by the courts."

32.1. *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 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.
 5. *Committee of Peers.* – shall have jurisdiction of administrative disciplinary cases including sexual harassment and other sexual offenses filed against the Regents from the students, faculty, alumni and private sectors of the University.

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.

32.2. *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 33. ***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 34. **Order of Business of Board Meeting.** – The order of business for every board meeting shall contain the items as described below:

- 34.1. *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.
- 34.2. *Prayer* – may be performed by any Regent assigned by the University President or through silent act.
- 34.3. *Roll Call of Regents by the Board Secretary* – nominal checking by the Board Secretary on the presence of each Regent.
- 34.4. *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.
- 34.5. *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.
- 34.6. *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.
- 34.7. *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.
- 34.8. *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.
- 34.9. *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.

- 34.10. *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.
- 34.11. *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.
- 34.12. *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.
- 34.13. *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 35. **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.

Chapter V **EXECUTIVE AND ADMINISTRATIVE AFFAIRS**

Article 9 **Administration of the University**

Section 36. **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 Board⁴⁹.

Section 37. **Head and Chief Executive Officer (CEO) of the University and its Administrative Issuances**. – The following shall strictly be observed:

⁴⁹ Section 4 of Republic Act No. 9311.

- 37.1. *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 insofar as authorized by the EVSU Board of Regents.
- 37.2. *Administrative Issuances of the University President.* – The administrative issuances of the University President shall be governed by the following:
- a. *General Classification of Issuances*⁵⁰. – 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*⁵¹. – 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*⁵². – 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

⁵⁰ Section 50 of Executive Order No. 292.

⁵¹ Section 51 of Executive Order No. 292.

⁵² Section 52 of Executive Order No. 292.

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.

Article 10

Administrative Council of the University

Section 38. ***The Administrative Council and Its Composition, Powers and Functions.*** – There shall be an Administrative Council⁵³ 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 39. ***Powers and Duties.*** - The Administrative Council shall have the following functions:

- 39.1. Implement policies governing the administration, management, and development planning of the University as approved by the Board of Regents;
- 39.2. Review and recommend administrative policies and standards, management organization and procedures, systems and practices subject to the approval of the Board;
- 39.3. Decide cases of personnel discipline in accordance with the rules promulgated by and the recommendations of the Complaints and Grievance Committee; and
- 39.4. 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 40. ***Meetings.*** – The Administrative Council shall meet at least once every two (2) months and at such time as the University President may determine.

Section 41. ***Quorum.*** – A quorum of the Administrative Council shall consist of the majority of all its members.

Section 42. ***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 43. ***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.

⁵³ Section 10 of Republic Act No. 9311.

Section 44. **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.

Chapter VI **EXECUTIVE OFFICIALS OF THE UNIVERSITY**

Article 11 **General Provisions**

Section 45. **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 Directors⁵⁴ 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 12 **The University President**

Section 46. **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 47. **Minimum Qualifications and Requirements.** – Taking into account the pertinent provisions of CHED Memorandum Order No. 16, s. 2009⁵⁵, the applicants for Presidency of EVSU must possess the following minimum qualifications, to wit:

47.1. *Minimum Qualifications*⁵⁶:

- 47.1.1. Not less than thirty-five (25) years old and not more than sixty-one (61) years at the time of application;
- 47.1.2. A natural-born citizen of the Philippines;
- 47.1.3. A holder of an earned doctorate program from reputable higher learning institution duly recognized by the CHED and/or government;
- 47.1.4. Proven track record as an administrator or relevant managerial experience (President, Vice-president, Dean, Campus Administrator, Director), preferably in the academe whether in public or private, for at least five (5) years;

⁵⁴ Item 11.1. of National Compensation Circular No. 56 dated September 30, 1989.

⁵⁵ "Rules and Regulations Governing the Selection of SUC Presidents."

⁵⁶ Section 5.1 of CHED Memorandum Order No. 27, s. 2009 dated May 27, 2009.

47.1.5. For candidates who have not previously served as SUC President, he/she must not have been convicted of any administrative offense or of any crime involving moral turpitude, wherein the penalty is more than six (6) months; and

47.1.6. Have not been found guilty of any administrative or criminal offense.

Provided, that an applicant who does not meet any one of the abovementioned minimum qualifications and cannot submit pertinent supporting documentary evidences shall be disqualified from the search process⁵⁷.

Provided, further, that incumbent University President of other SUCs, whose term is set to expire within the six (6) months period of the Search Process, shall be allowed to file/submit his/her application for the vacant president post⁵⁸.

47.2. *Documentary Requirements*⁵⁹:

47.2.1. Interested applicants must submit one (1) set of original and six (6) certified photocopies of the following documents to the SCP Secretariat:

- a. Formal application letter addressed to the Chairperson of CHED;
- b. Detailed Curriculum Vitae, signed under oath;
- c. Certified true copy of documents in support of the data stated in the Curriculum Vitae;
- d. Proposed Vision, Mission and Development Goals for the University;
- e. Certificates/Clearances from the following government agencies, obtained not more than one (1) month from the date of filing of application, indicating applicant has no pending administrative and/or criminal case:
 1. Sandiganbayan;
 2. Civil Service Commission (CSC);
 3. National Bureau of Investigation (NBI);
 4. Ombudsman (for government employees): *provided*, that an applicant employed from the private company and but has been employed in the government in whatever capacity prior to his present private

⁵⁷ Section 5.2 of CHED Memorandum Order No. 27, s. 2009 dated May 27, 2009.

⁵⁸ Section 5.3 of CHED Memorandum Order No. 27, s. 2009 dated May 27, 2009.

⁵⁹ Section 6 of CHED Memorandum Order No. 27, s. 2009 dated May 27, 2009.

employment shall be required to secure the ombudsman clearance; and
5. Institution/Company where applicant is presently employed.

- f. PSA⁶⁰-authenticated Birth Certificate;
- g. Medical Certificate of Physical Fitness issued by a physician from a CHED-recognized accredited health institutions but not the same institution where the applicant is present employed;
- h. Results of Neuro-psychiatric examination conducted by a physician from a CHE-recognized accredited health institutions but not the same institution where the applicant is presently employed;
- i. Duly accomplished CSC Form 212⁶¹ made under oath; and
- j. Major work accomplishments for the last five (5) years.

47.2.2. The SCP Secretariat shall check the completeness of the required documents and shall make their initial report to the SCP. Should the SCP find that there are applicants who lack the necessary documents, the SCP must immediately refer to the GB whether or not the applicants will be advised to complete the documents and continue with process⁶².

Section 48. **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 insofar as duly adopted by the EVSU-Board of Regents, with the following rules:

- 48.1. *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

⁶⁰ Formerly National Statistics Office (NSO).

⁶¹ Personal Data Sheet (CS Form No. 212, Revised 2017) approved per CSC Resolution No. 1700656 promulgated on March 21, 2017 and circularized per CSC MC No. 11, s. 2017 dated April 6, 2017.

⁶² Section 6.2 of CHED Memorandum Order No. 27, s. 2009 dated May 27, 2009.

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.

48.2. *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.

48.3. *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.

48.4. *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.

48.5. *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.

48.6. *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.

48.7. *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.

- 48.8. *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 49. ***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 50. ***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 the Regents or Members⁶³, there being a quorum, during the meeting for the purpose.

Section 51. **Re-appointment.** – The University 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 insofar 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 Board⁶⁴ 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 52. **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 following guidelines shall strictly be enforced:

52.1. Policies. – Pursuant to Section 4(x) of R.A. No. 8292⁶⁵ and Section 7(y) of R.A. No. 9311⁶⁶, the services of the University President may be extended by the EVSU Board of Regents subject to the following policies:

a. He/she must be an incumbent to or holding of the position before reaching the retirement age of sixty five (65)⁶⁷;

⁶³ At least seven (7) of the eleven (11) Regents constitute a quorum, the presence of at least seven (7) Regents constituting a quorum requires at least four (4) votes to achieve majority vote; and the computation of majority shall follow of the 50+1 of the total Members present.

⁶⁴ Computed from the total number of eleven (11) Regents; majority vote must be at least seven (7) votes.

⁶⁵ 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 coloration under Section 36 of Batas Pambansa Blg. 68 otherwise known as the Corporation Code of the Philippines:

“xxxxxxxxxx

(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.”

⁶⁶ 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:

“XXXXXXXXXX

(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.

⁶⁷ CSC Resolution No. 990764 dated April 07, 1999, the CSC resolved:”

“xxxxxxxxxx What it exempts, albeit impliedly, is the extension of the term of the SUC President who has reached the retirement age. This contemplates a situation, taking into account the word “extend”, where the SUC President is already holding said position before reaching the retirement age. Consequently, if the

- b. His/her performance must be unanimously rated as outstanding and recommended by the duly constituted Search Committee; and
- c. His/her performance must be unanimously rated as outstanding and recommended by the duly constituted Search Committee.

52.2. *Procedures and Requirements.* – The following guidelines shall strictly be observed:

- a. *Submission of Letter of Intent and Complete Requirements.* – Six (6) months before the University President reaches the retirement age, he/she shall submit a letter of intent to the CHED Chairperson or CHED Commissioner designated as Chairperson of the EVSU Board of Regents specifically indicating his/her desire for extension of services with complete documents based on the criteria and requirements provided hereunder and/or as the EVSU Board of Regents.
- b. *Search Committee for Extension of President's Services (SCEPC).* – Within Thirty (30) days upon receipt of the letter of intent, the Board shall hold a Special Board meeting and must constitute a SCEPC, subject to the following conditions:
 - 1. *Composition of the SCEPC.* – The SCEPC 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;
 - e. The Representative from the Private Sector; and
 - f. 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.

Governing Board does not seem fit to extend the term of office of the SUC President who reached the retirement age, the latter must yield to the operation of the retirement laws.”

2. *Powers of the SCEPC.* – The SCEPC 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.
3. *Publication or Posting.* – The Board Secretary shall publish or post the letter of intent and the names of the duly constituted SCEPC in the University’s website, Freedom of Information and Transparency Bulletin Boards and such conspicuous places to ensure awareness of the stakeholders.

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.

4. *Criteria.* – The University President shall be evaluated according to the following:

Indicators and Brief Description	Weight Allocation
a. Resource Generation. Resource generation refers to programs or activities of the University during the incumbency of the University President that resulted to the acquisition of resources in the form of fees, charges and assessments, revenues, donations, contributions, grants, bequests, endowments, gifts, in cash and in kind, from various sources, domestic or foreign, for purposes relevant to University’s functions. This also includes income generating projects and other economic ventures of the University undertaken or completed during his/her incumbency.	10%
b. Research and Publications, etc.. This refers to the evidence of influence of the University President, as a research manager, to the research direction and performance of the University. The University President must also show evidence of personal excellence in scholarly research through published research outputs, books, monograms, discoveries inventions and other significant original research contributions.	35%
c. Professional Achievement and Development. This refers to the involvement of the University President in	20%

<p>his/her capacity as consultant in terms of policy formulation and/or resource persons in terms of policy formulation and development as well as resource person in seminars, forums, conferences and other professional undertakings in relation to his/her profession. This also takes into account the involvement of the University President in activities, projects, linkages and partnerships forged that are beneficial or relevant to his or professional endeavors. This also includes membership in professional organizations that has an international, national or regional operation; distinction and commendation received from academic and other professional organizations and associations in recognition of his/her field of expertise.</p>	
<p>d. Extension and Relationship with the Community. This refers to the acceptance and reputation of the University President in the academic community, local government units and other stakeholders of the University. The University President must be able to show how the University, through his/her leadership, has collaborated or engaged with different agencies and organizations for empowerment of the community through its different services and activities.</p> <p>The University President must also be able to show evidence of excellence and commitment as extension manager through various research-based and community-based extension programs or projects of the University that has provided significant impact to the residents of the community and different stakeholders of the University. This also includes the financial investment of the University for the conduct of extension projects.</p>	20%
<p>e. Interview/Public Forum.</p>	15%
<p>Total</p>	100%

- a. *Performance Evaluation and Rating.* – The performance of the University President shall be evaluated following one hundred (100) adjectival ratings and ranges with the description provided hereunder:

Ranges	Description
90-100%	Outstanding
80-89%	Very Satisfactory
70-79%	Satisfactory
60-69%	Unsatisfactory
50-69%	Poor

- b. *Evaluation Period.* – The duly constituted SCEPC shall complete its evaluation and other related activities within sixty (60) days from its formal constitution.
- c. *Internal Rules of Procedure.* – The SCEPC 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.
- d. *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 SCEPC itself duly approved by the EVSU Board of Regents upon the recommendation by the University President.
- e. *Action by the EVSU Board of Regents.* – The EVSU Board of Regents shall convene within fifteen (15) days after receipt of the search results submitted by the SCEPC through its Chair. *Provided,* that the EVSU Board of Regents shall not be precluded to conduct further interview with University President.
- f. *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.
- g. *Budgetary requirements.* – The duly constituted SCEPC 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.

- h. *Effect on the Final Action by the EVSU Board of Regents.* – Should the EVSU Board of Regents fails to act on the search results, the term of office of the incumbent University President is deemed ended, provided, That he/she may be appointed as Office-in-Charge (OIC) by a majority vote of the EVSU Board of Regents, there being a quorum, subject to CSC laws, rules and regulations.

Section 53. **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 54. **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 55. **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 56. **Attestation by the CSC of the Appointment Papers.** – The appointment papers of the University President shall be attested to by the CSC⁶⁸ subject to applicable laws, rules and regulations.

Section 57. **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

⁶⁸ **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.”

against the appropriate funds and/or income of the University subject to usual auditing laws, rules and regulations.

Section 58. **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 standing⁶⁹.

Section 59. **Automatic Fallback Position of the University President.** – The incumbent University President shall enjoy automatic fallback position in accordance with the results of his/her evaluation pursuant to NBC No. 461 as amended by Joint Circular issued by CHED and PASUC⁷⁰ and subsequent issuances thereof. *Provided*, that the following guidelines shall strictly be observed:

- 59.1. *General Policy.* – Should the incumbent University President is no longer eligible for re-appointment under R.A. No. 8292 and its IRR and R.A. 9311, and the 2017 Revised University Code and is not within the compulsory retirement age, or who wishes to continue serving the University as an academic faculty even if he/she is still eligible for another re-appointment as President, shall enjoy automatic fallback position in accordance with the results of his/her evaluation pursuant to NBC No. 461 as amended by Joint Circular issued by CHED and PASUC⁷¹ and subsequent issuances thereof.
- 59.2. *Creation of the Plantilla Faculty Position.* – three (3) months before the expiration of the term of office of the incumbent University President, the Human Resource Management (HRM) 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.
- 59.3. *University President Previously Holding Academic Plantilla Position.* – For the University President previously holding academic plantilla position, two (2) routes are possible:
 - a. The University President may opt to apply for the default rank equivalent to three (3) ranks higher than his or her previous academic rank but not to exceed Professor VI.
 - b. The University President previously holding an academic rank of at least Professor III may opt to be evaluated by the CHED-DBM-PASUC tripartite committee using the rigorous agreed criteria for evaluation, as defined in Section VI of the revised guidelines or sub-section 10.6.6. hereof. The result of the evaluation will serve as basis for the grant of a College/University Professor academic rank.

⁶⁹ Section 9, last para., Republic Act No. 9311.

⁷⁰ "Revised Guidelines for Annex 4 of NBC No. 461 circulated per PASUC Advisory No. 102, s. 2016 dated August 3, 2016."

⁷¹ "Revised Guidelines for Annex 4 of NBC No. 461 adopted on August 2, 2016 and circulated per PASUC Advisory No. 102, s. 2016 dated August 3, 2016."

- c. Should the University President fails to reach the points necessary for the grant of a College/University Professor as provided in sub-section 10.6.3.2 above, he/she automatically reverts to sub-section 10.6.3.1 hereof.

- 59.4. *University President Previously Holding Non-Academic Plantilla.* – The University President holding non-academic plantilla position prior to his/her appointment as University President shall be evaluated under the provisions of NBC No. 461 to determine their appropriate academic ranks and subsequent issuances thereof.

The University President who choose not to be evaluated by the CHED-PASUC-DBM tripartite committee shall apply for the default rank equivalent to three (3) ranks higher than the academic rank obtained in sub-section 10.6.4 hereof but not to exceed Professor VI.

- 59.5. *Procedure.* – The following procedures shall be observed:

- a. The University President shall write a letter addressed to the CHED Chairperson for his/her intent to avail of the Special CCE for SUC Presidents, specifying if he/she is applying for the default rank of three (3) ranks higher than his/her current academic rank obtained in sub-section 10.6.3.1 or sub-section 10.6.4.1 above; or wishes to be evaluated for the College/University Professor Rank (sub-section 10.6.3.2 or sub-section 10.6.4 above. An accomplished Personal Data Sheet (PDS) and all necessary supporting documents must be attached to this letter.

PASUC Secretariat shall facilitate the application and serves as the Secretariat of the National Evaluation Committee (NEC).

- b. For the University President who applies for rank as provided under sub-section 10.6.3.1 or 10.6.4.1 hereof, PASUC shall prepare the printout for signature of the CHED Chairperson and PASUC President. The Official Printout shall be forwarded by PASUC to the EVSU Board of Regents, for appropriate action.
- c. For the University President who opts to be evaluated for College/University Professor, CHED and PASUC shall from the National Evaluation Committee (NEC) for Fallback Position, composed of:
 1. Representative of CHED as Chair
 2. PASUC President or Vice President as Member
 3. Representative of DBM as Member
 4. University Professor as Member
- d. The NEC, sitting *en banc*, shall validate the documents submitted and the interview of the University President.
- e. The University President must obtain a rating of at least eighty

percent (80%) to qualify for a College/University Professor rank.

- f. The NEC will submit to PASUC Main Office the results of the evaluation/screening.
 - g. PASUC shall issue the Official Printout signed by the members of the NEC and forward it to the EVSU Board of Regents, for appropriate action.
 - h. The University President shall avail of this evaluation only once until his or her retirement from the service.
- 59.6. *Fees.* – The attendant fees, based on rates determined by CHED and PASUC, shall be sourced from the funds of the University.
- 59.7. *Criteria for Evaluation of the University President for College/University Professor Rank (Minimum Rating of 80%).* – The following criteria shall strictly be observed:

Indicators and Brief Description	Weight Allocation
<p>a. Resource Generation. Resource generation refers to programs or activities of the University during the incumbency of the University President that resulted to the acquisition of resources in the form of fees, charges and assessments, revenues, donations, contributions, grants, bequests, endowments, gifts, in cash and in kind, from various sources, domestic or foreign, for purposes relevant to University’s functions. This also includes income generating projects and other economic ventures of the University undertaken or completed during his/her incumbency.</p>	10%
<p>b. Research and Publications, etc.. This refers to the evidence of influence of the University President, as a research manager, to the research direction and performance of the University. The University President must also show evidence of personal excellence in scholarly research through published research outputs, books, monograms, discoveries inventions and other significant original research contributions.</p>	50%
<p>c. Professional Achievement and Development. This refers to the involvement of the University President in his/her capacity as consultant in terms of policy formulation and/or resource persons in terms of policy formulation and development as well as resource person in seminars, forums, conferences and other professional undertakings in relation to his/her profession. This also takes into account the involvement of the University President</p>	20%

<p>in activities, projects, linkages and partnerships forged that are beneficial or relevant to his or professional endeavors. This also includes membership in professional organizations that has an international, national or regional operation; distinction and commendation received from academic and other professional organizations and associations in recognition of his/her field of expertise.</p>	
<p>d. Extension and Relationship with the Community. This refers to the acceptance and reputation of the University President in the academic community, local government units and other stakeholders of the University. The University President must be able to show how the University, through his/her leadership, has collaborated or engaged with different agencies and organizations for empowerment of the community through its different services and activities.</p> <p>The University President must also be able to show evidence of excellence and commitment as extension manager through various research-based and community-based extension programs or projects of the University that has provided significant impact to the residents of the community and different stakeholders of the University. This also includes the financial investment of the University for the conduct of extension projects.</p>	<p>20%</p>
<p>Total</p>	<p>100%</p>

- 59.8. *Options of the University President with Fallback Position in other State Universities and Colleges (SUCs).* – The University President granted fallback positions may enjoy the rank in any State University or College, subject to the approval of the Governing Boards of the concerned SUCs and in accordance to the pertinent rules and regulations of the Civil Service Commission on secondment or detail.
- 59.9. *Automatic Academic Rank of the University President Pending Final Action of the Evaluation Results.* – Should the final action of the evaluation results is delayed due to administrative processes and other meritorious grounds and so to avoid unreasonable break of service, the University President shall temporarily conferred with and issued with appropriate appointment on permanent status to his or her previous academic rank or such academic rank equivalent to his or her administrative position or designation prior to the expiration of his/her term, but in no case such temporary academic rank be more than Professor VI subject to usual Civil Service laws, rules and regulations and approval by the EVSU Board of Regents. *Provided,* that such

temporary academic rank shall automatically converted to the new academic rank conferred upon by the NEC and thereafter an appropriate appointment be issued subject to subject to usual Civil Service laws, rules and regulations and approval by the EVSU Board of Regents.

Section 60. **Term of Office, and Hold-over Capacity.** – The following shall be strictly observed:

60.1. **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.

60.2. **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 hereof and/or the 2017 Revised University 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 61. **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. 62. **Powers, Functions and Duties of the University President.** – The powers, duties and functions⁷² of the EVSU President in addition to those enumerated in hereof and/or the 2017 Revised University Code shall be those normally pertaining to the Office of the President of the University, to wit:

⁷² Section 1, Chapter 3, Title One of The Revised Code of the University of the Philippines approved during the 682nd Special BOR Meeting held on January 9, 1961, as amended.

- 62.1. Serves as the Chief Executive Officer (CEO) of the University;
- 62.2. Be the ex-officio head of the University Faculty and or any branch thereof;
- 62.3. 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.

- 62.4. 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;
- 62.5. 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.

- 62.6. 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;
- 62.7. 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;
- 62.8. Represents the University where such representation is necessary and incidental to the development and progress of the University;
- 62.9. 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;

- 62.10. Decides appeals in controversies between ranking officials of the University;
- 62.11. 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;
- 62.12. 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;
- 62.13. 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;
- 62.14. 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;
- 62.15. Designates Vice Presidents, Heads of Campuses, Deans, Department or Unit Heads or Coordinators and Chairpersons, subject to the confirmation by the Board;
- 62.16. Prepares the agenda for every meeting of the Board;
- 62.17. Prepares and submits reports or such other written data or information to other agencies whenever required for the benefit of the University;
- 62.18. 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;
- l. 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.

- 62.19. Authorizes the change of the leave status of the faculty from that of teacher's leave to that of cumulative leave;
- 62.20. 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;
- 62.21. 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;
- 62.22. Discharges such duties and functions as specifically provided under this Code and/or existing laws, rules and regulations;
- 62.23. 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;
- 62.24. 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
- 62.25. Discharges the powers and duties of the EVSU Board of Regents insofar as expressly delegated or authorized by the Board.

Section 63. **Filing of Report.** – Pursuant to Section 21 of Republic Act No. 9311 on or before the fifteenth (15th) 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 13
The Vice Presidents and Campus Directors

Section 64. **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 responsibilities⁷³.

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 65. **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.

65.1. *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;

⁷³ Section 3.0 of DBM-CHED Joint Circular No. 2, s. 2003 dated July 28, 2003.

- 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.

65.2. *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 66. **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.

66.1. *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. *Provided*, that 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.

- 66.2. *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.
- 66.3. *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 14

Executive Units of the Office of the University President

Section 67. ***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:

- 67.1. University Secretary/Board Secretary;
- 67.2. Executive Assistant to the University President;
- 67.3. Legal Office;
- 67.4. Gender and Development (GAD) Center;
- 67.5. Office of the Internal Management Audit Services;
- 67.6. Office of the Information Communications Technology;
- 67.7. University Quality Assurance and Accreditation Center (UQAAC);
- 67.8. Auxiliary Services/Income Generating Projects Office;
- 67.9. University Events Management Committee (UEMC);
- 67.10. Anti-Sexual Harassment Office (ASHO); and

67.11. 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 the 2017 Revised University Code, this 2017 Administrative Services Manual and/or service manuals of the University duly approved by the EVSU Board of Regents.

Section 68. ***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:

68.1. *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.
- 68.2. *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.
- 68.3. *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.
- 68.4. *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.
- 68.5. *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.
- 68.6. *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 2000⁷⁴;
 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 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.

⁷⁴ 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."

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.

68.7. ***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.

68.8. **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 UQAAC 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.
- 68.9. ***Anti-Sexual Harassment Office (ASHO).*** – 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 the Administrative Disciplinary Rules on Sexual Harassment in the University duly approved by the EVSU Board of Regents; and
8. Discharge such duties and functions as the University President and/or EVSU Board of Regents may delegate from time to time.

68.10. 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.

Chapter VII

THE ADMINISTRATIVE SERVICES OF THE UNIVERSITY

Article 15

General Provision

Section 69. **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 BOR.

Article 16

The Office of the Director for Administrative Services

Section 70. **The Director of the Administrative Services.** – The Director of the Administrative Services shall exercise the following duties and responsibilities:

70.1. *Specific Duties and Functions:*

- a. Provides leadership of the University's 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 and coordinates the preparation of reports for the Administrative Services Division of the University;
- d. 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;
- e. Prepares office orders and memoranda for the proper guidance of employees in the office as directed or approved by competent authorities;
- f. 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;
- g. Plans and coordinates the conduct of in-service trainings, seminars and workshops on administrative matters; and
- h. Does other tasks as required by the Vice President for Administration and Finance and/or University President.

70.2. *Supervisory Authority.* – The following units or sections shall be direct supervision by the Director for Administrative Services:

- a. Office of the Chief Administrative Officer;
- b. Human Resource Management and Development Office;
- c. Procurement and Property Management Office;
- d. Records Management Office;
- e. Security Office;
- f. Maintenance and Engineering Services Office; and
- g. Such sections that heretofore maybe assigned by the University President.

Article 17

Mandates, Duties and Functions of Offices and Officers under the Director for Administrative Services

Section 71. ***The Chief Administrative Officer (CAO) for Administrative Services.*** – The Chief Administrative Officer (CAO) for Administrative Services shall directly assist the Director for Administrative Services with the following duties and functions:

- a. Provides leadership of the Office of Chief Administrative Officer (CAO) for Administrative Services;
- b. 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;
- c. 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;
 - d. Conducts ocular inspection of properties/physical facilities of the University in order to come up with appropriate recommendations for its improvement and development;
 - e. 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;
 - f. Deploys drivers and dispatch motor vehicles for official travels of officials and personnel, including students, subject to the authority granted by the University President and availability of motor vehicles;
 - g. Requires approved travel orders and recommend the approval of trip tickets by the University President before allowing the use of motor vehicles; and
 - h. Does other tasks as required by the Director for Administrative Services or Vice President for Administration and Finance and/or University President.

Section 72. ***The Human Resource Management and Development (HRMD) Office.*** – 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. The Human Resource Management and Development (HRMD) Office is headed by the duly appointed Supervising Administrative Officer designated as Head of the said office.

He/she shall perform the following duties and functions:

- a. Responsible of the human resource management and development of the University pursuant to existing rules and regulations;
- b. Recommends the development of a comprehensive, balanced and strategic 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;

- c. Responsible for the maintenance of effective representation with the Civil Service Commission and other offices concerned with human resource development;
- d. Ensures the issuance of updated service records of, and other data and information pertaining to, all faculty members and employees of the University;
- e. Guarantees the maintenance of updated 201 file, personal and leave records of faculty members and employees;
- f. Safeguards the privacy of data under the custody of his/her office in consonance with existing laws, rules and regulations;
- g. Issues appropriate certifications and other documents of personnel upon proper request by the concerned faculty member and employee;
- h. Assists and advises the University President and other concerned University officials, faculty members and employees in the proper execution of policies, rules and regulations in all areas of human resource and development as promulgated by competent authorities;
- i. Prepares office performance targets and office performance commitment report;
- j. Evaluates performance of personnel assigned at the Human Resource Management Office;
- k. Prepares and submits plans, including Strategic and Project Procurement Management Plan of the Human Resource Management and Development Office;
- l. Prepares and submits periodic accomplishment reports and annual report;
- m. Undertakes personnel programs, provide and update Heads of Units on the recent developments in all areas of human resource management and development; and
- n. Does other tasks as required by the Director for Administrative Services and/or higher authorities.

Provided, that the University President shall issue an Special Order, from time to time, taking into consideration the actual accreditation or classification of the University and the responsibilities of the Human Resource Management Development (HRMD) Officer under Section 139, Rule XIII of CSC Resolution No. 1701009 promulgated on June 16, 2017 and circularized pursuant to MC No. 24, s. 2017 dated August 24, 2017⁷⁵ as provided under **Annex A** which is made an integral part hereof.

⁷⁵ "2017 Omnibus Rules on Appointments and Other Human Resource Actions."

Section 73. **The Head of the Records Management Office.** – The Head of the Records Management Office shall be responsible for the custody, safekeeping, archiving, preservation and management of records of the University.

The Head of the Records Management Office shall perform the following duties and responsibilities:

- a. Responsible in the custody, safekeeping, archiving, preservation, management and disposal of records of the University;
- b. Receives and releases all official correspondence and administrative issuances;
- c. Assists in tracking communications and/or follow up actions on applications and requests of clients;
- d. Checks completeness of enclosures or attachments to communications;
- e. Assigns document number series, maintain permanent files for issuances and retrieve/replace amended issuances, and release updated issuances for the information of concerned offices;
- f. Controls and safeguard vital and permanent records of the University to provide continued reference and information necessary for decision-making by management;
- g. Prepares office performance targets and office performance commitment report;
- h. Evaluates performance of personnel assigned at the Records Management Office;
- i. Obtains customer satisfaction feedback;
- j. Prepares and submits plans, including Strategic and Project Procurement Management Plan of the Records Management Office;
- k. Prepares and submits periodic accomplishment reports and annual report;
- l. Authenticates documents prepared and issued by the University per client requests; and
- m. Does other tasks as required by the Director for Administrative Services and/or higher authorities.

Section 74. **The Head of the Supply and Property Management Office.** – The Supply and Property Management Office is headed by the duly appointed Administrative Officer V or such official designated as Head of said office.

He/she shall be responsible to perform the following tasks:

- a. Records and monitoring acquisition of properties through procurement, donations, and other forms;

- b. Responsible with the storage and/or issuance of acquired equipment, supplies and/or materials to the end-users;
- c. Ensures the safekeeping of all records pertinent to University properties;
- d. Manages the different phases of supply and property management and oversee all activities after the procurement process pertaining to inspection, acceptance, and custody prior to the issuance of supplies, materials, and equipment to end-users;
- e. Undertakes periodic inventory of all properties of the University, in coordination with the Accounting Office;
- f. Prepares and submits the annual inventory report and annual accomplishment report for the Supply and Property Management Office;
- g. Prepares and submits plans, including the Project Procurement Management Plan and strategic plan for the Supply and Property Management Office;
- h. Prepares acknowledgment receipts for equipment for responsible officials and personnel, and provide updated records of the same for the eventual turnover of property responsibilities;
- i. Prepares office performance targets, evaluate performance of SPMO staff, and submit recommendations; obtain customer satisfaction feedback;
- j. Determines re-order point for common-use supplies and equipment as reference data for procurement; monitor usage of requisitioned items and recommend appropriate strategies for supply and property control;
- k. Subject to pertinent provision of this Manual and applicable laws, rules and regulations, disposes unserviceable property, prepare disposal reports and documents for public auction; coordinates red-tagging of disposable properties with the offices concerned to facilitate disposal of unserviceable equipment;
- l. Serves as secretariat to committees pertinent to Supply and Property Management, like Inventory Committee and Property Disposal Committee; and
- m. Does other tasks as required by the Director for Administrative Services and/or higher authorities.

Section 75. **The Head of the Security Office.** – The Head of the Security Office has the following duties and functions:

- a. Plans, organizes, and supervises physical safety and security operations of the University;

- b. Maintains peace and order in the University campus and its premises at all times and implement security plan and measures, as well as the traffic rules and regulations of the University;
- c. Recommends security plan and measures to immediate supervisor and higher authorities;
- d. Investigates and reports unusual occurrences and infractions of laws, rules and regulations within the University premises;
- e. Prepares reports of daily guarding activities and disposition of manpower;
- f. Prepares and submits the monthly deployment plan and assign Security Guards to different strategic posts within the University premises;
- g. Conducts regular inspection of men at post to check their activities;
- h. Enforces discipline among the Security guards and ensures that they execute their duties properly;
- i. Takes charge in training of personnel on matters of University security;
- j. Takes an active part in the conduct of safety and evacuation drills for EVSU constituents as part of disaster preparedness for different kinds of hazards;
- k. Coordinates with police and other authorities concerning crime prevention and compliance with city security ordinances and to request their assistance during University functions to ensure the safety and security of University constituents and guests;
- l. Prepares and submits strategic plan, project procurement management plan of the Security Office;
- m. Prepares and submits annual report and periodic accomplishment reports and recommendations pertaining to security issues and concerns;
- n. Prepares office performance targets and evaluate performance of security personnel and submit recommendations; obtain customer satisfaction feedback; and
- o. Does other tasks as required by the Director for Administrative Services and/or higher authorities.

Section 76. **The Heads of the Maintenance and Engineering Services Offices.** – The tasks of providing maintenance services in the University are given to several units/sections, to wit:

- a. Grounds and Physical Facilities Maintenance Services Unit;
- b. Comfort Rooms Maintenance;
- c. Infrastructure Maintenance Services Unit;
- d. Water, Plumbing and Motor Vehicle Maintenance Services Unit;

- e. Electronic and Electrical Maintenance Services Unit; and
- f. Multi-media, Lights, Sounds, Office Equipment and Computer Maintenance Services Unit.

Provided, that the University President shall designate the Heads of above-mentioned units/sections from among the faculty members and/or non-teaching personnel of the University.

The duties of functions of the Heads of these Units/Sections are as follows:

- a. Responsible in the upkeep, repair, maintenance, and development of University facilities and equipment based on their mandated services;
- b. Prepares and submits repair and maintenance plan based on identified priorities, including urgent, unforeseen repair and maintenance due to calamities or disasters;
- c. Supervises the maintenance services units under his/her mandate;
- d. Prepares deployment plan of personnel and job order as basis for repair and maintenance of University facilities and equipment;
- e. Continuously assesses the conditions of buildings, structures, road networks, grounds, and equipment in order to come up with courses of actions and/or as basis of the annual repair and maintenance plan indicating designs and bill of quantifies to support the Project Procurement Management Plan in coordination with the different Deans and Heads concerned;
- f. Initiates power saving and water conservation schemes for the University to adopt; immediately respond to reported cases of malfunctions or accidents, including coordinating with service providers for electricity and water to immediately restore public utilities;
- g. Prepares and submits periodic accomplishment reports and annual report;
- h. Implements maintenance and development projects to enhance the general outlook of the University premises;
- i. Takes charge in the physical arrangements and venue preparation during University functions and celebrations;
- j. Prepares office performance targets, evaluate performance of personnel under his/her supervision; and
- k. Does other tasks as required by the Director for Administrative Services and/or higher authorities.

Section 77. ***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 in the appropriate manual of the University.

Section 78. **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 in the appropriate manual of the University.

Section 79. **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 in the appropriate manual of the University.

Article 18

Vision, Mission, Goals and Objectives (VMGO) Statements, and Organizational Structure of the Administrative Services and its Offices

Section 80. **Vision, Mission, Goal, and Objectives (VMGO) Statements.**
– The Vision, Mission, Goals and Objectives of the Office of the Director of Administrative Services shall be as follows:

80.1. *Vision:*

Effective, efficient and economical delivery of essential administrative services supportive to the implementation and achievement of the goals and objectives of the University.

80.2. *Mission:*

Provide a quality administrative support services capable of enhancing the functions of instruction, research, extension, production and auxiliary services to achieve institutional goals.

80.3. *Objectives and Goals:*

80.3.1. Widen and improve performance of management and administrative functions for a better delivery of administrative support services to clientele;

- 80.3.2. Deliver an effective, efficient and economical service to the general public/clientele;
- 80.3.3. Provide effective, efficient and economical utilization of resources which enhance and support the achievement of goals and objectives of the University;
- 80.3.4. Develop and improve better relationship with other government agencies which affect the functions of the University;
- 80.3.5. Develop a strategy of safeguarding and protecting the University and its constituents against any form of hazards;
- 80.3.6. Develop and improve environmental sanitation and health services; and
- 80.3.7. Uplift and maintain physical facilities and equipment.

Provided, that each Office under the Administrative Services shall formulate their respective VMGO Statements subject to the approval by the University President upon the recommendation of the Vice President for Administration and Finance and the Director of the Administrative Services subject to pertinent provisions of the 2017 Revised University Code.

Section 81. **Organizational Structure of the Office of the Director of Administrative Services.** – The Organizational Structure of the Office of the Director Administrative Services shall be in accordance to as provided under **Annex B** hereof.

Provided, that each Office under the Administrative Services shall formulate their respective organizational structure subject to the approval by the University President upon the recommendation by the Vice President for Administration and Finance and the Director of the Administrative Services subject to pertinent provisions of the 2017 Revised University Code.

Article 19

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 82. **Expiration of the Term of Office and Hold-over Capacity of Officials and Officers of Offices, Centers, Departments and Units of the University.** – The following rules shall strictly be observed:

- 82.1. *On the Expiration of the Term of Office.* – 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.

- 82.2. *On the 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 the 2017 Revised University Code and/or this Manual 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 83. ***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. 404⁷⁶, NCC No. 67⁷⁷, NBC 461⁷⁸, NBC 548⁷⁹ and subsequent issuances thereof:

- 83.1. *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 SUCs⁸⁰ prescribed by the DBM which shall continually be adjusted based on the SUC Leveling of the University⁸¹, and subsequent issuances thereof, subject to the requirements provided thereof as provided hereunder, to wit:

Positions	SUC Level III per JDBM-CHED Circular No. #B dated June 21, 2007 and Equivalent Rank	Requirements
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⁷⁶ National Budget Circular No. 404 dated March 29, 1989 entitled, "Guidelines Governing the Grant of Representation and Transportation Allowance."

⁷⁷ National Compensation Circular No. 67 dated January 1, 1992 entitled, "Representation and Transportation Allowance of National Government Officials and Employees."

⁷⁸ 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."

⁷⁹ National Budget Circular No. 548 dated May 15, 2013 entitled, "Amended Rules and Regulations on the Grant of Representation and Transportation Allowances."

⁸⁰ Chapter 7 of "Position Compensation Scheme for Faculty Members of State Universities and Colleges."

⁸¹ 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.

	under Annex A of NCC No. 67 and its Subsequent Issuances											
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 members⁸².</p> <p>a. 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 members⁸³.</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="971 1220 1390 1451"> <thead> <tr> <th>No. of Programs</th> <th>No. of Full-time Faculty Members</th> </tr> </thead> <tbody> <tr> <td>4</td> <td>40</td> </tr> <tr> <td>3</td> <td>50</td> </tr> <tr> <td>2</td> <td>60</td> </tr> <tr> <td>1</td> <td>70</td> </tr> </tbody> </table>	No. of Programs	No. of Full-time Faculty Members	4	40	3	50	2	60	1	70
No. of Programs	No. of Full-time Faculty Members											
4	40											
3	50											
2	60											
1	70											
Campus Director	Chief of Division or higher	<p>For designated Director of each satellite campus/branch/center/institute⁸⁴:</p> <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</p>										

⁸² Item 7.13.2.2.1 of the Manual on Position of Classification and Compensation.

⁸³ Item 7.13.2.2.2 of the Manual on Position of Classification and Compensation.

⁸⁴ Item 7.13.2.3.4 of the Manual on Position of Classification and Compensation.

		<p>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 and Research 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 GAA⁸⁵, 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 Services⁸⁶ 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/IGP⁸⁷ of the different University Campuses:</p> <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</p>

⁸⁵ "General Appropriations Act."

⁸⁶ Item 7.13.2.3.2 of the Manual on Position of Classification and Compensation.

⁸⁷ Item 7.13.2.3.3 of the Manual on Position of Classification and Compensation.

		income generating projects.
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 ⁸⁸ .
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 ⁸⁹ .
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 ⁹⁰ .
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 ⁹¹ .
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) ⁹² .
Directors of other Departments, Centers or Offices	Chief of Division or higher	Subject to determination by the DBM.

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

Section 84. **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. 2003⁹³ and its subsequent issuances. *Provided*, that they shall be

⁸⁸ Item 7.13.2.3.5 of the Manual on Position of Classification and Compensation.

⁸⁹ Item 4.5.1 of NBC No. 404 dated March 29, 1989, "SUC Officials entitled to Representation and Transportation Allowances (RATA)."

⁹⁰ Item 4.5.2 of NBC No. 404 dated March 29, 1989, "SUC Officials entitled to Representation and Transportation Allowances RATA."

⁹¹ Item 4.5.2 of NBC No. 404 dated March 29, 1989.

⁹² Item 7.13.2.3.6 of the Manual on Position of Classification and Compensation.

⁹³ DBM-CHED Joint Circular No. 2, s. 2003 dated July 28, 2003 entitled, "Allowable Vice President Positions in SUCs."

entitled to the difference between their present salaries and the 1st 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 85. **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 86. **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:

- 86.1. 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.
- 86.2. The RATA shall be automatically withdrawn in any of the following grounds:
 - 86.2.1. 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
 - 86.2.2. The designee has tendered resignation and the same has been accepted by the University President and/or EVSU Board of Regents.

Section 87. **Source of Funds**⁹⁴. – The following shall be the fund sources on the grant of RATA:

- 87.1. 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.

⁹⁴ Item 3.0 of NBC No. 546 entitled, "Amended Rules and Regulations on the Grant of Representation and Transportation Allowances."

- 87.2. 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.
- 87.3. 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. 2016⁹⁵.

Article 20

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

Section 88. **Authority of the University President to Rename, Create, Merge or Combine or Abolish of 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 the 2017 Revised University Code, this 2017 Administrative Services Manual or create departments necessary to carry its mandate, powers and functions.

Section 89. **Management of Newly Created or Merged or Combined 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.

Section 90. **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 the 2017 Revised University Code, this 2017 Administrative Services Manual other Services' Manual of the University and applicable laws, rules and regulations insofar as expressly authorized by the EVSU Board of Regents upon the recommendation by the University President.

Section 91. **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.

⁹⁵ Approved by the EVSU Board of Regents on December 2016.

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 the 2017 Revised University Code, this 2017 Administrative Services Manual and applicable laws, rules and regulations.

Chapter VIII **PRINCIPLES GOVERNING THE UNIVERSITY PERSONNEL, AND GENERAL ADMINISTRATION POLICIES**

Article 21 **The Non-Teaching Personnel of the University**

Section 92. ***The Administrative Staff.*** – The administrative staff is composed of all non-teaching personnel or employees of the University.

Section 93. ***Specific Duties and Functions of the Administrative Staff.*** – Each administrative staff shall discharge their respective specific duties and functions as provided in the approved job description and/or as the University President may determine upon the recommendation of their immediate supervisors or as may be provided in the appropriate Services' Manual duly approved by the EVSU Board of Regents upon the recommendation of the University President.

Article 22 **Accountability and Duties of Personnel**

Section 94. ***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.⁹⁶ 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 service⁹⁷. Public office therefore is given utmost regard, and the highest standards of service are expected from it⁹⁸.

Section 95. ***Declaration of Statement Assets, Liabilities, and Networth (SALN).*** –Pursuant to Article XI, Section 17 of the 1987 Constitution of the Philippines and Section 8 of Republic Act No. 6713, otherwise known as the "Code of Conduct and Ethical Standards for Public Officials and Employees, the following shall strictly be observed:

⁹⁶ Section 1, Article XI of the 1987 Philippine Constitution.

⁹⁷ ***GSIS v. Mayordom***, G.R. No. 191218, May 31, 2011.

⁹⁸ ***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.

95.1. *Review and Compliance Procedure in the Filing and Submission of the statement of Assets, Liabilities and Networth and Disclosure of Business Interests and Financial Connections.* – The pertinent provisions of CSC Resolution No. 060231 promulgated on February 1, 2006 circularized per MC No. 10, s. 2006 dated April 17, 2006⁹⁹ shall strictly be observed, among others:

95.1.1. *Filing and Submission of SALN on Time and the Proper Official*¹⁰⁰:

a. All University officials, faculty members, and non-teaching personnel are enjoined to file their Statement of Assets, Liabilities and Net Worth (SALN) with the Chief Administrative Office or Head of the Human Resource Management and Development Office, to wit:

1. Within thirty (30) days after his/her assumption of office, statements of which must be reckoned as of his/her first day of service;
2. On or before April 30, of every year thereafter, statements of which must be reckoned as of end of the preceding year; and
3. Within thirty (30) days after separation from the service, statements of which must be reckoned as of his/her last day of office.

b. University officials and employees under temporary status are also required to file under oath their SALNs and Disclosure of Business interests and Financial Connections in accordance with the guidelines raided under these rules.

c. University officials and employees are strictly required to fill in all applicable information and/or make a true and detailed statement in their SALNs.

95.1.2. *Duties of the Chief Administrative Officer (CAO) for Administrative Services and Human Resource Management Development (HRMD) Officer*¹⁰¹:

Upon receiving the SLAN forms, the Chief Administrative Officer (CAO) for Administrative Services with the assistance of the Human Resource Management Development (HRMD) Officer shall evaluate the same to determine whether said statements have been properly accomplished. A SALN is

⁹⁹ Review and Compliance Procedure in the Filing and Submission of the statement of Assets, Liabilities and Networth and Disclosure of Business Interests and Financial Connections.

¹⁰⁰ Section 1 of CSC Resolution No. 060231 promulgated on February 1, 2006 circularized per MC No. 10, s. 2006 dated April 17, 2006.

¹⁰¹ Section 2 of CSC Resolution No. 060231 promulgated on February 1, 2006 circularized per MC No. 10, s. 2006 dated April 17, 2006.

deemed properly accomplished when all applicable information or details required therein are provided by the filer. Items not applicable to the filer should be marked N/A (not applicable).

The Chief Administrative Officer (CAO) for Administrative Services with the assistance of the Human Resource Management Development (HRMD) Officer shall submit a list of employees in alphabetical order, who: a) filed their SALNs with complete data; b) filed their SALNs but with incomplete data; and c) did not file their SALNs, to the Office of the University President, copy furnished the CSC, on or before May 15 of every year.

95.1.3. *Ministerial Duty of the University President to Issue Compliance Order*¹⁰²:

Immediately upon receipt of the aforementioned list and recommendation, it shall be the ministerial duty of the University President to issue an order requiring those who have incomplete data in their SALN to correct/supply the desired information and those who do not file/submit their SALNs to comply within a non-extendible period of three (3) days from receipt of said order.

Assets and/or properties acquired, donated or transferred in the name of the filer for a particular year, but were not declared on his/her SALN for that year, as the same came to his/her knowledge only after she/he has filed, corrected and/or submitted his/her SALN, must be declared or reflected in the filer's next or succeeding SALN.

95.1.4. *Sanction for Failure to Comply/Issuance of a Show-Cause Order*¹⁰³:

Failure of an official or employee to correct/submit his/her SALN in accordance with the procedure and within the given period pursuant to the directive in sub-Section 95.1.3. hereof or Section 3 of CSC Resolution No. 060231 promulgated on February 1, 2006 circularized per MC No. 10, s. 2006 dated April 17, 2006 shall be a ground for disciplinary action. The University President shall issue a show-cause order directing the official or employee concerned to submit his/her comment or counter-affidavit, and if the evidence so warrants, proceed with the conduct of the administrative proceedings pursuant to 2017 Revised Administrative Cases

¹⁰² Section 3 of CSC Resolution No. 060231 promulgated on February 1, 2006 circularized per MC No. 10, s. 2006 dated April 17, 2006.

¹⁰³ Section 4 of CSC Resolution No. 060231 promulgated on February 1, 2006 circularized per MC No. 10, s. 2006 dated April 17, 2006.

in the Civil Service (2017 RACCS)¹⁰⁴. The offense of failure to file SALN is punishable under sub-Section 244.4.8, Article 56, Chapter XIX¹⁰⁵ hereof and/or Section 50 (D-8), Rule 10 of the 2017 RACCS thereof, with the following penalties:

1st offense – Suspension for one (1) month and one (1) day to 6 months.

2nd offense – Dismissal from the service.

95.1.5. *Transmittal of All Submitted SALNs to the Concerned Agencies on or Before June 30*¹⁰⁶:

The Chief Administrative Officer (CAO) for Administrative Services or the Human Resource Management Development (HRMD) Officer of the University shall transmit all original copies of the SALNs received, on or before June of every year, to the Office of the President for the University President and to the Office of the Ombudsman for Visayas for other Officials and Employees of the University¹⁰⁷.

95.1.6. *Penalty*¹⁰⁸:

The University President and/or Chief Administrative Officer (CAO) for Administrative Services or the Human Resource Management Development (HRMD) Officer of the University or personnel of the HRMD Office or Administrative Services who failed to perform their duties may be held liable for neglect of duty under Section 46, Chapter 7, Subtitle A, title I, Book V of the Administrative Code of 1987 (Executive Order No. 292).

95.2. *Exemptions.* – Those serving in honorary capacity, laborers and casual or temporary workers are exempted from filing the SALN. However, those holding career positions under temporary status are required to file their SALN.

95.3. *Guidelines in the Filling Out of the Statement of Assets, Liabilities and Net Worth Form (Revised 2015).* – University officials, faculty members or academic staff, academic non-teaching personnel and administrative or non-teaching personnel or employees shall strictly observe the guidelines in filling out or accomplishing the SALN

¹⁰⁴ CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁰⁵ "244.4.8. Failure to file sworn statements of assets, liabilities and net worth (SALN), and disclosure of business interest and financial connections including those of their spouses and unmarried children under eighteen (18) years of age living in one's households."

¹⁰⁶ Section 6 of CSC Resolution No. 060231 promulgated on February 1, 2006 circularized per MC No. 10, s. 2006 dated April 17, 2006.

¹⁰⁷ Per CSC Resolution No. 1500088 promulgated on January 23, 2015 and MC No. 03, s. 2015 dated January 17, 2015.

¹⁰⁸ Section 5 of CSC Resolution No. 060231 promulgated on February 1, 2006 circularized per MC No. 10, s. 2006 dated April 17, 2006.

(Revised 2015) ¹⁰⁹ provided under **Annex C** which are made as integral parts hereof.

Section 96. **Professional and Technical Ethics.** – 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.

Likewise, all government employees are under obligation to follow the provisions of Republic Act No. 6713, otherwise known as the “Code of Conduct and Ethical Standards for Public Officials and Employees”.

Section 97. **Oath of Office.** – Except as may be expressly provided under this 2017 University Administrative Services Manual, 2017 Revised University Code and/or applicable laws, rules and regulations, 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 (**Annex D**) shall be submitted to the Human Resource Management Development (HRMD) Office of the University.

Article 23

Powers Incidental to Taking of Testimony, Liabilities of Superiors and Subordinates Officers, and Application of Doctrines of Good Faith in the Discharge of Official Duties and Regularity of Acts of Public Officials

Section 98. **Powers Incidental to Taking of Testimony.** – When authority to take testimony or receive evidence is conferred upon any administrative officer or any non-judicial person, committee, or other body, such authority shall include the power to administer oaths, summon witnesses, and require the production of documents by a subpoena *duces tecum*.

Section 99. **Liability of Superior and Subordinate Officers.** – The following shall strictly be observed:

99.1. **Liability of Superior Officers.** – A public officer shall not be civilly liable for acts done in the performance of his official duties, unless there is a clear showing of bad faith¹¹⁰, malice or gross negligence.

¹⁰⁹ CSC Resolution No. 1300173 promulgated on January 24, 2013 circularized through MC No. 2, s. 2013 dated January 24, 2013 entitled, “Revised Statement of Assets, Liabilities and Net Worth (SALN) Form as amended by CSC Resolution No. 1500088 promulgated on January 23, 2015 circularized through MC No. 03, s. 2015 dated February 17, 2015.

¹¹⁰ **Office of the Ombudsman v. Chynthia E. Caberoy**, G.R. No. 188066, October 22, 2014 citing *Andrade v. Court of Appeals*, 423 Phil. 30, 43 (2001).

Provided, that any public officer who, without just cause, neglects to perform a duty within a period fixed by law or regulation, or within a reasonable period if none is fixed, shall be liable for damages to the private party concerned without prejudice to such other liability as may be prescribed by law.

Provided, further, that a head of a department or a superior officer shall not be civilly liable for the wrongful acts, omissions of duty, negligence, or misfeasance of his subordinates, unless he has actually authorized by written order the specific act or misconduct complained of.

- 99.2. *Liability of Subordinate Officers.* – No subordinate officer or employee shall be civilly liable for acts done by him in good faith in the performance of his duties. However, he/she shall be liable for willful or negligent acts done by him which are contrary to law, morals, public policy and good customs even if he acted under orders or instructions of his superiors.

Section 100. ***Application of Doctrines of Good Faith, and Regularity of Acts of Public Officials.*** – The doctrines on good faith in the discharge of official duties and regularity of acts of public officials shall be applied to and enjoyed by the Officials of the University as enunciated in long lines of jurisprudence to wit:

- 100.1. *The Doctrine on Good Faith in the Discharge of Official Duties of the University Officials.* – The following jurisprudence are unambiguous and shall be observed accordingly:

- a. In ***Blaguera, et al. v. Alcala***¹¹¹, the Supreme Court instructively pronounced:

“Every public official is entitled to the presumption of good faith in the discharge of official duties. Absent any showing of bad faith or malice, there is likewise a presumption of regularity in the performance of official duties.”

- b. In ***PEZA v. COA***¹¹², the Supreme Court sustained:

“Good faith has always been a valid defense of public officials that has been considered by this Court in several cases. Good faith is a state of mind denoting “honesty of intention, and freedom from knowledge of circumstances

¹¹¹ ***Remedios T. Blaguera, et al. v. Hon. Angel C. Alcala***, G.R. No. 109406, *Bernardo Balgos, et al. v. Hon. Godofredo N. Alcasid, Jr.*, G.R. No. 110642, *Dionelo D. Ibabao, at al. v. Hon. Roberto Sebastian*, G.R. No. 111494, *Juvy Clavel P. Gacula, et al. v. Hon. Corazon Alma G. De Leon*, G.R. No. 112056, and *Association of Dedicated Employees of the Philippine Tourism Authority (ADEPT) v. Commission on Audit (COA)*, G.R. No. 119597, September 11, 1998 citing *Mendiola v. People*, 207 SCRA 85; and *Fernando v. Sto. Tomas*, 234 SCRA 546; *Tuzon v. Court of Appeals*, 212 SCRA 471.

¹¹² ***Philippine Economic Zone Authority (PEZA) v. Commission on Audit (COA)***, GR. No. 210903, October 11, 2016 citing *PEZA v. COA*, 690 Phil. 104, 115 (2012), as cited in *Maritime Industry Authority v. COA*, G.R. No. 185812, January 13, 2015, 747 SCRA 300, 347; *Arias v. Sandiganbayan*, G.R. No. 81563, December 19, 1989, 180 SCRA 309; and *Sistoza v. Desierto*, 437 Phil. 117 (2002).

which ought to put the holder upon inquiry; an honest intention to abstain from taking any unconscientious advantage of another, even though technicalities of law, together with absence of all information, notice, or benefit or belief of facts which render transaction unconscientious.

In *Arias v. Sandiganbayan*, this Court placed significance on the good faith of heads of offices having to rely to a reasonable extent on their subordinates and on the good faith of those who prepare bids, purchase supplies or enter into negotiations, thus:

“There is no question about the need to ferret out and convict public officers whose acts have made the bidding out and construction of public works and highways synonymous with graft or criminal inefficiency in the public eye. However, the remedy is not to indict and jail every person who may have ordered the project, who signed a document incident to its construction, or who had a hand somewhere in its implementation. The careless use of the conspiracy theory may sweep into jail even innocent persons who may have been made unwitting tools by the criminal minds who engineered the defraudation.

x x x x

We would be setting a bad precedent if a head of office plagued by all too common problems – dishonest or negligent subordinates, overwork, multiple assignments or positions, or plain incompetence – is suddenly swept into a conspiracy conviction simply because he did not personally examine every single detail, painstakingly trace every step from inception, and investigate the motives of every person involved in a transaction before affixing his signature as the final approving authority.

x x x x x

We would be setting a bad precedent if a head of office plagued by all too common problems – dishonest or negligent subordinates, overwork, multiple assignments or positions, or plain incompetence – is suddenly swept into a conspiracy conviction simply because he did not personally examine every single detail, painstakingly trace every step from inception, and investigate the motives of every person involved in a transaction before affixing his signature as the final approving authority.

X X X X

We can, in retrospect, argue that Arias should have probed records, inspected documents, received procedures, and questioned persons. It is doubtful if any auditor for a fairly sized office could personally do all these things in all vouchers presented for his signature. The Court would be asking for the impossible. All heads of offices have to rely to a reasonable extent on their subordinates and on the good faith of those who prepare bids, purchase supplies or enter into negotiations. x x x

Similarly, good faith has also been appreciated in *Sistoza v. Desierto*, thus:

There is no question on the need to ferret out and expel public officers whose acts make bureaucracy synonymous with graft in the public eye, and to eliminate systems of government acquisition procedures which covertly ease corrupt practices. But the remedy is not to indict and jail every person who happens to have signed a piece of document or had a hand in implementing routine government procurement, nor does the solution fester in the indiscriminate use of the conspiracy theory which may sweep into jail even the most innocent ones. To say the least, this response is excessive and would simply engender catastrophic consequences since prosecution will likely not end with just one civil servant but must, logically, include like an unsteady streak of dominoes the department secretary, bureau chief, commission chairman, agency head, and all chief auditors who, if the flawed reasoning were followed, are equally culpable for every crime arising from disbursements they sanction.

Stretching the argument further, if a public officer were to personally examine every single detail, painstakingly trace every step from inception, and investigate the motives of every person involved in a transaction before affixing his signature as the final approving authority, if only to avoid prosecution, our bureaucracy would end up with public managers doing nothing else but superintending minute details in the acts of their subordinates.

Stated otherwise, in situations of fallible discretion, good faith is nonetheless appreciated when the document relied upon and signed shows no palpable nor patent, no definite nor certain

defects or when the public officer's trust and confidence in his subordinates upon whom the duty primarily lies are within parameters of tolerable judgment and permissible margins of error. As we have consistently held, evidence of guilt must be premised upon a more knowing, personal and deliberate participation of each individual who is charged with others as part of a conspiracy."

- c. In **Metropolitan Naga Water District, et al. v. COA**¹¹³, the Supreme Court held:

"Good faith, in relation to the requirement of refund of disallowed benefits or allowances, is a "state of mind denoting honesty of intention, and freedom from knowledge of circumstances which ought to put the holder upon inquiry; an honest intention to abstain from taking any unconscientious advantage of another, even through technicalities of law, together with absence of all information, notice, or benefit or belief of facts which render transaction unconscientious."

- 100.2. *The Doctrine on Regularity of Acts of the University Officials.* – The following jurisprudence are unequivocal and shall be applied accordingly:

- a. In **Reyes, Jr. v. Belisario, et al.**¹¹⁴, the Supreme Court clearly declared:

"As a general rule, official acts enjoy the presumption of regularity, and the presumption may be overthrown only by evidence to the contrary. When an act is official, a presumption of regularity exists because of the assumption that the law tells the official what his duties are and that he discharged these duties accordingly. But not all acts of public officers are official acts, *i.e.*, acts specified by law as an official duty or as a function attached to a public position, and the presumption does not apply when an officials acts are not within the duties specified by law, particularly when his acts properly pertain or belong to another entity, agency, or public official."

- b. In **De Chavez v. Ombudsman**¹¹⁵, the Supreme Court ruled:

¹¹³ **Metropolitan Naga Water District, et al. v. Commission on Audit**, G.R. No. 218072, March 08, 2016 citing *PEZA v. COA*, 690 Phil. 104, 115 (2012), as cited in *MIA*, supra note 20.

¹¹⁴ **Prudencio M. Reyes, Jr. v. Simplicio C. Belisario, et al.**, G.R. No. 154652, August 14, 2009 citing *People v. Jolliffe*, 105 Phil. 677 (1959), citing *Administrative Law: Cases and Comments* by Gellhorn, pp. 315-316; and *Republic v. Principalia*, G.R. No. 167639, 19 April 2006, 487 SCRA 609.

¹¹⁵ **Ernesto M. De Chavez v. Office Of The Ombudsman And Nora L. Magnaye**, G.R. Nos. 168830-31, February 6, 2007 citing *Corpus Juris Secundum*, Volume 31, pp. 802-803; *American Jurisprudence 2d*, Volume 29, p. 224; *Philippine Consumers Foundation, Inc. v. Secretary of Education, Culture and Sports*, G.R. No. L-78385, 31 August 1987, 153 SCRA 622, 628.

"This presumption of regularity includes the public officer's official actuations in all the phases of his work."

- c. In ***The Republic of The Philippines v. Jolliffe***,¹¹⁶ the supreme Court stated:

"It is frequently said that a presumption of regularity the performance of administrative duties. That is, when an act has been completed, it is to be supposed that the act was done in the manner prescribed and by an officer authorized by law to do it. The presumption is of course a rebuttable one, but the bare allegation that there has been a failure to observe statutory requirements has been regarded as a mere conclusion of the pleader; where the administrative order is accompanied by a statement that there has been compliance and there is no showing of fact to the contrary, the presumption of regularity is ordinarily sufficient to support the official act of a public officer."

- d. In ***Wong v. Wong***¹¹⁷, the Supreme Court elucidated:

"xxxxxxxxxx. This is especially so in light of the presumption of regularity, which herein ought to prevail due to the absence of any clear and convincing evidence to the contrary. *Bustillo v. People* states:

The presumption of regularity of official acts may be rebutted by affirmative evidence of irregularity or failure to perform a duty. The presumption, however, prevails until it is overcome by no less than clear and convincing evidence to the contrary. Thus, unless the presumption is rebutted, it becomes conclusive. Every reasonable intendment will be made in support of the presumption and in case of doubt as to an officer's act being lawful or unlawful, construction should be in favor of its lawfulness."

- e. In ***Bustillo v. People of the Philippines***¹¹⁸, the Supreme Court pronounced:

"In sum, the petitioners have in their favor the presumption of regularity in the performance of official duties which the records failed to rebut. The presumption of regularity of official acts may be rebutted by affirmative evidence of irregularity or failure to perform a duty. The presumption, however, prevails until it is overcome by no less than clear and

¹¹⁶ ***The People of the Philippines v. William Ernest Jolliffe***, G.R. No. L-9553, May 13, 1959 citing Administrative Law — Cases and Comments by Gellhorn, pp. 315-316.

¹¹⁷ ***Tze Sun Wong v. Kenny Wong***, G.R. No. 180364, December 3, 2014 citing *Bustillo v. People*, G.R. No. 160718, May 12, 2010, 620 SCRA 483.

¹¹⁸ ***Bustillo v. People of the Philippines***, G.R. No. 160718, May 12, 2010 citing *People v. De Guzman*, G.R. No. 106025, February 9, 1994, 299 SCRA 795, 799.

convincing evidence to the contrary. Thus, unless the presumption is rebutted, it becomes conclusive. Every reasonable intendment will be made in support of the presumption and in case of doubt as to an officers act being lawful or unlawful, construction should be in favor of its lawfulness.”

f. In ***Gatmaitan v. Gonzales, et al.***¹¹⁹, the Supreme Court held:

“Well entrenched in jurisprudence is the time honored principle that the law bestows upon a public official the presumption of regularity in the discharge of ones official duties and functions. In the case of *Fernando v. Sto. Tomas*, this Court categorically held that:

public respondents have in their favor the presumption of regularity in the performance of official duties which petitioners failed to rebut when they did not present evidence to prove partiality, malice and bad faith. Bad faith can never be presumed; it must be proved by clear and convincing evidence. No such evidence exists in the case at bar.”

g. ***In Lumayna, et al. v. COA***¹²⁰ shall also apply in this case wherein the High Court clearly ruled:

“xxxxxxxxxx. Under prevailing jurisprudence, mistakes committed by a public officer are not actionable, absent a clear showing that he was motivated by malice or gross negligence amounting to bad faith. It does not simply connote bad moral judgment or negligence. Rather, there must be some dishonest purpose or some moral obliquity and conscious doing of a wrong, a breach of a sworn duty through some motive or intent, or ill will. It partakes of the nature of fraud and contemplates a state of mind affirmatively operating with furtive design or some motive of self-interest or ill will for ulterior purposes. xxxxxxxxxxxx.”

Article 24

General Guidelines on Designation and Expiration of the Term of Office of Officials and Officers of Offices, Departments and Units of the University, and Strict Compliance to the Prohibition of Multiple Offices and Holding Incompatible Positions

Section 101. Guidelines Governing the Designation of Faculty Members or Academic Staff and Administrative or Non-Teaching Personnel or

¹¹⁹ ***Rudigarío C. Gatmaitan v. Dr. Ricardo B. Gonzales, et al.***, G.R. No. 149226, June 26, 2006 citing G.R. No. 112309, July 28, 1994, 234 SCRA 546.

¹²⁰ ***Lumayna, et al. v. COA***, G.R. No. 185001, September 25, 2009, citing *Abanilla v. Commission on Audit*, 505 Phil. 202, 207-208 (2005).

Employees of the University. – The following guidelines shall strictly be observed:

- 101.1. *Authority to Appoint or Designate, and Expiration of the Term of Office of Officials and Officers of Offices, Departments and Units of the University.* – 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 authority and/or confirmation by the EVSU-Board of Regents and the limitations set forth by existing laws, rules and regulations, to wit:
- 101.2. *Designation as a Human Resource Action.* – movement that involves an imposition of additional and/or higher duties to be performed by an official, faculty member or academic staff or employee which is temporary and can be terminated anytime at the pleasure of the University President and/or EVSU Board of Regents. Designation may involve the performance of the duties of another position¹²¹ on a concurrent capacity or on full-time basis¹²².
- 101.3. *Designation in Acting Capacity.* – A designation in an acting capacity entails not only the exercise of the ministerial functions attached to the position but also the exercise of discretion since the person designated is deemed to be the incumbent of the position¹²³.
- 101.4. *Designation as Officer-In-Charge (OIC).* – Officials designated as Officer-in-Charge (OIC) enjoy limited powers which are confined to functions of administration and ensuring that the office continues its usual activities. The OIC may not be deemed to possess the power to appoint employees as the same involves the exercise of discretion which is beyond the power of an OIC, unless the designation order issued by the University President and/or EVSU Board of Regents expressly includes the power to issue appointment.
- 101.5. *Specific Rules.* – Designation shall be governed by the following rules:
 - 101.5.1. Employees to be designated should hold permanent appointments to career positions.
 - 101.5.2. Designees can only be designated to positions within the level they are currently occupying. Employees holding first level positions can not be designated to perform the duties of second level positions except in meritorious cases as determined by the CSC Regional Office No. VIII upon

¹²¹ Designation as officers or members of Committees such as BAC, HRMPSB, PMT, HRMPSB-FANTS are not subject to this rule.

¹²² Section 13(c), sub-para. 1, Rule IV of CSC Resolution No. 1701009 promulgated on June 16, 2017 and circularized pursuant to MC No. 24, s. 2017 dated August 24, 2017.

¹²³ CSC Resolution No. 000778 (Vitriolo, Julito D., Re: Query; Position Title; Nomenclature Distinction between Acting and OIC) promulgated on March 24, 2000.

request for exemption by the University, such as organizational set-up, calamity, and due to exigency of the service. This exception shall not apply to positions involving supervisory and executive managerial functions. Division Chiefs may be designated to perform the duties of second level executive/managerial or third level positions.

- 101.5.3. For positions with incumbents who temporarily can not perform the duties of the position (due to vacation or sick leave, study leave, scholarship, maternity leave, special assignments), the designation should be synchronized with the absence of the incumbent, unless earlier revoked or recalled by the University President and/or EVSU Board of Regents. However, the designation of the faculty members or academic staff or employees may be renewed every year in the exigency of the service but not to exceed two (2) years.
- 101.5.4. For positions without incumbents, a designation may be made only for a maximum of one (1) year. However, the designation of faculty members or academic staff or employees may be renewed every year in the exigency of the service but not to exceed two (2) years.
- 101.5.5. Designations shall be made through an office order issued by the University President upon authority by the EVSU Board of Regents or subject to the ratification or confirmation by the EVSU Board of Regents.
- 101.5.6. Designees cannot be granted the salaries of the positions they are being designated to. However, allowances that go with the performance of the functions such as RATA (Representation and Transportation Allowance) or EME (Extraordinary and Miscellaneous Expenses) may be granted as provided under the provisions of the General Appropriations Act (GAA) and/or budget duly approved by the EVSU Board of Regents. *Provided*, that the grant of the same is specifically stated in the designation order.
- 101.5.7. Only experience gained from designation compliant with the abovestated rules shall be credited as relevant experience for purposes of appointment.
- 101.5.8. Faculty members who are designated Vice Presidents shall be entitled to the difference between their present salaries and the 1st step of the salary grade of permanent VP position as shown in Section 2 hereof¹²⁴.

¹²⁴ Item 6.0 of DBM-CHED Joint Circular No. 2, s. 2003 dated July 28, 2003 entitled, "Allowable Number of Vice President Positions in SUCs."

101.5.9. Designated Vice Presidents shall be entitled to representation and transportation allowances (RATA) at the rates indicated in the General Appropriations Act for officials whose considered to be equivalent rank as follows¹²⁵:

<u>SUC Level</u>	<u>Official of Equivalent Rank</u>
4	Bureau Director
3	Assistant Bureau Director
2	Bureau Regional Director
1	Assistant Bureau Regional Director

101.6. *Expiration of the Term of Office of Officials and Officers of Offices, 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 be 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 102. ***Strict Compliance to Prohibition Against Multiple Offices and Compatibility of Holding Positions of the University Officials and Employees in the University and in Other Government Agencies.*** – University Officials and employees shall strictly observe and enforce the following rules:

102.1. Prohibition against multiple offices imposed by Section 7, par. 2, Article IX-B of the 1987 Constitution;

“Section 7. x x x

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.”

102.2. Pursuant to Section 3(a), Article III of Presidential Decree No. 907 otherwise known as “Providing for the Organization of the Civil Service Commission in Accordance with the Provisions of the Constitution, Prescribing its Powers and Functions and for Other Purposes”, provides:

“Section 3. As used in this Decree, the following shall be construed thus:

¹²⁵ Item 7.0 of DBM-CHED Joint Circular No. 2, s. 2003 dated July 28, 2003 entitled, “Allowable Number of Vice President Positions in SUCs.”

(a) **Agency** means any bureau, office, commission, administration, **board**, committee, institute, corporation, whether performing governmental or proprietary function, or any other unit of the National Government, as well as provincial, city or municipal government, except as hereinafter otherwise provided (*Bold supplied*).

102.3. In **Public Interest Center, Inc. et al. v. Elma**¹²⁶, 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. Ozaeta*, 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.

[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”

102.4. In **Sangguniang Bayan of San Andres v. Court of Appeals**¹²⁷, the Supreme Court ruled:

“Lastly, private respondent, who remained ABC president, claims the legal right to be a member of the *Sangguniang Bayan* by virtue of Section 146 of B.P. Blg. 337. However, his right thereto is not self-executory, for the law itself requires another positive act — an appointment by the

¹²⁶ **Public Interest Center, Inc. et al. v. Elma** G.R. No. 138965, June 30, 2006 citing *Quimson v. Ozatea*, 98 Phil. 705 and *People v. Green*, 13 Sickels 295, 58 N.Y.295, 1874WL 11282 (N.Y.).

¹²⁷ **Sangguniang Bayan of San Andres v. Court of Appeals**, G.R. No. 118883, January 16, 1998, citing *Aparri v. Court of Appeals*, 46 127 SCRA 231, 237-238, January 31, 1981.

President or the secretary of local government per E.O. 342. xxxxx By and large, private respondent cannot claim an absolute right to the office xxxxxxxx.

We reiterate our ruling in ***Aparri vs. Court of Appeals***:

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 . . . The right to hold a public office under our political system is therefore not a natural right. It exists, when it exists at all, only because and by virtue of some law expressly or impliedly creating and conferring it . . . There is no such thing as a vested interest or an estate in an office, or even an absolute right to hold office. Excepting constitutional offices which provide for special immunity as regards salary and tenure, no one can be said to have any vested right in an office or its salary . . .”

Article 25 **Signing Authority**

Section 103. ***Signing Authority of the University President.*** – Generally, the University President is the signing authority for documents involving administrative and fiscal matters as authorized by the Board of Regents in consonance with the provisions of R.A. No. 9311, 2017 Revised University Code and such applicable Services’ Manuals and policies duly approved by the EVSU Board of Regents upon the recommendation by the University President. The documents include appointments, contracts of services, job orders, designations, detail, reassignments, secondment, scholarships and grants, separation from the service; and financial documents like contracts, purchase orders, disbursement vouchers, and checks.

Notwithstanding as expressly provided for under the 2017 Revised University Code and such applicable Services’ Manuals and policies duly approved by the EVSU Board of Regents, the University President may designate any other University official as signing authority for official documents subject to confirmation by the Board of Regents in consonance with existing laws, rules and regulations.

Section 104. ***Signing Authority of the Next-In-Rank or Officer-In-Charge or in Acting Capacity Designated by the EVSU Board of Regents or University President and/or Competent Authority.*** – The following rules shall strictly be enforced:

- 104.1. Rule VI, Section 5 of the Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees (Republic Act No. 6713), to wit:

“Section 5. Except as otherwise provided by law or regulation, and as far as practicable, any written action or decision must contain not more than three (3) initials or signatures. In the absence of the duly authorized signatory, the official next-in-rank or officer-in-charge or the person duly authorized shall sign for and in his behalf.

The head of the department, office or agency shall prescribe, through an appropriate office order, the rules on the proper authority to sign in the absence of the regular signatory, as follows:

- 2) If there is only one official next in rank, he shall automatically be the signatory.
- 3) If there are two or more officials next in rank, the appropriate office order shall prescribe the order of priority among the officials next in rank within the same organizational unit; or
- 4) If there is no official next in rank present and available, the head of the department, office or agency shall designate an officer-in-charge from among those next lower in rank in the same organizational unit.”

- 104.2. Civil Service Resolution No. 081471 providing for the Implementing Rules and Regulations of Republic Act No. 9845 (Anti-Red Tape Act of 2007), particularly Rule III, Section 3 thereof, to wit:

“Section 3. In the evaluation of official forms, government offices and agencies rendering frontline services shall limit the number of signatories to a maximum of five (5) signatures of officers or employees directly supervising the evaluation, approval or disapproval of the request, application, or transaction.

The head of government office or agency shall prescribe, through an appropriate office order, the rules on the proper authority to sign in the absence of the regular signatory, as follows:

- 3.1. If there is only one official next in rank, he/she shall automatically be the signatory;
- 3.2. If there are two or more officials next in rank, the appropriate office order shall prescribe the order of priority among the officials next in rank within the same organizational unit; or
- 3.3. If there is no official next in rank present and available, the head of the department, office or agency shall designate an officer-in-charge from among those next lower in rank in the same organizational unit.”

Chapter IX
THE CITIZEN'S CHARTER

Article 26
General Policies

Section 105. **Declaration of Policies.** – Pursuant to Republic Act No. 9845¹²⁸, the University shall promote integrity, accountability, proper management of public affairs and public property as well as to establish effective practices aimed at the prevention of graft and corruption. Towards this end, the University shall maintain honesty and responsibility among its officials, faculty members, and employees, and shall take appropriate measures to promote transparency with regard to the manner of transacting with the public, which shall encompass a program for the adoption of simplified procedures that will reduce red tape and expedite transactions in government.

Section 106. **Establishment of the Citizen's Charter of the University Campuses and Conduct of University Annual Anti-Red Tape Competition.** – The University shall set up its service standards to be known as the Citizen's Charter in the form of information billboards which should be posted at the main entrance of its campuses or at the most conspicuous place, and in the form of published materials written either in English, Filipino, or in the local dialect, that detail:

106.1. Contents of the Citizens Charter of University Campuses:

- a. The procedure to obtain a particular service;
- b. The person/s responsible for each step;
- c. The maximum time to conclude the process;
- d. The document/s to be presented by the customer, if necessary;
- e. The amount of fees, if necessary; and
- f. The procedure for filing complaints.

106.2. **Conduct of the University Annual Anti-Red Tape.** – The University shall conduct an Annual Anti-Red Tape Competition among University Campuses and major offices or functions within sixty (60) days prior to Anti-Red Tape assessments by the CSC, and/or on such date as the University President may determine.

Provided, that the Annual Anti-Red Tape Competition shall use the standards, requirements and forms developed by the CSC. The participation of all officials and employees of the University shall be mandatory to achieve the objectives and outcomes of the activity.

¹²⁸ "Anti-Red Tape Act of 2007."

Provided, further, that the University shall create and define the duties and functions of the Committees deemed necessary to ensure proper, efficient and effective implementation of the said Annual Anti-Red Tape Competition.

Provided, furthermore, that all expenses necessary in the conceptualization, implementation and evaluation of related activities shall be charged from the income and/or appropriate funds of the University subject to usual accounting and auditing rules and regulations.

Provided, finally, that the University President may request technical support from the CSCRO-VIII and such government agencies including private entities and non-government organizations to ensure proper, efficient and effective implementation of the said Annual Anti-Red Tape Competition.

Section 107. **Access to Frontline Services.** – The University adopts the following:

107.1. Acceptance of Applications and Request:

107.1.1. All University officials or employees shall accept written applications, requests, and/or documents being submitted by its clients.

107.1.2. The responsible officer or employee shall acknowledge receipt of such application and/or request by writing or printing clearly thereon his/her name, the unit where he/she is connected with, and the time and date of receipt.

107.1.3. The receiving officer or employee shall perform a preliminary assessment of the request so as to promote a more expeditious action on requests.

107.2. Action of Offices:

107.2.1. All applications and/or requests submitted shall be acted upon by the assigned official or employee during the period stated in the Citizen's Charter which shall not be longer than five (5) working days in the case of simple transactions and ten (10) working days in the case of complex transactions from the date the request or application was received. Depending on the nature of the frontline services requested or the mandate of the office or agency under unusual circumstances, the maximum time prescribed above may be extended. For the extension due to nature of frontline services or the mandate of the office or agency concerned the period for the delivery of frontline services shall be indicated in the Citizen's Charter. The office or agency concerned shall notify the requesting party

in writing of the reason for the extension and the final date of release for the extension and the final date of release of the frontline service/s requested.

- 107.2.2. No application or request shall be returned to the client without appropriate action. In case an application or request is disapproved, the official or employee who rendered the decision shall send a formal notice to the client within five (5) working days from the receipt of the request and/or application, stating therein the reason for the disapproval including a list of specific requirement/s which the client failed to submit.

Chapter X **CONDITIONS OF EMPLOYMENT**

Article 27 **General Provisions**

Section 108. **Authority to Fix Compensation, Hours of Service and Duties and Condition.** – Pursuant to Section 7(i)¹²⁹ of R.A. No. 9311¹³⁰, Section 5(h)¹³¹ of R.A. No. 8292¹³² and its IRR¹³³, the EVSU 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 109. **Contagious Diseases as Grounds for Disapproval of Appointment.** – No person who is found by the University physician to be suffering

¹²⁹ "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:

Xxxxxxxxxx

- (h) (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;

¹³⁰ "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."

¹³¹ "Section 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."

Xxxxxxxxxx

- (h) 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;"

¹³² "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."

¹³³ CHED Memorandum Order No. 03, s. 2001 entitled, Implementing Rules and Regulations of Republic Act No. 8292.

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 110. **Recognition of Basic Rights.** – The following shall strictly be observed:

110.1. **Basic Rights.** – The University recognizes the basic rights of its employees on living wage, security of tenure and humane working conditions.

110.2. **Standards.** – University officials and employees must exercise his/her rights and in the performance of his/her duties, act with justice, give everyone his/her due, and observe honesty and good faith as mandated under Article 19 of the Civil Code and elucidated in **Yuchengco v. The Manila Chronicle Publishing Corporation, et al.**¹³⁴ in which the Supreme Court ruled:

“The principle of abuse of rights as enshrined in Article 19 of the Civil Code provides:

Art. 19. 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.

This provision of law sets standards which must be observed in the exercise of ones rights as well as in the performance of its duties, to wit: to act with justice; give everyone his due; and observe honesty and good faith.

In *Globe Mackay Cable and Radio Corporation v. Court of Appeals*, it was elucidated that while Article 19 lays down a rule of conduct for the government of human relations and for the maintenance of social order, it does not provide a remedy for its violation. Generally, an action for damages under either Article 20 or Article 21 would be proper. The Court said:

One of the more notable innovations of the New Civil Code is the codification of "some basic principles that are to be observed for the rightful relationship between human beings and for the stability of the social order." [REPORT ON THE CODE COMMISSION ON THE PROPOSED CIVIL CODE OF THE PHILIPPINES, p. 39]. The framers of the Code, seeking to remedy the defect of the old Code which merely stated the effects of the law, but failed to draw out its spirit, incorporated certain fundamental precepts which were "designed to indicate certain norms that spring from the fountain of good conscience" and which were also meant to serve as

¹³⁴ **Alfonso T. Yuchengco v. The Manila Chronicle Publishing Corporation, et al.**, G.R. No. 184315, November 28, 2011 citing *GF Equity, Inc. v. Valenzona*, G.R. No. 156841, June 30, 2005, 462 SCRA 466, 478; and *Globe Mackay Cable and Radio Corporation v. Court of Appeals*, 257 Phil. 783 (1989).

"guides for human conduct [that] should run as golden threads through society, to the end that law may approach its supreme ideal, which is the sway and dominance of justice." (*Id.*) Foremost among these principles is that pronounced in Article 19 which provides:

Art. 19. 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.

This article, known to contain what is commonly referred to as the principle of abuse of rights, sets certain standards which must be observed not only in the exercise of one's rights, but also in the performance of one's duties. These standards are the following: to act with justice; to give everyone his due; and to observe honesty and good faith. The law, therefore, recognizes a primordial limitation on all rights; that in their exercise, the norms of human conduct set forth in Article 19 must be observed. A right, though by itself legal because recognized or granted by law as such, may nevertheless become the source of some illegality. When a right is exercised in a manner which does not conform with the norms enshrined in Article 19 and results in damage to another, a legal wrong is thereby committed for which the wrongdoer must be held responsible. But while Article 19 lays down a rule of conduct for the government of human relations and for the maintenance of social order, it does not provide a remedy for its violation. Generally, an action for damages under either Article 20 or Article 21 would be proper."

Relatedly, in ***Ardiente v. Spouses Pastorfide, et al.***,¹³⁵ the Supreme Court sustained:

"The principle of abuse of rights as enshrined in Article 19 of the Civil Code provides 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.

In this regard, the Court's ruling in *Yuchengco v. The Manila Chronicle Publishing Corporation* is instructive, to wit:

x x x x

This provision of law sets standards which must be observed in the exercise of one's rights as well as in the performance of its duties, to wit: to act with

¹³⁵ ***Joyce V. Ardiente v. Spouses Javier and Ma. Theresa Pastorfide, et al.***, G.R. No. 161921, July 17, 2013 citing G.R. No. 184315, November 28, 2011, 661 SCRA 392.

justice; give everyone his due; and observe honesty and good faith.”

Further, in ***Diaz v. Encanto, et al.***,¹³⁶ the Supreme Court clearly pronounced:

“Article 19 of the Civil Code 'prescribes a primordial limitation on all rights' by setting certain standards that must be observed in the exercise thereof.”³¹ Abuse of right under Article 19 exists when the following elements are present: (1) there is a legal right or duty; (2) which is exercised in bad faith; (3) for the sole intent of prejudicing or injuring another.”

Article 28

Employment Status, Nature of Appointment and Other Human Resource Actions

Section 111. ***Statuses of Appointment for the Members of the Faculty and Academic Staff.*** – The statuses of appointment for the members of the faculty and academic staff or academic non-teaching staff, administrative or non-teaching personnel or employees of the University shall be any of the following¹³⁷:

111.1. **Permanent** – an appointment issued to an appointee who meets all the requirements of the position to which he/he is being appointed to, including the appropriate eligibility, in accordance with the provisions of law, rules and standards promulgated in pursuance thereof.

For this purpose, the probationary period shall be two (2) semesters for the faculty members or academic staff and one (1) year for academic non-teaching staff reckoned from the date of assumption to office.

111.2. **Temporary** – an appointment issued to a person who meets the education, experience and training requirements for the position to which he/she is being appointed to, except for the appropriate eligibility. The following rules shall strictly be observed:

111.2.1. A temporary appointment may only be issued in the absence of a qualified eligible actually available who is willing to accept the appointment, as certified by the Vice President for Administration and Finance upon the recommendation by the Vice President for Academic Affairs. The appointment shall not exceed twelve 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

¹³⁶ ***Elizabeth L. Diaz v. Georgina R. Encanto, et al.***, G.R. No. 171303, January 20, 2016 citing *Barons Marketing Corp. v. Court of Appeals and Phelps Dodge Phils., Inc.*, 349 Phil. 769, 775 (1998); and *Dart Philippines, Inc. v. Calogcog*, 613 Phil. 224, 234 (2009).

¹³⁷ Section 9, Rule IV of CSC Resolution No. 1701009 promulgated on June 16, 2017 and circularized pursuant to MC No. 24, s. 2017 dated August 24, 2017.

becomes actually available.

- 111.2.2. In no case shall a temporary appointment be issued for positions that involve practice of profession regulated by bar/board law for lack of the required license and/or certificate of registration.
- 111.2.3. A temporary appointment issued to a person who does not meet any of the education, training or experience requirements for the position shall be disapproved/invalidated except to positions that are hard to fill, or other meritorious cases as may be determined by the CSC, or as provided by special law, such as Medical Officer/Specialist positions, Special Science teacher, Faculty positions and Police Officer positions. Except for these positions, temporary appointments may only be renewed once.
- 111.2.4. A temporary appointment issued to a person who meets all the requirements of the position shall be disapproved/invalidated.
- 111.2.5. Appointees under temporary status do not have security of tenure and may be separated from the service, with or without cause. As such, they shall not be considered illegally terminated and; hence, not entitled to claim back wages and/or salaries and reinstatement to their positions.
- 111.2.6. The employment or services of appointees under temporary status may be terminated without necessarily being replaced by another. Temporary appointees may also be replaced within the twelve-month period by qualified eligibles or even by non-Eligibles.
- 111.2.7. A 30-day written notice signed by the University President shall be given to temporary appointee prior to termination of service/removal or replacement.
- 111.2.8. An appointee shall be qualified for renewal of services subject if his/her Strategic Performance Management System (SPMS) at least Very Satisfactory (VS) in the last preceding two (2) rating periods based on the workload distribution and requirements prescribed this 2017 Revised Merit Promotion System and in the 2017 Revised University Code, and upon the favorable recommendation by the concerned College Dean or Campus Director, upon consultation with the concerned Academic Department Head, and the Vice President for Academic Affairs duly approved by the University President.

111.3. **Substitute** – an appointment issued when the regular incumbent of a

position is temporarily unable to perform the duties of the position, as when the incumbent is on approved leave of absence, under suspension, on a scholarship grant or is on secondment. This is effective only until the return of the incumbent. A substitute appointment is allowed only if the leave of absence of the incumbent is at least three (3) months, except in the case of teachers.

Provided, that a person who is issued a substitute appointment to a position whose duties involved practice of a profession covered by Bar/Board or special laws shall be required to possess the appropriate professional license. The substitute appointee shall be entitled to the salaries and benefits attached to the position except for those benefits requiring longer period of service for the availment thereof.

111.4. **Coterminous** – an appointment issued to a person whose tenure is limited to a period specified by law or whose continuity in the service is based on the trust and confidence of the University President and/or EVSU Board of Regents or of the head of the organizational unit where assigned subject to the approval by the University President and EVSU BOR. Specifically, the categories of coterminous appointments are:

111.4.1. *Coterminous with the University President* – an appointment is coexistent with the term/tenure of the University President.

111.4.2. *Coterminous with the Head of the Organizational Unit Where Assigned* – an appointment is coexistent with the term/tenure of the head of the organizational unit to which he/she is assigned, who is not the appointment officer/authority. For this purpose, head of the organizational unit shall refer to Vice Presidents, Campus Directors, College Deans, Department or Division Directors, Heads or Chiefs.

Appointees to coterminous positions that are not primarily confidential in nature (items 9.6.4.1. and 9.6.4.2) must meet the education, training and experience requirements of the positions as proposed by the University President and approved by the EVSU Board of Regents and the CSC. Pending the submission and approval of the University qualification standards, the qualification requirements under the CSC Qualification Standards Manual shall be used as bases in the attestation of these coterminous appointments.

Eligibility is not required for appointment, except those whose duties involve the practice of a profession regulated by the Philippine Bard/Board or special laws and/or require licenses such as those positions listed under Category IV of

CSC MC No. 11, s. 1996, as amended, but reference should be given to civil service eligibles.

111.4.3. *Coterminous (primarily confidential in nature)* – an appointment to positions determined by law or declared by the CSC to be primarily confidential in nature, the duties and responsibilities of which imply not only confidence in the aptitude of the appointees but primarily lose intimacy which insures freedom of discussion delegation and reporting without embarrassment or freedom from misgivings or betrayals of personal trust. Appointees to primarily confidential positions are exempt from the qualification requirements, except those whose duties involved the practice of a profession regulated by the Philippine Bard/Board or special laws and/or require licenses.

For this purpose, the position of the Board and University Secretary shall be considered coterminous which can be filled up through designation in Acting capacity or Officer-In-Charge (OIC) or issuance of coterminous appointment at the discretion of the University President subject to the approval by the EVSU Board of Regents.

111.5. **Fixed Term** – an appointment issued to a person with a specified term of office, subject to reappointment as provided by law, such as Chairperson and Members of the EVSU Board of Regents and University President.

For this purpose, the positions of the Vice Presidents, Campus Directors, College Deans, Board and University Secretary, Directors or Heads of the Departments or Branches or Units of the University shall be considered fixed term subject to the provisions of the 2017 Revised University Code which can be filled up through issuance of a fixed term appointment or designation in Acting capacity or Officer-In-Charge (OIC) at the discretion of the University President subject to the approval by the EVSU Board of Regents.

111.6. **Contractual** – an appointment issued to a person whose employment in the University is in accordance with a special contract to undertake local or foreign-assisted projects or a specific work or job requiring special or technical skills not available in the University, to be accomplished within a specific period subject to the following rules:

111.6.1. The inclusive period of the contractual appointment shall be indicated on the face of the appointment for purposes of crediting services at the discretion of the University President duly approved by the EVSU Board of Regents.

111.6.2. Contractual appointments are limited to one (1) year, but may be renewed every year, based on performance, until

the completion of the project or specific work. However, if the performance of the appointee is below satisfactory or where the funds have become insufficient or unavailable, the University President may terminate the services of, or replace, the appointee after giving the latter a notice at least thirty (30) days prior to the date of termination of appointment.

- 111.6.3. Employees under contractual appointment must meet the education, training and experience requirements of the positions as proposed by the University President and approved by the EVSU Board of Regents and CSC. Pending the submission and approval of the University qualification standards, the qualification requirements provided under the CSC Qualification Standards Manual shall be used as bases in the attestation of these contractual appointments.
- 111.6.4. Eligibility is not required for appointment, except those whose duties involved the practice of profession regulated by the Philippine Bar/Board or special laws and/or require licenses such as those positions listed under Category IV of CSC MC No. 11, s. 1996, as amended, but preference should be given to civil service eligibles.
- 111.6.5. The appointee shall perform the work or job under his/her own responsibility with minimal direction and supervision from the University.
- 111.6.6. In no case shall a contractual appointment be issued to fill a vacant plantilla position or contractual employee perform the duties and responsibilities of the vacant plantilla position.
- 111.6.7. A contractual appointment should not be confused with contract of service since the service under the latter is not considered as government service. Contract of service does not give rise to employer-employee relationship between the individual and the government, which is not true with contractual appointment.
- 111.6.8. Employees under contractual appointment are entitled to the same benefits enjoyed by regular employees of the University.
- 111.7. **Casual** – an appointment issued only for essential and necessary services where there are not enough regular staff to meet the demands of the service and for emergency cases and intermittent period not to exceed one (1) year subject to the following rules:
 - 111.7.1. Employees under casual appointment must meet the education, training and experience requirements of the

positions as proposed by the University President and approved by the EVSU Board of Regents and CSC. Pending the submission and approval of the University qualification standards, the qualification requirements provided under the CSC Qualification Standards Manual shall be used as bases in the attestation of these contractual appointments.

111.7.2. Eligibility is not required for appointment, except those whose duties involved the practice of profession regulated by the Philippine Bar/Board or special laws and/or require licenses such as those positions listed under Category IV of CSC MC No. 11, s. 1996, as amended, but preference should be given to civil service eligibles.

111.7.3. In no case shall a casual appointment be issued to fill a vacant plantilla position or contractual employee perform the duties and responsibilities of the vacant plantilla position.

111.7.4. Employees under casual appointment are entitled to the same benefits enjoyed by regular employees of the University.

111.8. **Part-time appointment** may be issued to a regular plantilla position, either as permanent, if the requirements of the position are not met, or as temporary, if one of the requirements is not met subject to the following rules:

111.8.1. Part-time appointment to a regular plantilla position is different from part-time teaching covered by a contract of service a job order. The former is submitted to the CSC as it involves appointment to a regular plantilla position, only that the work is part-time.

111.8.2. Service under a part-time appointment is government service and forms part of the faculty member's service record.

111.8.3. Part-time teaching covered by a contract of service or a job order does not give rise to employer-employee relationship between the University and the person hired, and it is stipulated in the contract that services rendered cannot be accredited as government service.

Section 112. **Nature of Appointment.** – The nature of appointment of the faculty members or academic staff or academic non-teaching staff or administrative or non-teaching personnel or employees of the University shall be, as follows¹³⁸:

112.1. **Original** – the initial entry into the career¹³⁹ or non-career service.

¹³⁸ Section 11, Rule IV of CSC Resolution No. 1701009 promulgated on June 16, 2017 and circularized pursuant to MC No. 24, s. 2017.

112.2. **Promotion** – the advancement of a career 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. The following rules shall be strictly observed:

112.2.1. Promotion may be upward movement of academic rank or may be from one University or SUC or department or from a University Campus to another Campus or organizational unit to another within the University. *Provided however*, that any upward movement from the non-career service to the career service and vice versa shall not be considered as a promotion but as reappointment.

112.2.2. A faculty member or academic staff or employee who is promoted to another agency shall notify the University President in writing where he/she is employed within thirty (30) days prior to his/her assumption to the position. It is understood that the faculty member or academic staff or employee who is promoted to another agency is cleared from all money, property and work-related accountabilities.

112.2.3. The pendency of an administrative case against any faculty member or academic staff or employee shall not be a bar to promotion.

112.2.4. A faculty member or academic staff or employee who has been found guilty of an administrative offense and imposed the penalty of demotion, suspension or fine shall be disqualified for promotion for the same period of suspension or fine. In case of demotion, the period of disqualification for promotion shall be within one (1) year.

112.2.5. Special promotions based on awards and/or acts of conspicuous courage and gallantry as provided under special laws, such as Sec. 6, RA No. 6713¹⁴⁰, Section 10, RA No. 9263¹⁴¹, as amended by RA No. 9592, Sec. 31, RA No. 8551¹⁴² and Executive Order No. 508¹⁴³, as amended by Executive Order No. 77, shall be exempt from qualification requirements but subject to specific validation requirements as provided under the above-said special laws and their implementing rules and regulations.

112.3. **Transfer** – the movement of the faculty member or academic staff or employee from one position to another which is of equivalent rank, level or salary without gap in the service involving the issuance of an

¹³⁹ Subject to probationary period under Rule V of CSC Resolution No. 1701009 promulgated on June 16, 2017 and circularized pursuant to MC No. 24, s. 2017

¹⁴⁰ "Code of Conduct of Ethical Standards for Public Officials and Employees."

¹⁴¹ "Bureau of Fire Protection and Bureau of Jail Management and Penology Professionalization Act of 2004."

¹⁴² "Philippine national Police Reform and Reorganization Act of 1998."

¹⁴³ "Instituting the Lingkod Bayan Award as the Presidential Award for Outstanding Public Service."

appointment. The following rules shall be strictly enforced:

- 112.3.1. The transfer may be from one organizational unit to another in the University Campuses or from the University to another government agency; *Provided, however,* that any movement from the non-career service to another service and vice versa shall not be considered as a transfer but reappointment.
 - 112.3.2. A faculty member or academic staff or employee who seeks transfer to another University Campus or department shall notify the concerned University Executive Official and University President in writing where he/she is employed with thirty (30) days prior to the effective date of his/her transfer. The University President shall notify the faculty member or academic staff or employee in writing the approval other request to transfer within thirty (30) days from date of notice subject to the approval of the EVSU Board of Regents.
 - 112.3.3. If the request of transfer of the faculty member or academic staff or employee is not granted by the University President and/or EVSU Board of Regents where he/she is employed, it shall be deemed approved after the lapse of thirty (30) days from the date of notice without the need to notify the faculty member or academic staff or employee concerned.
 - 112.3.4. It is understood that the faculty member or academic staff or employee who seeks to transfer is cleared from all money, property and work-related accountabilities.
 - 112.3.5. If, for whatever reason, the faculty member or academic staff or employee fails to transfer on the specified date, he/she shall be deemed resigned. However, should the faculty member or academic staff or employee opt to reaming the University before the specified date of transfer, the faculty member or academic staff or employee may be reappointed if there is no gap in the service or reemployed if there is gap in the service. In both cases, the faculty member or academic staff or employee shall undergo the usual hiring process.
- 112.4. **Reemployment** – the appointment of a person has been previously appointed to a position in the government service but was separated therefrom as a result of reduction in force, reorganization, retirement, voluntary resignation, or any non-disciplinary action such as dropping from the rolls and other modes of separation. Reemployment presupposes a gap in the service.

Provided, that no prior authority from the CSC shall be required for the reemployment of a person who has been previously retired or

resigned and who has not reached the compulsory retirement age of 65.

112.5. **Reappointment** – the issuance of an appointment as a result of reorganization, devolution, salary standardization, re-nationalization, recategorization, rationalization or similar events, including the following:

112.5.1. The issuance of appointment from temporary to permanent, career to non-career or vice versa, non-career to another non-career, all of which entails no gap in the service, shall be considered as reappointment. Non-career employees who are appointed for the first time in the career service under permanent status shall be required to undergo probationary period of six (6) months.

112.5.2. The renewal of temporary, contractual and casual appointment upon the expiration of the appointment or subsequent appointment of substitute faculty members or teachers, which entails no gap in the services, shall be considered as reappointment. A temporary appointment may be renewed if there is no qualified actually available who is willing to accept the appointment, as certified by the Vice President for Administration and Finance upon the recommendation by the Vice President for Academic Affairs and provided that the performance rating of the faculty member or academic staff or employee is at least Satisfactory.

112.5.3. Personal or coterminous staff of the University President and/or officials of the University whose term of office ended and are subsequently absorbed or rehired by the succeeding University President and/or officials of the University without gap in their service shall be issued new appointments, the nature of which is reappointment.

112.5.4. Reappointment presupposes no gap in the service.

112.6. **Reinstatement (to comparable position)** – the restoration of a faculty member or academic staff or employee, as a result of a decision, to a career position from which he/she has, through no delinquency or misconduct, been separated but subject position is already abolished, requiring the issuance of an appointment to a comparable position to the separated faculty member or academic staff or employee.

However, reinstatement (to the same position/item), which involves the restoration of the faculty member or academic staff or employee, as a result of decision, to a career position from which he/she has, through no delinquency or misconduct, been separated

from the service and subject position is still available, does not need the issuance of an appointment.

- 112.7. **Demotion** – the movement of a faculty member or academic staff or employee from a higher academic rank or position to a lower academic rank or position where he/she qualified, if a lower academic rank or position is available. The demotion entails reduction in duties, responsibilities, status or rank, which may or may not involve a reduction in salary.

In cases where the demotion is due to reorganization or rationalization, the faculty member or academic staff or employee shall be allowed to continue to receive the salary of the higher academic rank or position.

In cases where the demotion is voluntary or at the instance of the faculty member or academic staff or employee, he/she shall be allowed to receive the same step of salary grade of the academic rank or position where he/she voluntarily sought to be appointed. A written consent shall be secured from the demoted faculty member or academic staff or employee.

- 112.8. **Reclassification** – a form of staffing modification and/or academic rank or position classification action which is applied only when there is a substantial change in the regular duties and responsibilities of the academic rank or position. This may result in a change in any or all of the position attributes: position title, level and/or salary grade. It generally involves a change in the academic rank or position title and may be accompanied by an upward or downward change in salary. Reclassification is the generic term for changes in academic/staff/position classification which includes upgrading, downgrading, and recategorization.

Reclassification of academic rank or position requires the issuance of an appointment but the same is ministerial on the part of the University President and/or EVSU Board of Regents.

The appointment of an incumbent (permanent faculty member or academic staff or employee) whose academic rank or position was reclassified shall be approved/validated, regardless of whether he/she meets the qualification requirements of the academic rank or position involved. The incumbent of the reclassified academic rank or position has a vested right to the reclassified academic rank or position but he/she shall not be promoted unless he/she meets the qualification requirements of the next higher academic rank or position.

Section 113. **Other Human Resource Actions¹⁴⁴; Classifications.** – The following human resource actions which will not require the issuance of an

¹⁴⁴ Section 13, Rule IV of CSC Resolution No. 1701009 promulgated on June 16, 2017 and circularized per MC No. 24, s. 2017 dated August 24, 2017.

appointment shall nevertheless require an Office or Special Order issued by the University President upon prior authority and/or subject to ratification or confirmation by the EVSU Board of Regents:

113.1. **Reassignment** – the movement of a faculty member or academic staff, academic non-teaching staff, administrative or non-teaching personnel or employee across the organizational structure within the University which does not involve a reduction in rank, status or salary. Reassignment shall be government by the following:

113.1.1. Reassignment of faculty members or academic staff, academic non-teaching staff, administrative or non-teaching personnel or employees with station-specific place of work indicated in their respective appointments within the geographical location of the University shall be allowed only for a maximum period of one (1) year. The restoration or return to the original post/assignment shall be automatic without the need of any order of restoration/revocation of the order of reassignment.

An appointment is considered station-specific when: (a) the particular office or station where the position is located is specifically indicated on the face of the appointment paper; or (b) the position title already specified the station, such as, University President, Vice Presidents, Deans, Campus Directors, Directors or Heads, Human Resource Management Officer, Accountant, Budget Officer, different academic ranks and academic staff position titles, and such other positions with organizational unit/station-specific function. Such position titles are considered stations-specific even if the place of assignment is not indicated on the face of appointment.

113.1.2. If an appointment is not station-specific, the one-year maximum period of reassignment within the geographical location of the University shall not apply. However, the employee concerned may request for a recall of the reassignment citing his/her reasons why he/she wants to go back to his/her original station. The reassignment may also be revoked or recalled by the University and/or EVSU Board of Regents or be declared not valid by the CSS or a competent court, on appeal.

113.1.3. Reassignment is presumed to be regular and made in the interest or exigency of public service¹⁴⁵ unless proven otherwise or if it constitutes constructive dismissal. Constructive dismissal exists when an official, faculty member, academic staff or employee quits his/her work

¹⁴⁵ Situations wherein there will be disruption in the delivery of basic or vital services or emergency/crisis situation or there is a need to respond to the demands of public service.

because of the University's unreasonable, humiliating, or demeaning actuations, which render continued work impossible because of geographic location, financial dislocation and performance of other duties and responsibilities inconsistent with those attached to the position. This may occur although there is no diminution or reduction in rank, status or salary of the faculty member or academic staff or employee.

Reassignment that constitutes constructive dismissal may be any of the following:

1. Reassignment of a faculty member or academic staff, academic non-teaching staff, administrative or non-teaching personnel or employee to perform duties and responsibilities inconsistent with the duties and responsibilities of his/her academic rank or position such as from a position of dignity to a more servile or menial job;
2. Reassignment to an office not in the existing organizational structure;
3. Reassignment to an existing office but the faculty member or academic staff or employee is not given any definite set of duties and responsibilities;
4. Reassignment that will cause significant financial dislocation or will cause difficulty or hardship on the part of the faculty member or academic staff or employee because of geographical location; or
5. Reassignment that is done indiscriminately or whimsically because the law is not intended as a convenient shield for the University President or disciplining officer to harass or oppress a subordinate on the pretext of advancing and promoting public interest such as reassignment of faculty members or academic staff, academic non-teaching staff, administrative or non-teaching personnel or employee or employees twice within a year, or reassignment of career officials and employees with valid appointments during change of administration of elective and appointive officials.

Reassignment that results in constructive dismissal must be sufficiently established.

- 113.1.4. The faculty member or academic staff, academic non-teaching staff, administrative or non-teaching personnel or employee may appeal the reassignment order within fifteen (15) days upon receipt thereof to the EVSU Board of

Regents or to the CSC or CSC Regional Office No. VIII, as provided under specific law, if he/she believes there is no justification for the reassignment. Pending appeal, the reassignment shall not be executory¹⁴⁶. The Decision of the CSC Regional Office No. VIII may be further appealed to the CSC within fifteen (15) days from receipt thereof.

113.1.5. Reassignment of public health workers, public social workers, public school teachers and other professions covered by special laws shall be governed by their respective laws. However, the rules herein mentioned shall be applied suppletorily.

113.2. **Detail** – temporary movement of a faculty member or academic staff, academic non-teaching staff, administrative or non-teaching personnel or employee from one Office or Department or College or Campus to another within the University or from one agency to University or from the University to another agency, which does not involve a reduction in rank, status or salary. Detail shall be governed by the following rules:

113.2.1. The detailed faculty member or academic staff, academic non-teaching staff, administrative or non-teaching personnel or employee shall receive his/her salary only from his/her parent University Campus or agency.

113.2.2. Detail without consent shall be allowed only for a period of one (1) year.

113.2.3. Detail with consent shall be allowed for a maximum of three (3) years. The extension or renewal of the detail shall be discretionary on the part of the University or parent agency.

113.2.4. Detail from one University or agency to another shall be covered by an agreement manifesting the arrangement between the agency heads that it shall not result in reduction in rank, status or salary of the faculty member or academic staff or employee, the duration of the detail, duties to be assigned to the faculty member or academic staff, academic non-teaching staff, administrative or non-teaching personnel or employee and respondents of the University and receiving agency.

113.2.5. The faculty member or academic staff, academic non-teaching staff, administrative or non-teaching personnel or employee may appeal the detail order within fifteen (15) days upon receipt to the EVSU Board of Regents or CSC or CSC Regional Office No. VIII if he/she believes there is no justification for the detail. Pending appeal, the detail order

¹⁴⁶ **CSC v. Pacheo**, G.R. No. 178021, January 25, 2012.

shall be executory unless otherwise ordered by the CSC. The decision of the said CSC Regional Office No. VIII may be further appealed to the CSC within fifteen (15) days from receipt.

113.2.6. During the period of the detail, the University relinquishes administrative supervision and control over the detailed faculty member or academic staff, academic non-teaching staff, administrative or non-teaching personnel or employee to the receiving agency. In this regard, the receiving agency has the following responsibilities:

1. To monitor the punctuality and attendance of the faculty member or academic staff or employee;
2. To approve requests for leave;
3. To evaluate the faculty member or academic staff, academic non-teaching staff, administrative or non-teaching personnel or employee's performance;
4. To grant the authority to travel; and
5. Exercise other acts necessary to effectively supervise the faculty member or academic staff, academic non-teaching staff, administrative or non-teaching personnel or employee.

Provided, that a report on said matters is submitted to the University for record purposes.

113.2.7. The detailed faculty member or academic staff, academic non-teaching staff, administrative or non-teaching personnel or employee shall be designated by the receiving agency to a position whose duties are comparable to his/her position in the University. However, he/she shall not be designated to a position exercising control or supervision over regular and career employees of the receiving agency.

113.2.8. Prior to the effectivity of the detail, the University shall furnish a certification of the available sick and vacation leave credits of the detailed faculty member or academic staff or employee to the receiving agency. In the event the receiving agency approves requests for leave by the detailed faculty member or academic staff, academic non-teaching staff, administrative or non-teaching personnel or employee, a copy of the same shall be submitted to the University.

113.2.9. The authority to discipline the detailed faculty member or academic staff, academic non-teaching staff, administrative or non-teaching personnel or employee is still vested in the

University President and/or Board of Regents of the University. As used herein, the authority to discipline includes the determination of the existence of a *prima facie* case against the detailed faculty member or academic staff, academic non-teaching staff, administrative or non-teaching personnel or employee, issuance of a formal charge, issuance of the order of preventive suspension if the case so warrants, conduct of formal investigation, and rendering of the decision on the administrative case.

With respect to the administrative case arising from acts done by the faculty member or academic staff or employee in the receiving agency, said agency shall have the right to initiate or file complaint against the detailed employee subject to the provisions of the Code of Conduct and Rules on Administrative and Disciplinary Cases of the Officials and Employees of the University duly approved by the EVSU Board of Regents and/or the 2017 Rules on Administrative Cases in the Civil Service (RACCS).

113.2.10. All human resource actions and movements, including monetization of leave credits, concerning the detailed faculty member or academic staff, academic non-teaching staff, administrative or non-teaching personnel or employee, shall still be under the jurisdiction of the University notwithstanding that the faculty member or academic staff or employee is detailed in another agency.

113.3. **Designation** – movement that involves an imposition of additional and/or higher duties to be performed by an official, faculty member or academic staff, academic non-teaching staff, administrative or non-teaching personnel or employee which is temporary and can be terminated anytime at the pleasure of the University President and/or EVSU Board of Regents. Designation may involve the performance of the duties of another position¹⁴⁷ on a concurrent capacity or on full-time basis.

A designation in an acting capacity entails not only the exercise of the ministerial functions attached to the position but also the exercise of discretion since the person designated is deemed to be the incumbent of the position¹⁴⁸.

Officials designated as Officer-in-Charge (OIC) enjoy limited powers which are confined to functions of administration and ensuring that the office continues its usual activities. The OIC may not be deemed to possess the power to appoint employees as the same

¹⁴⁷ Designation as officers or members of Committees such as BAC, HRMPSB, PMT, HRMPSB-FANTS are not subject to this rule.

¹⁴⁸ CSC Resolution No. 000778 (Vitriolo, Julito D., Re: Query; Position Title; Nomenclature Distinction between Acting and OIC) promulgated on March 24, 2000.

involves the exercise of discretion which is beyond the power of an OIC, unless the designation order issued by the University President and/or EVSU Board of Regents expressly includes the power to issue appointment.

Designation shall be governed by the following rules:

1. Employees to be designated should hold permanent appointments to career positions.
2. Designees can only be designated to positions within the level they are currently occupying. Employees holding first level positions can not be designated to perform the duties of second level positions except in meritorious cases as determined by the CSC Regional Office No. VIII upon request for exemption by the University, such as organizational set-up, calamity, and due to exigency of the service. This exception shall not apply to positions involving supervisory and executive managerial functions. Division Chiefs may be designated to perform the duties of second level executive/managerial or third level positions.
3. For positions with incumbents who temporarily can not perform the duties of the position (due to vacation or sick leave, study leave, scholarship, maternity leave, special assignments), the designation should be synchronized with the absence of the incumbent, unless earlier revoked or recalled by the University President and/or EVSU Board of Regents. However, the designation of the faculty members or academic staff, academic non-teaching staff, administrative or non-teaching personnel or employees may be renewed every year in the exigency of the service but not to exceed two (2) years.
4. For positions without incumbents, a designation may be made only for a maximum of one (1) year. However, the designation of faculty members or academic staff, academic non-teaching staff, administrative or non-teaching personnel or employees may be renewed every year in the exigency of the service but not to exceed two (2) years.
5. Designations shall be made through an office order issued by the University President upon authority by the EVSU Board of Regents or subject to the ratification or confirmation by the EVSU Board of Regents.
6. Designees cannot be granted the salaries of the positions they are being designated to. However, allowances that go with the performance of the functions such as RATA (Representation and Transportation Allowance) or EME (Extraordinary and Miscellaneous Expenses) may be granted

as provided under the provisions of the General Appropriations Act (GAA) and/or budget duly approved by the EVSU Board of Regents. *Provided*, that the grant of the same is specifically stated in the designation order.

7. Only experience gained from designation complaint with the abovestated rules shall be credited as relevant experience for purposes of appointment.
8. Faculty members who are designated Vice Presidents shall be entitled to the difference between their present salaries and the 1st step of the salary grade of permanent VP position as shown in Section 2 hereof¹⁴⁹.
9. Designated Vice Presidents shall be entitled to representation and transportation allowances (RATA) at the rates indicated in the General Appropriations Act for officials whose considered to be equivalent rank as follows¹⁵⁰:

<u>SUC Level</u>	<u>Official of Equivalent Rank</u>
4	Bureau Director
3	Assistant Bureau Director
2	Bureau Regional Director
1	Assistant Bureau Regional Director

- 113.4. **Secondment** – movement of a faculty member or academic staff, academic non-teaching staff, administrative or non-teaching personnel or employee from one department or institution to another which is temporary and which may or may not require the issuance of an appointment by may either involve reduction or increase in compensation.

Section 114. **Authority of the University on Appointments, Reclassification, Promotions and/or Other Personnel Movement.** – Appointments, reclassification, promotions and/or other personnel movement of the faculty member or academic staff, academic non-teaching staff, administrative or non-teaching personnel or employee 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 115. **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:

- 115.1. The contract covers lump sum work or services such as janitorial, security, or consultancy services where no employer-employee relationship exist;

¹⁴⁹ Item 6.0 of DBM-CHED Joint Circular No. 2, s. 2003 dated July 28, 2003 entitled, "Allowable Number of Vice President Positions in SUCs."

¹⁵⁰ Item 7.0 of DBM-CHED Joint Circular No. 2, s. 2003 dated July 28, 2003.

- 115.2. The job order covers piece work or intermittent job of short duration not exceeding six months on a daily basis;
- 115.3. 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
- 115.4. 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 116. **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 the 2017 Revised University 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 117. **Disqualification of Appointment or Reinstatement in the University of Elected Official.** – No person shall be eligible for appointment or reinstatement as a regular faculty member or academic staff, academic non-teaching staff, administrative or non-teaching personnel or employee during the term for which he/she has been elected to any political office.

Section 118. **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 faculty member or academic staff, academic non-teaching staff, administrative or non-teaching personnel or employee within one year after the election.

Section 119. **Secondment and Consultancy Services of Non-Teaching Personnel.** – Non-Teaching Personnel 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 29

Qualifications Standards and Essential Requirements

Section 120. **General Policy.** – The following rules shall strictly be observed:

- 120.1. **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.

120.2. *Mandatory Requirements.* – In addition to the minimum qualifications and standards of the position, the following mandatory requirements shall be complied with and submitted by all concerned:

a. *Drug Test Results.* – Consistent with the academic freedom of the University, pertinent provisions of CSC Resolution No. 1700653 promulgated on March 15, 2017 circularized through MC No. 13, s. 2017 dated April 19, 2017, R.A. No.9165¹⁵¹ and its IRR, Memorandum Circular No. 9 dated December 17, 2015,¹⁵² and jurisprudence, the following shall strictly be observed:

1. All applicants to any vacant positions in the University Campuses shall take and submit the results of the drug test which shall remain a requirement for initial entry for appointive officials and employees of the University. Any applicant found positive for drug use shall be denied entry to the University.
2. All incumbent University officials and employees, regardless of rank, status and salary, shall be subjected to and undergo mandatory drug test as condition for continuous employment in the University.

Provided, that the provisions of CSC Resolution No. 1700653 promulgated on March 15, 2017 circularized through MC No. 13, s. 2017 dated April 19, 2017, Drug Testing for University Officials, Employees and Students Manual duly approved by the EVSU Board of Regents upon the recommendation by the University President, and such applicable laws, rules and regulations shall be applied suppletorily and serve as the governing guidelines of this Article.

b. *Passing Results on the Pre-Employment Test, Promotional Test and the Ethics-Oriented Personality Test.* – Applicants to vacant positions as well University officials or employees seeking for promotion shall take and pass the Pre-Employment Test,

¹⁵¹ "Comprehensive Dangerous Drugs Act of 2002."

¹⁵² "Implementation and Institutionalization of the National Anti-Drug Plan of Action."

Promotional Test and the Ethics-Oriented Personality Test administered by the CSC and/or by the University insofar as authorized by the CSC in accordance with the provisions of CSC Resolution No. 1601231 promulgated on November 2, 2016 circularized through MC No. 06, s. 2017 dated March 3, 2017¹⁵³ which are hereby integrated to and shall serve as the governing guidelines of this Article.

120.3. *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. 10911¹⁵⁴ and its IRR, to wit:

1. *Prohibition of Discrimination in Employment on Account of Age.* –
 - (a) It shall be unlawful for 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.
 - c. It shall be unlawful for a labor organization or faculty association or non-teaching personnel association of the University to:

¹⁵³ "Incorporating the Pre-Employment Test, the Promotional Test and the Ethics-Oriented Personality Test (EOPT) as Part of Recruitment, Placement and Promotion in the Civil Service."

¹⁵⁴ "An Act Prohibiting Discrimination Against any Individual in Employment on Account of Age and Providing Penalties Therefor."

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.
2. *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 121. ***Specific Qualifications Standards and Essential Requirements.*** – The specific qualifications standards for faculty or academic staff or academic non-teaching staff shall be governed by the Human Resource Merit Promotion and Selection for Faculty and Academic Non-Teaching Staff (HRMPS-FANTS) Manual while the specific qualification standards for administrative or non-teaching personnel shall be subject to the provisions of Human Resource Merit Promotion and Selection for Administrative or Non-Teaching Personnel (HRMPS-ANTP) Manual duly approved by the EVSU Board of Regents and/or pertinent provisions of CSC Resolution No. 1701009 promulgated on June 16, 2017 and circularized per MC No. 24, s. 2017 dated August 24, 2017, and such applicable laws, rules and regulations.

Article 30
Probationary Period¹⁵⁵

¹⁵⁵ Rule V of CSC Resolution No. 1701009 promulgated on June 16, 2017 and circularized per MC No. 24, s. 2017 dated August 24, 2017.

Section 122. **Mandatory Probationary Period.** – Original appointees in the career service with permanent status of appointment, shall undergo probationary period for a thorough assessment of his/her performance and character. The duration of probationary period is generally two (2) academic semesters equivalent to eight (8) months for faculty members and six (6) months for academic non-teaching staff or non-teaching personnel or employees or depending on the duration of the probationary as required by the position.

Probationary period refers to the period of actual service following the issuance of a permanent appointment wherein the appointee undergoes a thorough character investigation and assessment of capability to perform the duties of the position enumerated in the Position Description Form (PDF).

Section 123. **Coverage and Exemptions.** – The following shall be observed:

123.1. *Coverage* – The probationary period shall cover the following employees:

123.1.1. Those who are issued original appointments under permanent status in the career service who meet all the requirements of the positions;

123.1.2. Non-career service employees who are reappointed/reemployed to a career position under permanent status;

123.1.3. Temporary appointees who after meeting the eligibility requirements for a permanent appointment in the career service are reappointed (change of status to permanent);

123.1.4. Those who are reemployed under permanent status;

123.1.5. First-time appointees to closed career positions such as, faculty and academic staff of the University;

123.1.6. Appointees to Category III positions as provided in CSC MC No. 11, s. 1996, as amended shall be under probation for a period of one (1) year; and

123.1.7. Appointees whose positions require probationary period as may be provided by law.

123.2. *Exemptions* – The following employees shall be exempted from undergoing probationary period:

123.2.1. First-time appointees to close career positions in the University, and scientific and research institutions if so provided under the agency Charters; and

123.2.2. Appointees to positions exempted from the probationary period as may be provided by law.

Section 124. **Notation of the Probationary.** – A notation that the appointee is under probation for a specified period shall be indicated in the appointment issued by the University President duly approved by the EVSU Board of Regents.

Section 125. **Performance Targets and Work Output Standards Setting.** – To facilitate the review and monitoring of faculty member or academic staff or employee performance, the performance targets and work output standards of a probationer shall be set based on the performance indicators and weight allocations provided under Article 25 of this 2017 Revised Merit Promotion System for Faculty Members and Academic Officials and Staff of the University Manual, agreed upon and duly signed by the probationer, the immediate supervisor (rater), and the University President within five (5) days upon appointee's assumption to duty.

The appointee's performance during the probationary period shall be reviewed as follows:

- 125.1. The immediate supervisor (rater) shall regularly gather feedback on the appointee's performance, and conduct feedback sessions to determine appropriate interventions to improve the appointee's performance;
- 125.2. The performance appraisal/evaluation shall be done at least twice during the probationary period and within every four (4) months or eight (8) months for faculty members or every three (3) months or six (6) months for academic non-teaching staff or or non-teaching personnel or employee, depending on the duration of the probationary period, as required by the position;
- 125.3. The performance review shall be conducted within ten (10) days before the end of every rating period during the probationary period.
- 125.4. The critical factors to be reviewed shall be based on the performance dimensions indicated in the University Strategic Performance Management System (SPMS) and may include competency (knowledge, skills and attitude), and job-related critical incidents, such as habitual tardiness and continuous absence from work;

Provided, that faculty members under probationary shall be evaluated based on the performance indicators and weight allocations provided under Article 25 hereof.

- 125.5. The performance evaluation report shall be reviewed and certified by the University Performance Management Team (PMT) or any duly constituted review committee; and
- 125.6. The probationers shall be furnished with copies of the records of feedback, job-related critical incidents, and performance evaluation reports with comments on their capability to meet the performance targets and work output standards and/or recommendation for the

continuity of the permanent appointment of the probationer. Corresponding copies shall be included in the 201 file of the appointees.

Section 126. **Termination of Services of Appointees Under Probationary Period.** – The services of the appointee can be terminated for unsatisfactory conduct or want of capacity before the end of the second performance review on the eighth (8th) month for faculty members or sixth (6th) month for academic non-teaching staff or non-teaching personnel or employee or depending on the duration of the probationary period as required by the position.

Unsatisfactory conduct or behavior refers to the failure of the appointee to observe propriety in his/her acts, behavior and human/public relations, and to irregular punctuality and attendance while performing their duties and responsibilities during the probationary period.

Subject to the ratification or confirmation by the EVSU Board of Regents, the appointee shall be issued a notice of termination of service by the University President within fifteen (15) days immediately after it was proven that he/she demonstrated satisfactory conduct or want of capacity before the end of the second performance period on the eighth (8th) month for faculty members or on the sixth (6th) month for academic staff non-teaching staff or non-teaching personnel or employee or depending on the duration of the probationary period. Such notice shall state, among other things, the reasons for the termination of service¹⁵⁶ and shall be supported by at least two of the following:

1. Performance Evaluation Report;
2. Report of the immediate supervisor (rater) on job-related critical and unusual incidents and on unsatisfactory conduct or behavior of the appointee; or
3. Other valid documents that may support the notice of termination of service.

The notice of termination of service shall be executory after fifteen (15) days from receipt of the faculty member or academic staff or employee concerned. The same may be appealed to the EVSU Board of Regents or to the CSC Regional Office No. VIII, within fifteen (15) days from receipt of notice but shall be executory pending appeal. A copy of the Notice of Termination of Service shall be included in the 201 file of the appointee and furnished the CSC Field Office concerned for recording in the Service Card.

If no notice of termination of office is given by the University President and/or EVSU Board of Regents to the faculty member or academic staff or employee before the expiration of eight-month for faculty members or six-month for the academic staff or employee or depending on the duration of the probationary period, the probationer becomes a regular faculty member or academic staff or employee of the University.

¹⁵⁶ **Land Bank of the Philippines v. Paden**, G.R. No. 157607, July 7, 2009.

Article 31

Issuance, Effectivity, Submission and Cancellation of Appointments

Section 127. **Issuance of Permanent Appointment.** – A faculty member or academic staff or academic non-teaching staff or employee who meets the qualification requirements of the position, will be issued a permanent appointment upon the recommendation of the Dean to the University President according to the following criteria:

- 127.1. Master's degree holder whose last two (2) performance rating is very satisfactory with eighteen (18) units Professional Education subjects;
- 127.2. Two (2) years of experience for Bachelor's degree holder who is highly qualified in Technology and Industry such as those licensed in Engineering, Architecture, Accounting, Statistics, Chemistry, Marine Engineering, Transportation and others. Provided, that they have earned eighteen (18) units Professional Education subjects and fifty percent (50%) relevant Master's units; and
- 127.3. A transferee from another State College and University with a permanent status of appointment and with at least a Master's degree will be issued a permanent appointment, *provided*, that the Performance rating from his/her previous employment is Very Satisfactory. In case the vacant position is lower than his/her present rank, he/she shall be required to execute a waiver that he/she is willing to accept the lower vacant position.

Provided, that 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, further, that this shall not apply to those faculty positions that are classified as hard to fill positions or dearth faculty under the 2017 Revised University Code and relevant CSC circulars 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.

Section 128. **Effectivity Date**¹⁵⁷. – An appointment issued in accordance with pertinent laws and rules shall take effect immediately on the date it was signed by the University President upon authority by the EVSU Board of Regents. The date of signing shall be indicated below the signature of the University President in the appointment form.

The date of the appointment shall not fall on a Saturday, Sunday, or holiday, except in cases where the date of issuance is specifically provided in a special law such as in the appointment of personal and confidential staff and where the service should not constitute a gap such as in transfer and reappointment.

¹⁵⁷ Section 17, Rule VI of CSC Resolution No. 1701009 promulgated on June 16, 2017 and circularized per MC No. 24, s. 2017 dated August 24, 2017.

If the appointee has taken his/her oath of office and assumed the duties of the position, he/she shall be entitled to receive his/her salary at once without awaiting the approval/validation of his/her appointment by the CSC. The appointment shall remain effective until disapproved/invalidated by the CSC. In no case shall an appointment take effect earlier than the date it was signed except in cases authorized by law.

No official, faculty member, academic non-teaching staff or employee shall be required to assume the duties and responsibilities of the position without being furnished a copy of his/her appointment by the HRMD Office after it is signed by the University President upon authority by the EVSU Board of Regents. The appointee shall acknowledge receipt of the appointment by signing on the acknowledgement portion at the back of the appointment form.

The appointment of officials, faculty members, academic non-teaching staff or non-teaching personnel or employees who are on official leave of absence, training or scholarship grant, shall be effective upon assumption or upon return from official leave of absence, scholarship or training,

Section 129. **Submission of Requirements**¹⁵⁸. – An appointment shall be submitted to the CSC within thirty (30) days from the date of issuance. In case of appointments issued by accredited/deregulated agencies, the Report on Appointments Issued (RAI) together with the original CSC copy of appointments issued during the month and the required attachments shall be submitted on or before the 30th day of the succeeding month.

The delay in the submission of appointment or RAI to the CSC Field Office or CSC Regional Office No. VIII shall not be taken against the appointee. The effective date of appointment shall not be adjusted based on the delay, thus the original date of appointment shall be retained. However, the responsible official/s who caused the delay in the submission or non-submission of the appointment may be held administratively liable for neglect of duty¹⁵⁹.

Furthermore, the delay in the submission or non-submission of RAI may be reflected by the CSC Field Director as a critical incident in the Agency Capability Evaluation Card (ACEC)¹⁶⁰ and may result in the revocation of the accredited/deregulated status of the University.

The appointee, whose appointment was submitted to the CSC beyond the prescribed 30-day period shall be entitled to the payment of salary from the University immediately following the effectivity of the appointment and assumption to duty. The services rendered by the appointee shall be credited as government service.

¹⁵⁸ Section 19, Rule VI of CSC Resolution No. 1701009 promulgated on June 16, 2017 and circularized per MC No. 24, s. 2017 dated August 24, 2017.

¹⁵⁹ **Obiasca v. Bassalote**, G.R. No. 176707, February 17, 2010.

¹⁶⁰ The ACEC shall be updated regularly by the CSC Field Directors pursuant to CSC Memorandum Circular No. 3, s. 2012.

Section 130. **Cancellation of Appointments**¹⁶¹. – An appointment issued by the University President upon the authority of the EVSU Board of Regents may be cancelled if the appointee does not assume office or report within thirty (30) calendar days from receipt of the written notice of the appointment.

The cancellation of the appointment shall be reported to the CSC for record purposes. The position is automatically deemed vacant upon cancellation of the appointment by the University President duly approved or ratified by the EVSU Board of Regents without the need for an approval or declaration by the CSC. The University President, subject to the approval or ratification by the EVSU Board of Regents, may select from other the top ranking candidates for the position or order the re-publication of the vacant position pursuant to R.A. No. 7041.

Officials, faculty members, academic non-teaching staff or non-teaching personnel or employees who are on official leave of absence, training or scholarship grant, whose appointment shall be effective upon assumption or upon return from official leave of absence, scholarship or training, shall be exempt from this provision.

If the appointee is not allowed to assume office by the University President or other officials concerned despite his/her receipt of the appointment, or submission thereof to the CSC for approval the officials/or employee/s who caused the non-assumption of the appointee shall be held administratively liable.

Section 131. **Effectivity Date of Temporary Appointment**. – In the case of temporary appointment, the twelve-month period of its effectivity shall be reckoned from the date of the issuance of the appointment and not from the date of the appointee assumed the duties of the position¹⁶².

Section 132. **Liability to Any Person Who Was Required To Assume Without An Appointment**. – The services rendered by any person who was required to assume the duties and responsibilities of any position without an appointment having been issued by the University President upon the authority of the EVSU Board of Regents shall not be credited nor recognized by the CSC and the payment of salaries and other benefits shall be the personal liability of the person who made him/her assume office¹⁶³.

Section 133. **Basis for the Payment of Salary and Determination of Services Rendered**. – The date of the actual assumption of duties of the appointee, as indicated in the Certification of Assumption to Duty (CS Form No. 4, Series of 2017), shall be the basis for the payment of his/her salary and determination of service rendered in the government. This shall be submitted to the CSC Field Office concerned for proper notation in the service card of the appointee¹⁶⁴.

¹⁶¹ Section 20, Rule VI of CSC Reso. No. 1701009 circularized per MC No. 24, s. 2017 dated August 24, 2017.

¹⁶² Section 21, Rule VI of CSC Reso. No. 1701009 circularized per MC No. 24, s. 2017 dated August 24, 2017.

¹⁶³ Section 22, Rule VI of CSC Reso. No. 1701009 circularized per MC No. 24, s. 2017 dated August 24, 2017.

¹⁶⁴ Section 23, Rule VI of CSC Reso. No. 1701009 circularized per MC No. 24, s. 2017 dated August 24, 2017.

Article 32
Publication and Posting of Vacant Positions

Section 134. **Coverage on the Required Publication and Posting of Vacant Positions.** – Vacant positions in the career service shall be published and posted three (3) conspicuous places for a period of at least ten (10) calendar days in accordance with the provisions of R.A. No. 7041 and its Implementing Guidelines¹⁶⁵.

For this purpose, conspicuous places shall include all Transparency and People’s Freedom of Information (TPFOI) bulletin boards of the different offices or units of the University Campuses and such places duly designated by the University President.

Section 135. **Submission of Vacant Positions.** – The University shall submit a list of vacant positions authorized to be filled and their corresponding qualification standards and plantilla item numbers (CS Form No. 9, Revised 2017) in electronic and printed copies of the CSC Field Office. The printed copy shall be forwarded to the CSC Regional No. VIII which shall publish the same in the CSC Bulletin of Vacant Positions in the Government in the CSC website. In addition, the University may publish vacant positions in the University website, newspaper and other job search websites¹⁶⁶.

Any incorrect information in the publication of vacant positions, i.e., item number, position title or qualification standards shall be a ground for the disapproval/invalidation of appointments.

Section 136. **Exemption from the Publication and Posting**¹⁶⁷. – The following positions are exempt from the publication and posting requirements:

- 136.1. Primarily confidential;
- 136.2. Policy-determining;
- 136.3. Highly technical which includes the faculty and academic staff of the University, and scientific and technical positions in scientific and research institutions with established merit systems;
- 136.4. Coterminous with the University President, including other non-career positions such as contractual and casual identified under Section 9, Subtitle A, Title I, Book V of EO No. 292;
- 136.5. Reappointment (change of status to permanent) of those appointed on temporary status for Category II positions under CSC MC No. 11, s. 1996¹⁶⁸, as amended; or
- 136.6. Those to be filled by existing regular employees in the University in

¹⁶⁵ Section 24, Rule VII of CSC Reso.No. 1701009 circularized per MC No. 24, s. 2017 dated August 24, 2017.

¹⁶⁶ Section 25, Rule VII of CSC Reso.No. 1701009 circularized per MC No. 24, s. 2017 dated August 24, 2017.

¹⁶⁷ Section 26, Rule VII of CSC Reso.No. 1701009 circularized per MC No. 24, s. 2017 dated August 24, 2017.

¹⁶⁸ Classification of positions where the required eligibility can be obtained by completion of one (1) year of Very Satisfactory actual performance.

case of reorganization/rationalization; provided, that the approved staffing pattern is posted in the University bulletin boards and other conspicuous places in the different University Campuses.

Section 137. **Posting of Vacant Executive/Managerial Positions.** – Vacant executive/managerial positions in the second level that are authorized to be filled, together with their corresponding qualification standards and plantilla item numbers, shall be posted in three (3) conspicuous places in the University and submitted to the CSC-Examination, Recruitment and Placement Office (ERPO) for publication in the CSC website and the Philjobnet as provided under CSC MC No. 11, s. 2007¹⁶⁹.

Section 138. **Posting of Occupied Temporary Appointments.** – All positions occupied by holders of temporary appointments, except positions under category II of CSC MC NO. 11 s. 1996, as amended, shall be continuously posted in three (3) conspicuous places in the University and published in the CSC Bulletin of Vacant Positions until filled by permanent appointees¹⁷⁰.

Section 139. **Validity of Published Vacant Position**¹⁷¹. – The publication of a particular vacant position shall be valid until filled but not to extend beyond nine (9) months reckoned from the date the vacant position was published.

Should no appointment be issued within the none-month period, the University has to cause the re-publication and re-posting of the vacant position.

Section 140. **Publication of Anticipated Vacancies Based on Succession Plan.** – Anticipated vacancies based on the University's succession plan may be published. In case of retirement, resignation, or transfer, the publication should not be earlier than sixty (60) days prior to retirement, resignation or transfer.

Chapter XI **COMPENSATION, WORKING HOURS, AND LEAVE PRIVILEGES**

Article 33 **Authority to Fix and Adjust Salaries and Compensation for Services**

Section 141. **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.

¹⁶⁹ Section 27, Rule VII of CSC Reso.No. 1701009 circularized per MC No. 24, s. 2017 dated August 24, 2017.

¹⁷⁰ Section 28, Rule VII of CSC Reso.No. 1701009 circularized per MC No. 24, s. 2017 dated August 24, 2017.

¹⁷¹ Section 29, Rule VII of CSC Reso.No. 1701009 circularized per MC No. 24, s. 2017 dated August 24, 2017.

Section 142. **Compensation.** – The following rules shall strictly be observed:

142.1. *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.

142.2. *Compensation of Job-Orders Employees and Laborers.* – Job-order (JO) employees and laborers shall be duly compensated pursuant to existing laws, rules and regulations.

Article 34

Working Hours and Attendance Reports

Section 143. **General Policies.** – The following policies shall strictly be observed:

143.1. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibilities, integrality, loyalty, and efficiency, act with patriotism and lead modest lives¹⁷². Part of this accountability is the observance of the prescribed office hours in a given working day¹⁷³.

143.2. Sections 1 to 5, Rule XVII of the Omnibus Rules Implementing Book V of Executive Order No. 292 provide:

“SECTION 1. It shall be the duty of each head of the department or agency to require all officers and employees under him to strictly observe the prescribed office hours.

“SEC. 2. Each head of department or agency shall require a daily record of attendance of all the officers and employees under him including those servicing in the field or on the water, to be kept on the proper form and, whenever possible, registered on the bundy clock.

“Service ‘in the field’ shall refer to service rendered outside the office proper and service ‘on the water’ shall refer to service rendered on board a vessel which is the usual place of work.

“SEC. 3. Chiefs and Assistants Chiefs of agencies who are appointed by the President, officers who rank higher than these chiefs in the three branches of the government, and other presidential appointees need not punch in the bundy clock, but attendance and all absences of such officers must be recorded.

“SEC.4. Falsification or irregularities in the keeping of time records will render the guilty officer or employee

¹⁷² Section 1, Article XI of the 1987 Constitution.

¹⁷³ CSC MC No. 01, s. 2017 dated January 31, 2017 entitled, “Reiteration of the policy on Government Office Hours; and the Administrative Offenses of Frequent Unauthorized Absences (Habitual Absenteeism); Tardiness in Reporting for Duty; and Loafing from, Duty During Regular Office Hours.”

administratively liable without prejudice to criminal prosecution as the circumstances warrant.

“SEC. 5. Officers and employees of all departments and agencies except those covered by special laws shall render not less than eight hours of work a day for five days a week or a total of forty hours a week, exclusive of time for lunch. As a general rule, such hours shall be from eight o’clock in the morning to twelve o’clock noon and from one o’clock to five o’clock in the afternoon on all days except Saturdays, Sundays and Holidays.”

143.3. 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 hours¹⁷⁴.

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 144. ***Proof of Rendition of Service and Delay/Late or Non-Submission Thereof.*** – The following rules shall be strictly observed:

144.1. *On 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 administrative officials, non-teaching personnel or employees as proof of rendition of service pursuant to Civil Service laws, rules and regulations, without prejudice to existing binding or subsisting agreements insofar as expressly authorized by the EVSU Board of Regents.

Provided, that the entries in the proof of service such as, but not limited to, DTR/bundy card or certificate of service must reflect the employee's true and actual times of arrival and departure. Furthermore, failure of an employee reflect in the DTR/bundy card the actual times of arrival and departure not only reveals the employee's lack of candor; it also disturbingly shows his/her disregard of office rules¹⁷⁵.

Provided, further, that the University shall adopt effective and efficient mode of recording of services and payroll system of faculty

¹⁷⁴ 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.”

¹⁷⁵ ***Absence Without Leave (AWOL) of Ms. Lydia A. Ramil, Court Stenographer III, Regional Trial Court, Branch 14, Davao City***, A.M. No. P-07-2380 September 25, 2008 citing *Servino v. Adolfo*, A.M. No. P-06-2204, November 30, 2006, 509 SCRA 42; *In Re: Irregularities in the Use of Logbook and Daily Time Records by Clerk of Court Raquel D.J. Razon, Cash Clerk Joel M. Magtuloy and Utility Worker Tiburcio O. Morales, All of the Municipal Trial Court-OCC, Guagua, Pampanga*, A.M. No. P-06-2243, September 26, 2006, 503 SCRA 52.

members such as, but not limited, to the procurement and installation of electronic or on-line recording of services of in accordance with existing laws, rules and regulations.

144.2. *On Late or Non-Submission of Proof of Rendition of Service.* – Any official, academic or non-teaching personnel or employee who submitted late or does not submit the proof of rendition of service shall be subjected to the following:

144.2.1. If the delay or non-submission is equivalent to a month, his/her salary shall be processed in the general payroll but be withheld until full compliance of the proof or requirements;

144.2.2. If the delay or non-submission is equivalent to two (2) months or more, the HRMD Office or Accounting Office shall delete the entries of his/her salary and other mandatory premiums or contributions in the general payroll;

144.2.3. To facilitate the processing and liquidation of the cash advance, the name of the official, academic or non-teaching personnel or employee concerned may be transferred or placed in a separate sheet of general payroll for the delay/late or non-submission of proof of rendition of service equivalent to two (2) months or more applying the decision in ***Andrade v. CA and Wingsing***¹⁷⁶.

144.2.4. A joint notice shall be served to the concerned official, academic or non-teaching personnel or employee by the HRMD Office and Accounting for such act/s enumerated above. The said joint notice shall furnished to the immediate supervisor/s and the Office of the University President for appropriate action.

144.2.5. The delay or late or non-submission of the proof of rendition of service shall be a ground for disciplinary action.

144.2.6. A joint notice shall be served to the concerned official, faculty member or academic staff or academic non-teaching staff or employee by the HRMD Office and Accounting for such act/s enumerated above. The said joint notice shall be furnished to the immediate supervisor/s and the Office of

¹⁷⁶ In ***Virginia M. Andrade v. Court of Appeals and Dominador S. Wingsing***, G.R. No. 127932, December 7, 2001, the Supreme Court upheld the transfer of the name of the petitioner to the last page of the roll, to wit:

“With regards to the deletion of petitioner's name from the regular monthly payroll of teachers, we find the same to be merely the result of a school policy being implemented by the school personnel. Private respondent Wingsing had nothing to do with the preparation of the payroll, as it was the school payroll clerk who prepared the same. As explained by payroll clerk Aida Soliman, petitioner's name was not deleted from the regular monthly payroll but merely transferred to the last page of the roll since she failed to submit her Form 48 or Daily Time Record (DTR) sheet on time. The move was made so that the other teachers would not be unduly prejudiced by the delayed release of petitioner's salary, which as a policy was the consequence for late submission of DTRs.”

the University President for appropriate action.

144.2.7. The delay or late or non-submission of the proof of rendition of service shall be a ground for disciplinary action.

Section 145. **Procurement and Installation of Electronic or On-line Recording of Services and Payroll Processing.** – The University shall adopt effective and efficient mode of recording of services and payroll system of officials and employees such as, but not limited, to the procurement and installation of electronic or on-line recording of services and payroll system in accordance with existing laws, rules and regulations.

Section 146. **Required Working Hours and Performance Evaluation System (PES) Instruments.** – University officials and employees are required to render forty (40) working hours per week pursuant to Civil Service laws, rules and regulations.

Provided, further, that the Performance Evaluation System (PES) for Faculty Members or Academic Staff and for the Administrative or Non-Teaching Personnel or Employees or its equivalent shall be in such form and content as of the PES instruments provided under the Human Resource Merit Promotion and Selection for Faculty Members and Academic Non-Teaching Staff (HRMPS-FANTS) Manual and Human Resource Merit Promotion and Selection for Administrative or Non-Teaching Staff (HRMPS-ANTP) Manual, respectively, which shall be designed in accordance with the Strategic Performance Management System (SPMS) and such policies duly approved by the EVSU Board of Regents upon the recommendation of the University President.

Section 147. **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 148. **Extension of Daily Working Hours.** – When the exigency of the service and the interest of the University so requires, the Executive Officials, Head, and/or Director/Dean may request the University President to extend the daily hours of work of any or all of the officials 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 149. **Flexible Time Work and Compressed Work Schedules.** – The following guidelines shall strictly be observed on the grant of flexible time work and compressed work schedules:

149.1. **Statutory Authority.** – The grant of flexible working hours are authorized under the following statutes which shall strictly be observed by the University, to wit:

149.1.1. Section 6 of Rule XVII on Government Office Hours of the Omnibus Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws, provides:

“SEC. 6. Flexible working hours may be allowed subject to the discretion of the head of department or agency. In no case shall the weekly working hours be reduced in the event the department or agency adopts the flexi-time schedule in reporting for work.”

- 149.1.2. Item B of CSC Resolution No. 91-677 promulgated on June 4, 1991 circularized pursuant to MC No. 21, s. 1991 dated June 4, 1991¹⁷⁷, provides:

“B. Flexible Working Hours

1. In no case shall the working hours be reduced in the event officials and employees elect to adopt flexi-time in reporting for work, in which case, CSC MC No. 14, s. 1989 (Adoption of Flexible Working Hours in the government Service) shall be strictly complied with.”

- 149.1.3. CSC Resolution No. 89-256 promulgated on April 21, 1989 and circularized pursuant to MC No. 14, s. 1989¹⁷⁸, among others, provides:

- “1) Heads of departments, officers and agencies shall have the authority to approve office working hours, provided that in such working hours officials and employees shall render not less than eight hours a day for five days a week for a total of forty hours.
- 2) The flexible working hours shall not start earlier than 7:00 o'clock in the morning and later than 7:00 o'clock in the evening, hence the public is still assured of the core working hours of eight o'clock in the morning to five o'clock in the afternoon.
- 3) The public must be assured of a continuous service during the period of 12:00 noon to 1:00 o'clock in the afternoon.
- 4) The Flexible Working Hours adopted by the official or employees shall thereafter be his or her regular working hours which cannot be occasionally or periodically changed at his or her convenience.
- 5) In the exigency of the service, working days may also be altered to include Saturdays and Sundays, provided that employees who work on such days may choose a compensatory days-off during the weekdays, provided that the Saturday and Sunday are regular workdays and not cases of overtime.
- 6) A flexible working hours adopted by the department, office

¹⁷⁷ “Policy on Government Working Hours for Government Officials and Employees.”

¹⁷⁸ Adoption of Flexible Working Hours in the Government Service.”

or agency shall be submitted to the Civil Service Commission thirty (30) days of its implementation.

7) Habitual absenteeism and tardiness shall hereafter be considered as grave offenses.”

149.2. *Mandatory Compliance of the Forty (40) Hours Per Week Based on the Workload Distribution Under Relevant Policies of the University.* – A grantee of the flexi-time work and/or compressed schedules must comply the mandatory forty (40) hours per week based on the workload distribution under Article 25 hereof.

149.3. *Grounds.* – University officials or officers, faculty members, academic staff shall be allowed to flexible time work or compressed 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.

149.4. *Options.* – The following flexi-time work schedule may be authorized by the University President upon submission of application by the faculty member or academic staff or academic non-teaching staff or employee concerned duly endorsed by the concerned supervisors, to wit:

Options	Morning (Time-in)	Afternoon (Time-out)	Total Number of Hours	
			Per Day	Per Week
A	7:00AM	4:00PM	8	40
B	7:30AM	4:30PM	8	40
C	8:30AM	5:30PM	8	40
D	9:00AM	6:00PM	8	40
E	9:30AM	6:30PM	8	40
F	10:00AM	7:00PM	8	40

Provided, that the University President shall, upon the recommendation by the immediate supervisors concerned, approve an application for a compressed four-day work week subject to the provisions hereof.

149.5. *Continuity in the Delivery of Services of the Office is Assured.* – The Academic Officers in their recommendation shall, among others, categorically state the grant of the flexible time work or compressed schedules to the applicant shall assure continuity in the delivery of services of the office.

149.6. *Limitations.* – The following shall be observed:

149.6.1. In no instance that a flexible time work or compressed work schedule be recommended and approved on ground of limited practice by an applicant;

- 149.6.2. Flexible time work or compressed work schedule shall not be granted during submission of critical requirements such as, but not limited to, budget, periodic accreditation and other assessments by competent authority/ies;
 - 149.6.3. Flexible time work or compressed work schedule shall be limited to one (1) semester only subject to renewal at the discretion by the University President. Provided, that should the University President issues no adverse decision to the request for renewal within ten (10) days from receipt thereof, the same is deemed approved to facilitate subject loading until nullified which shall take effect after fifteen (15) days from receipt of the appropriate order;
 - 149.6.4. Designated officials must ensure that they have their respective Alternate Signing Officers of the Day (ASOD) so as to ensure continuity in the delivery of services during the period of their approved flexible time work or compressed work schedule; and
 - 149.6.5. The approved flexible time work or compressed work schedule may be suspended, rescinded or shortened by the University President on grounds of exigency of the service which the same shall take effect after issuance of the appropriate order.
- 149.7. *Mandatory Posting or Display of Flexible Time Work and/or Compressed Work Schedule.* – The flexible time work or compressed work schedules shall be posted or displayed in the organizational structure and Freedom of Information and Transparency Bulletin Boards of the concerned Academic Department or College or Campus. The approved flexible time work schedule must clearly be reflected in their respective Semestral Teaching or Workload.

Section 150. **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 day¹⁷⁹. Uvertime is not classified as tardiness¹⁸⁰, 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 personnel¹⁸¹, to wit:

- 150.1. 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.

¹⁷⁹ CSC Resolution No. 00-0970 dated April 7, 2000.

¹⁸⁰ CSC Resolution No. 10-1357 dated July 6, 2010.

¹⁸¹ CSC MC No. 16, s. 2010 entitled, "Policy on Uvertime."

- 150.2. 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 151. **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 afternoon¹⁸². The following guidelines on half-day absence shall be applied to and strictly observed¹⁸³ by all officers and employees of the University¹⁸³, to wit:

- 151.1. 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
- 152.2. Any officer or employee who is absent in the afternoon is considered to have incurred undertime, subject to the provisions on Undertime.

Section 152. **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 the 2017 Revised University Code and/or this Manual and applicable CSC rules and regulations.

Article 35

Workload for Regular Faculty Members with Administrative Designations

Section 153. **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 the 2017 Revised University Code and such University policies, rules and regulations duly approved by the EVSU Board of Regents upon the recommendation by the University President.

Section 154. **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 the 2017 Revised University Code and such University policies, rules and regulations.

¹⁸² CSC Resolution No. 00-0970 dated April 7, 2000.

¹⁸³ CSC MC No. 17, s. 2010, entitled "Policy on Half-day Absence."

Section 155. **Performance of Duties and Job Rotation.** – Administrative employees 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 36 Leaves

Section 156. **General Provisions.** – Except as expressly provided under applicable laws, rules and regulations insofar as authorized by the EVSU Board of Regents upon the recommendation by the University President, the following policies shall strictly be observed:

- 156.1. *Leave and Privileges of Administrative Officials and Employees.* – Administrative officials and employees shall enjoy leave privileges pursuant to applicable laws, rules and regulations provided proper documentary requirements are duly complied with.
- 156.2. *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.
- 156.3. *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.

- 156.4. *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.

- 156.5. *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.

- 156.6. *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.

- 156.7. *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.

- 156.8. *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.

- 156.9. *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.

Section 157. ***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 158. ***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 159. ***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 160. ***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 161. **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 162. **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 163. **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.

163.1. 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.

163.2. 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 funds¹⁸⁴. 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

¹⁸⁴ Section 23 of CSC Resolution No. 98-3142 dated December 14, 1998 otherwise known as the Omnibus Rules on Leave.

- e. Other analogous cases as may be determined by the Commission.
- 163.3. 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 used¹⁸⁵.

Article 37 **Maternity and Paternity Leaves**

Section 164. **Maternity Leave**¹⁸⁶. – 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 refers to the period between conception and delivery or birth of a child. For purposes of maternity leave, miscarriage is within the period of pregnancy¹⁸⁷.

- 164.1. *Conditions for the Grant of Maternity Leave*¹⁸⁸. - 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.

- 164.2. *Every woman, married or unmarried may be granted maternity leave more than once a year.* – Maternity leave shall be granted to female

¹⁸⁵ CSC Resolution No. 000034 dated January 5, 2000 entitled, "Monetization of Leave Credits."

¹⁸⁶ 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."

¹⁸⁷ 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.

¹⁸⁸ CSC Resolution No. 021420 dated October 22, 2002 entitled, "Amendment to the Maternity Leave Rules."

employees in every instance of pregnancy irrespective of its frequency.

- 164.3. *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.

- 164.4. *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 occurs not more than fifteen (15) calendar days after the termination of an employee's service as her right thereto has already accrued.
- 164.5. *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.
- 164.6. *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 165. ***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 child¹⁸⁹.

- 165.1. *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.
- 165.2. *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

¹⁸⁹ 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."

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 delivery¹⁹⁰.

Section 166. **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:

- 166.1. 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.
- 166.2. 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.
- 166.3. 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.
- 166.4. 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 167 hereof, shall still be required to go on forced leave.

Article 38

Terminal and Special Privilege Leaves

Section 167. **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.

- 167.1. **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.

¹⁹⁰ 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."

- 167.2 *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.
- 167.3. *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.
- 167.4. *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 168. ***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 169. ***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:

- 169.1. Personal milestones such as birthdays/wedding/wedding anniversary celebrations and other similar milestones, including death anniversaries.
- 169.2. 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.
- 169.3. Filial obligations to cover the employee's moral obligation toward his or her parents and siblings for their medical and social needs.
- 169.4. Domestic emergencies such as sudden urgent repairs needed at home, sudden absence of a kasambahay or maid, and the like.
- 169.5. 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.

- 169.6. Calamity, accident, hospitalization leave pertain to force majeure events that affect the life, limb, and property of the employee of his immediate family.
- 169.7. 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.
- 169.8. Employees applying for special privilege leaves shall no longer be required to present proof that they are entitled to avail of such leaves.
- 169.9. 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 170. **Relocation Leave.** – refers to a special leave privilege granted to official/employee whenever he/she transfers residence.

Section 171. **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 172. **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 173. **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 174. **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 175. **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 176. **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 177. **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 178. **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 179. **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 180. **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 181. **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 182. **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 XII **PROMOTIONS**

Article 39

Application of the Three-Salary Grade Limitation on Promotion, and Selection and Evaluation of Promotional Appointments

Section 183. **Exemptions of the Three-Salary Grade Limitations.** – An administrative or non-teaching personnel or employee may be promoted to a position which is not more than three (3) salary grade, pay or job grades higher than the staff or employee's present position. All appointments issued in violation of this policy shall be disapproved/invalidated, except when the promotional appointment falls within the purview of any of the following exceptions¹⁹¹:

- 183.1. The position occupied by the person is the next-in-rank to the vacant Position identified in the Merit Selection Plan and the System of Ranking Positions (SRP) of the University;
- 183.2. The vacant position is a lone or entrance position, as indicated in the University staffing pattern;
- 183.3. The vacant position is hard to full, such as Accountant, Medical Officer/Specialist, Attorney, or Information Technology Officer/Computer Programmer positions.
- 183.4. The vacant position is unique and/or highly specialized, such as Actuarial, Airways Communicator positions.
- 183.5. The candidates passed a thorough and in depth selection process,

¹⁹¹ Section 96, Rule IX, of CSC Resolution No. 1701009 promulgated on June 16, 2017 and circularized pursuant to MC No. 24, s. 2017 dated August 24, 2017.

taking into consideration the candidates' superior qualifications in regard to:

- 183.5.1. Educational achievements;
 - 183.5.2. Highly specialized trainings;
 - 183.5.3. Relevant work experience; and
 - 183.5.4. Consistent high performance rating/ranking.
- 183.6. 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 to the University, and scientific and technical positions in scientific or research institutions, all of which establish and maintain their own merit systems.
- 183.7. Other meritorious cases, such as:
- 183.7.1. When the appointee is the lone applicant who meets all the requirements of the position and passed a thorough and in-depth selection process;
 - 183.7.2. When the qualified next-in-rank administrative or non-teaching personnel or employees waived their right over the vacant position in writing;
 - 183.7.3. When the next-in-rank position, as identified in the University SRP is vacant;
 - 183.7.4. When the next-in-rank administrative or non-teaching staff of employee/s is/are not qualified; and
 - 183.7.5. When the qualified next-in-rank administrative or non-teaching staff or employee did not apply.

Section 184. **Prohibitions of the Three-Salary Grade Limitations.** – The three-salary grade limitation shall apply only to promotion within the University. This prohibition shall not apply to the following human resource actions which involve issuance of an appointment¹⁹²:

- 184.1. Transfer incidental to promotion *provided*, that the appointee was subject to deep selection;
- 184.2. Reappointment involving promotion from non-career to career provided, that the appointee was subject to deep selection;
- 184.3. Reappointment from career to non-career position;
- 184.4. Reemployment; and
- 184.5. Reclassification of position.

¹⁹² Section 98, Rule IX of CSC Reso. No. 1701009 circularized per MC No. 24, s. 2017 dated August 24, 2017.

Section 185. **Selection and Evaluation of Promotional Appointments.** – The following shall strictly be observed:

- 185.1. In the selection process, the University shall strictly observe the above conditions to avoid disapproval or invalidation of promotional appointments¹⁹³;
- 185.2. In the evaluation of promotional appointments, the CSC Regional Office No. VIII and CSC Field Office shall make a thorough evaluation of the manner and merit of the issuance of the appointment vis-à-vis the reasons or justifications of the EVSU Board of Regents through the University President before taking any action on the appointments¹⁹⁴;
- 185.3. To facilitate review and evaluation of appointments, the University shall submit the SRP to CSC Regional Office No. VIII or CSC Field Office. The University SRP shall be used as one of the bases for determining whether the University observes the policy on the three-salary grade limitation on promotion as herein provided¹⁹⁵; and
- 185.4. The University shall submit this Manual and/or a University MSP to the CSC Regional Office No. VIII, which shall take effect immediately upon approval. All subsequent amendments of this Manual and/or the University MSP shall take effect immediately upon approval by the CSC Regional Office No. VIII¹⁹⁶.

Chapter XIII

BINDING EFFECT OF THE MERIT SELECTION PLAN AND/OR HUMAN RESOURCE MERIT PROMOTION SELECTION MANUALS, SYSTEM OF RANKING POSITIONS, SECURITY OF TENURE, AND HUMAN RESOURCE MERIT, PROMOTION AND SELECTION BOARD

Article 40

Binding Effect Merit Selection Plan (MSP) and/or Human Resource Merit Promotion Selection (HRMPS) Manuals, and Submission of the System of Ranking Positions (SRP) of the University

Section 186. **Binding Effect of the University Merit Selection Plan (MSP) and/or Human Resource Merit Promotion Selection (HRMPS) Manuals.** – The University Merit Selection Plan (MSP) and/or Manuals of the Human Resource Merit Promotion Selection for Faculty and Academic Non-Teaching Staff (HRMPS-FANTS) and for Administrative or Non-Teaching Personnel (HRMPS-ANTP) duly approved by the EVSU Board of Regents upon the recommendation by the University President shall be considered as a valid contract binding among the

¹⁹³ Section 99, Rule IX, of CSC Reso. No. 1701009 circularized per MC No. 24, s. 2017 dated August 24, 2017.

¹⁹⁴ Section 100, Rule IX of CSC Reso.No. 1701009 circularized per MC No. 24, s. 2017 dated August 24, 2017.

¹⁹⁵ Section 101, Rule IX of CSC Reso.No. 1701009 circularized per MC No. 24, s. 2017 dated August 24, 2017.

¹⁹⁶ Section 102, Rule IX of CSC Reso.No. 1701009 circularized per MC No. 24, s. 2017 dated August 24, 2017.

University President, the faculty or academic staff, academic non-teaching staff, administrative or non-teaching personnel or employees and the CSC. As such, non-compliance by the University with the policies and procures provided therein shall be considered as ground for disapproval/invalidation of appointment. The same can be a round for administrative action against the official or employee who caused the violation¹⁹⁷.

Section 187. **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 41 **Security of Tenure**

Section 188. **Security of Tenure of Regular or Permanent Administrative or Non-Teaching Personnel or Employee.** – Only regular administrative or non-teaching personnel or employees shall enjoy security of tenure subject to the provisions of this this 2017 Human Resource Merit Promotion and Selection for Administrative or Non-Teaching Personnel of the University Manual, pertinent CSC laws, rules and regulations insofar 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.

Section 189. **Security of Tenure of the Probationary Employee.** – A probationer administrative or non-teaching personnel or employee shall enjoy security of tenure within the probationary as enunciated in **PNOC-EDC v. Buenviaje**¹⁹⁸, the Supreme Court clearly ruled:

“A probationary employee also enjoys security of tenure, although it is not on the same place as of a permanent employee. This is so because aside from just and authorized causes, a probationary employee may also be dismissed due to failure to qualify in accordance with the standards of the employer made known to him/her at the time of his/her engagement.”

Article 42 **Human Resource Merit Promotion and Selection Board of the University**

¹⁹⁷ Section 103, Rule IX of CSC Reso.No. 1701009 circularized per MC No. 24, s. 2017 dated August 24, 2017.

¹⁹⁸ **Philippine National Oil Company-Energy Development Corporation v. Amelyn A. Buenviaje**, G.R. Nos. 183200-01 and *Amelyn A. Buenviaje v. Philippine National Oil Company-Energy Development Corporation*, G.R. Nos. 183253 & 183257, June 29, 2016, citing *Mercado v. AMA Computer College Paranaque City, Inc.*, G.R. No. 183572, April 13, 2010, 618 SCRA 218, 238-241; and *Robinsons Galleria/Robinsons supermarket Corporation v. Ranchez*, *supra* note 41 citing the Omnibus Rules Implementing the Labor Code, Book VI, Rule 1, Sec. 6(c.).

Section 190. **General Policies.** – The University shall adhere to the following:

- 190.1. There shall be no discrimination in the selection of officials, faculty members or academic staff, academic non-teaching personnel, administrative or non-teaching personnel or employees on account of age, sex, sexual orientation and gender identity, civil status, disability, region, ethnicity, or political affiliation¹⁹⁹.
- 190.2. There shall be no discrimination whatsoever in entrance to the teaching profession, or during its exercise, or in the termination of services, based on other than professional consideration²⁰⁰.

Section 191. **Establishment of the Human Resource Merit Promotion and Selection Board for Faculty and Academic Non-Teaching Staff (HRMPSB-FANTS) of the University, and Procedures in the Selection.** – There is hereby established a Human Resource Merit Promotion and Selection Board for Faculty and Academic Non-Teaching Staff (HRMPSB-FANTS) of the University to be constituted by the University President with the following compositions:

191.1. For the EVSU- Main Campus:

- (1) Vice President for Academic Affairs, *Chairperson*;
- (2) Vice President for Administration and Finance, *Co-Chairperson*;
- (3) Campus Director, *Vice-Chairperson*;
- (4) Dean where the vacancy occurs, *Member*;
- (5) Head where the vacancy occurs, *Member*;
- (6) One faculty member not lower than Assistant Professor in the College where the vacancy occurs, *Member*;
- (7) One faculty member not lower than Assistant Professor from another College or Campus whose field of specialization is related to the vacant position, *Member*;
- (8) Director for Research and Development (R&D) or his/her authorized representative, *Member*;
- (9) Director for Extension Services or his/her authorized representative, *Member*;
- (10) President or his/her authorized representative of the Faculty Association duly registered at and accredited by the CSC²⁰¹;
- (11) President or his/her authorized representative of the Faculty Association duly recognized by the EVSU BOR, *Member*; and
- (12) President of the Student Council/Government or his/her authorized representative, *Member*.

Provided, that the HRMD Officer shall serve as the ex-officio Secretary of the HRMPSB-FANTS.

¹⁹⁹ Section 83, para. 2, Rule IX, of CSC Resolution No. 1701009 promulgated on June 16, 2017 and circularized pursuant to MC No. 24, s. 2017 dated August 24, 2017.

²⁰⁰ Section 10 of R.A. No. 4670 otherwise known as the "Magna Carta for Public School Teachers."

²⁰¹ Accredited pursuant to Executive Order No. 180 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."

191.2. For the EVSU- External Campuses:

- (1) Vice President for Academic Affairs, *Chairperson*;
- (2) Vice President for Administration and Finance, *Co-Chairperson*;
- (3) Campus Director and College Dean where the vacancy occurs, *Vice Chairpersons*;
- (4) Head where the vacancy occurs, *Member*;
- (5) One faculty member not lower than Assistant Professor in the College or Campus where the vacancy occurs, *Member*;
- (6) One faculty member not lower than Assistant Professor from another College or Campus whose field of specialization is related to the vacant position, *Member*;
- (7) Director/Head for Research and Development (R&D) or his/her authorized representative, *Member*;
- (8) Director/Head for Extension Services or his/her authorized representative, *Member*;
- (9) President or his/her authorized representative of the Faculty Association duly registered at and accredited by the CSC²⁰²;
- (10) President or his/her authorized representative of the Faculty Association duly recognized by the EVSU BOR, *Member*; and
- (11) President of the Student Council/Government or his/her authorized representative, *Member*.

Provided, that the HRMD/Administrative Officer shall serve as the ex-officio Secretary of the HRMPSB-FANTS.

Section 192. ***Establishment of the Human Resource Merit Promotion and Selection Board for Administrative or Non-Teaching Personnel (HRMPSB-ANTP) of the University, and Procedures in the Selection.*** – There is hereby established a Human Resource Merit Promotion and Selection Board for Faculty and Administrative or Non-Teaching Personnel (HRMPSB-ANTP) of the University to be constituted by the University President with the following compositions:

192.1. For the EVSU- External Campuses:

- (1) Vice President for Administration and Finance, *Chairperson*;
- (2) Campus Director, *Vice-Chairperson*;
- (3) Director for Administrative Services;
- (4) Director for Finance Services;
- (5) Chief Administrative Officer (CAO) for Administrative Services;
- (6) Chief Administrative Officer (CAO) for Finance Services
- (7) Division/Unit Head/Chief where the vacancy occurs, *Member*;
- (8) President of the Non-Teaching Personnel Association or his/her authorized representative, *Member*;
- (9) Two (2) Representatives from the rank-and-file, from the first level and from the second level, who shall be chosen by the duly

²⁰² Accredited pursuant to Executive Order No. 180 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."

- accredited Non-Teaching Personnel Association designated by the University President²⁰³; *Members*, and
- (10) President of the Student Council/Government or his/her authorized representative, *Member*.

Provided, that the HRMD Officer shall serve as the ex-officio Secretary of the HRMPSB-ANTP.

192.2. For the EVSU- External Campuses:

- (1) Vice President for Administration and Finance, *Chairperson*;
- (2) Campus Director, *Vice-Chairperson*;
- (3) Chief Administrative Officer (CAO) for Administrative Services;
- (4) Chief Administrative Officer (CAO) for Finance Services
- (5) Head for Administrative Services;
- (6) Head for Finance Services;
- (7) Division/Unit Head/Chief where the vacancy occurs, *Member*;
- (8) President of the Non-Teaching Personnel Association or his/her authorized representative, *Member*;
- (9) Two (2) Representatives from the rank-and-file, from the first level and from the second level, who shall be chosen by the duly accredited Faculty Association designated by the University President²⁰⁴, *Members*; and
- (10) President of the Student Council/Government or his/her authorized representative, *Member*.

Provided, that the HRMD/Administrative Officer shall serve as the ex-officio Secretary of the HRMPSB-ANTP.

Section 193. ***Duties and Functions, Selection Process, Requirements, and Meetings.*** – The duties and functions, selection process, requirements, and meetings of the duly constituted HRMPSB-FANTS and HRMPSB-ANTP of the University shall be in accordance of the Human Resource Merit Promotion Selection for Faculty and Academic Non-Teaching Staff (HRMPS-FANTS) and Human Resource Merit Promotion Selection for Administrative or Non-Teaching Personnel (HRMPS-ANTP) duly approved by the EVSU Board of Regents and CSC Resolution No. 1701009 promulgated on June 16, 2017 and circularized pursuant to MC No. 24, s. 2017 dated August 24, 2017, and such applicable laws, and policies promulgated by the CSC, DBM, CHED and competent authority/ies which are hereby adopted and be applied suppletorily hereof.

Chapter XIV

HUMAN RESOURCE DEVELOPMENT INTERVENTIONS, STUDY GRANTS AND WORKERS' EDUCATION PROGRAM

Article 43

Human Resource Development Interventions

²⁰³ Accredited pursuant to Executive Order No. 180.

²⁰⁴ Accredited pursuant to Executive Order No. 180.

Section 194. **General Guidelines.** – To achieve the main objective of the University’s personnel development program in bringing about highly educated and professional faculty members, the following policies are promulgated:

- 194.1. The University shall develop and implement a continuing program of training and development for its officials, faculty members or academic staff, academic non-teaching staff, administrative or non-teaching personnel or employees.
- 194.2. The University shall encourage its officials, faculty members or academic staff, academic non-teaching staff, administrative or non-teaching personnel or employees to pursue relevant local and foreign-assisted training/scholarship grants, attend seminars, conferences, workshops, industry immersion or related human resource development courses.
- 194.3. Selection of participants in training programs or industry immersion shall be based on actual needs for specialization and enhancement of competence, taking into consideration organizational priorities.
- 194.4. Preference shall be given to candidates with permanent appointment.

Section 195. **Types of Human Resource Development Interventions.** – The University may adopt other human resource development interventions such as the following:

- 195.1. *Counseling* – entails a one-on-one close interaction between an employee and a supervisor to jointly look at problems besetting him/her, which affect his/her performance and relationships with others. It is used generally as a corrective approach in helping an employee overcome his/her problem, which may be either personal or work related.
- 195.2. *Mentoring* – a mechanism that guides an employee to the inner network of the University, which may assist him/her in career advancement. It involves a manager’s investment on a high potential faculty member, providing an objective assessment of one’s strength and weaknesses and ensuring opportunities to address them. This mechanism allows the faculty member to clarify “ambiguous” expectations of the University and facilitates career growth.
- 195.3. *Job Rotation* – the sequential or reciprocal movement of an employee from one office to another or from one division to another within the University as a means for developing and enhancing his/her potentials in an organization by being exposed to the various functions of the University.

The duration of the job rotation shall be within the period prescribed by the University President but shall not exceed twelve (12) months.

Provided, that designation of employees shall not be considered as job rotation measure.

Article 44

Career Development and Student Grants

Section 196. **Guidelines.** – The following guidelines shall be enforced:

196.1. *Declaration of Policies.* – The University shall develop a career and personnel development program for faculty members which shall include provisions on training, faculty immersion, foreign and local scholarships, study grants, job rotation, counseling, mentoring and other Human Resource Development (HRD) interventions.

Provided, that the Career Development Program and related CSC policies thereof shall form part and serve as the governing guidelines under this 2017 Revised Merit Promotion System for Faculty Members and Academic Officers and Staff of the University.

Provided, further, that 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.

196.2. *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:

196.2.1. *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.

196.2.2. *Study Grants from External Sources.* – Any 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 197. **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 administrative employees shall be with the approval of the University President after the conduct of evaluation by the Human Resource Merit Promotion and Selection Board (HRMPSB) concerned subject to the confirmation by the EVSU

Board of Regents. No employee shall be allowed to go on scholarship if he/she has a pending administrative case.

Section 198. **Authorization of Administrative Personnel to Pursue Advanced Studies After Office Hours.** – Regular 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 45 **Workers' Education Programs**

Section 199. **Entitlement of 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 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 200. **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 administrative officials and employees.

Chapter XV **PERFORMANCE EVALUATION, RECOGNITION, AWARDS AND INCENTIVES**

Article 46 **Performance Evaluation System of the University**

Section 201. **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 effectiveness²⁰⁵.

In addition, a performance-based incentive scheme which integrates personnel and organizational performance shall be established to reward exemplary civil servants and well performing institutions²⁰⁶. 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 CSC²⁰⁷.

²⁰⁵ Section 33, Chapter 5, Book V of Executive Order No. 292 or the "Administrative Code of the Philippines."

²⁰⁶ 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."

²⁰⁷ 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""

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 system²⁰⁸.

Section 202. **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 47 **Strategic Performance Management System (SPMS) of the University**

Section 203. **Strategic Performance Management System of the University.** – Pursuant to the provisions of CSC Circular No. 6, s. 2012²⁰⁹, the University shall establish and sustain a Strategic Performance Management System hereafter referred to as the EVSU-SPMS or University SPMS, *for brevity*.

Section 204. **General Objectives of the EVSU-SPMS**²¹⁰. – The EVSU-SPMS is prepared and administered to:

- 204.1. Concretize the linkage of the organizational performance with the Philippine Development Plan, the University Strategic Plan, and the Organizational Performance Indicator Framework;
- 204.2. 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
- 204.3. Link performance management with other Human Resource (HR) systems and ensure adherence to the principle of performance-based tenure and incentive system.

Section 205. **Basic Elements of the EVSU-SPMS.** – The EVSU-SPMS shall have the following elements²¹¹:

- 205.1. *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

²⁰⁸ 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."

²⁰⁹ CSC MC No. 6, s. 2012 entitled, "Guidelines in the Establishment and Implementation of Agency Strategic Performance Management System (SPMS)."

²¹⁰ Item III of CSC MC No. 6, s. 2012.

²¹¹ Item IV of CSC MC No. 6, s. 2012.

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.

- 205.2. *Outputs/Outcomes-based.* – The system puts premium on major final outputs that contributes to the realization of organizational mandate, mission/vision, strategic priorities, outputs and outcomes.
- 205.3. *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.
- 205.4. *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.
- 205.5. *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.
- 205.6. *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 206. **Key Players and Responsibilities.** – The following are the key SPMS players with the respective duties and responsibilities:

- 206.1. 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.

206.2. *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 207. ***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:

207.1. Security of tenure of those holding permanent appointments is not absolute but is based on performance.

Non-teaching personnel or faculty member 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.

207.2. 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.

- 207.3. 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.

- 207.4. 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.

- 207.5. 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 208. ***EVSU- SPMS Manual.*** – The University shall promulgate its Strategic Performance Management System Manual in accordance with CSC circulars or resolutions and enabling laws insofar as expressly authorized by the EVSU Board Regents upon the recommendation by the University President.

Article 48

Performance Recognition, Awards and Incentives

Section 209. ***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 210. ***Program on Awards and Incentives for Service Excellence (PRAISE).*** – The University shall establish its own employee suggestions and incentive awards system²¹² to be known as the Program on Awards and Incentives for Service Excellence (PRAISE)²¹³ 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

²¹² Item 1 of CSC MC No. 01, s. 2001 entitled, “Program on Awards and Incentives for Service (PRAISE).”

²¹³ Item 2 of CSC MC No. 01, s. 2001.

representative²¹⁴. Notwithstanding as may be specifically provided under the EVSU-PRAISE System Manual, the following general guidelines shall be strictly observed:

- 210.1. 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 interest²¹⁵.
- 210.2. 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 University²¹⁶.
- 210.3. 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 University²¹⁷.
- 210.4. 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 generated²¹⁸.
- 210.5. 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 budget²¹⁹.
- 210.6. The EVSU-PRAISE System is hereby institutionalized²²⁰ and PRAISE Committees²²¹ shall be constituted in the University-wide and in the different Campuses and Colleges of the University.

Section 211. ***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:

- 211.1. To ensure that productivity, innovative ideas, suggestions and exemplary behavior can be identified, considered, managed and

²¹⁴ Item 10 of CSC MC No. 01, s. 2001.

²¹⁵ Item 3 of CSC MC No. 01, s. 2001.

²¹⁶ Item 4 of CSC MC No. 01, s. 2001.

²¹⁷ Item 5 of CSC MC No. 01, s. 2001.

²¹⁸ Item 6 of CSC MC No. 01, s. 2001.

²¹⁹ Item 7 of CSC MC No. 01, s. 2001.

²²⁰ Item 8 of CSC MC No. 01, s. 2001.

²²¹ Item 9 of CSC MC No. 01, s. 2001.

implemented on a continuing basis to cover employees at all levels of the University Campuses²²².

- 211.2. To develop, administer, monitor and evaluate the awards and incentives system of the University²²³.
- 211.3. To establish its own internal procedures and strategies. Membership in the Committee shall be considered part of the member's regular duties²²⁴.

Section 212. **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:

- 212.1. *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.
- 212.2. *Gantimpala Agad Award* – given outright to faculty members and employees commended by clients for their courtesy, promptness, efficiency and dedication to duty.
- 212.3. *Exemplary Behavior Award* –based on the eight norms of conduct as provided under Republic Act No. 6713²²⁵. The awardee will be automatically nominated by the University PRAISE Committee to the Dangal ng Bayan Award.
- 212.4. *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.
- 212.5. *Cost Economy Measure Award* – granted to a faculty member or employee of team whose 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.

²²² Item 11 of CSC MC No. 01, s. 2001.

²²³ Item 12 of CSC MC No. 01, s. 2001.

²²⁴ Item 13 of CSC MC No. 01, s. 2001.

²²⁵ "Code of Conduct and Ethical Standards for Government Officials and Employees."

- 212.6. *Service Award* – conferred on retirees whether under optional or compulsory retirement schemes held during a fitting ceremony or before the date of their retirement.
- 212.7. *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.

- 212.8. *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.
- 212.9. *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, 1990²²⁶.
- 212.10. *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.
- 212.11. *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.
- 212.12. *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 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

²²⁶ Courtesy Campaign Program in the Civil Service otherwise known as the "Ang Magalang, Bow."

University, SUC Leveling²²⁷, IQUAME²²⁸, and academic, research, extension and production related activities as may be recommended by the Vice Presidents concerned duly approved by the University President.

This award shall consist of a mini plaque of recognition each signed by the University duly assisted by the Chairperson of the PRIASE Committee concerned.

- 212.13. *"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.
- 212.14. *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.
- 212.15. *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.
- 212.16. *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 213. **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:

- 213.1. *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

²²⁷ DBM-CHED Joint Circular No. 1, s. 2003 dated May 24, 2003, entitled, "SUC Leveling Instrument and Guidelines for Implementation Thereof," as amended.

²²⁸ CHED Memorandum Order (CMO) No. 15, s. 2005 entitled, "Institutional Monitoring and Evaluation for Quality Assurance of all Higher Education Institutions in the Philippines."

awards shall be given every five years thereafter. Besides cash award, a lapel emblem/loyalty pin shall be given:

Number of Years of Services	Lapel Emblem or Loyalty Pin	Market Value of the Lapel Emblem or Loyalty Pin
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.

- 213.2. *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.
- 213.3. *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 insofar as authorized by the EVSU Board of Regents upon the recommendation by the University President.
- 213.4. *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.
- 213.5. *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 214. **Forms of Awards and Incentives.** – The awards and incentives under the PRAISE System of the University shall be as follows:

- 214.1. *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.
- 214.2. *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.

- 214.3. *"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.
- 214.4. *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.
- 214.5. *Monetary Award* – based on the rates provided under this Code and/or in applicable CSC or DBM rules and regulations.
- 214.6. *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.
- 214.7. *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.
- 214.8. *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 215. ***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 awards²²⁹.

Section 216. ***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:

- 216.1. 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

²²⁹ Item 15 of CSC MC No. 01, s. 2001.

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.

- 216.2. 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. 2016²³⁰.
- 216.3. The grant of the PRAISE incentives shall be subject to the availability of funds, and usual auditing and accounting rules and regulations.

Section 217. **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, 2017 Revised University Code and applicable laws, rules and regulations shall be automatically adjusted by indexing the same to the inflation rate in the national level.

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 Board of Regents 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.

Provided, furthermore, that 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 218. **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 submission²³¹.

²³⁰ Board Resolution No. 93, s. 2016 entitled, "Adopting/Approving CHED Memorandum Order No. 20, s. 2011."

²³¹ Item 16 of CSC MC No. 01, s. 2001.

Section 219. **Suppletory Application of the EVSU-PRAISE Manual Approved by the EVSU Board of Regents per Board Resolution No. 116, s. 2017 and CSC-Regional Office No. VIII and Subsequent Issuances Thereof.** – The EVSU-PRAISE System Manual duly approved by the EVSU Board of Regents pursuant to Board Resolution No. 116, s. 2017 and CSC Regional Office No. VIII on October 9, 2017 shall be applied suppletorily and serve as the governing guidelines of this Manual.

Article 49
**Incentives/Benefits under Other Existing Laws,
Rules and Regulations**

Section 220. **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 1987.²³² The grant of the anniversary bonus in the University shall be subject to the following rules and regulations:

220.1. **Coverage and Exemption**²³³. – 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 circumstances²³⁴:
 1. Those who are no longer in the service in the University as of the date of the milestone year;

²³² 3rd 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."

²³³ Item 2 of Administrative Order No. 263 dated March 28, 1996.

²³⁴ 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."

2. Those who are on absence without leave (AWOL) as of the date of the milestone 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.
- 220.2. *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 changed²³⁵. 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 merging²³⁶ or integration of CHED Supervised Institutions (CSIs) on August 27, 2002 per Board Resolution No. 49, s. 2002 and CHED Memorandum Order No. 27, s. 2000²³⁷.
- 220.3. *The Fifteenth Anniversary of the University.* – A milestone year refers to the 15th anniversary and every fifth year thereafter²³⁸.

Hence, given that the counting of the milestone year provided in Section 451.2 of this Code, the 15th year of the University shall be on fiscal year 2017 and the release of the anniversary bonus shall be made every fifth year thereafter.

- 220.4. *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 year²³⁹.

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.

- 220.5. *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.

²³⁵ Item 3.2 of NBC No. 452 dated May 20, 1996.

²³⁶ Item 3.3 of NBC No. 452 dated May 20, 1996.

²³⁷ 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."

²³⁸ Item 2.4. of Administrative Order No. 263 dated March 28, 1996.

²³⁹ Item 2.5 of Administrative Order No. 263 dated March 28, 1996.

220.6. *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 insofar as approved by the EVSU Board of Regents upon the recommendation of the University President.

Section 221. **Hazard Allowance.** – Medical personnel of the University may be granted hazard allowance pursuant to COA Decision No. 2016-102 dated June 14, 2016²⁴⁰ subject to the qualifications, requirements and processes under Republic Act No. 7305²⁴¹ and its IRR.

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 222. **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.

Section 223. **Hiring and Gratuity Pay for Job Order and Contract of Service Workers in the University.** – Pursuant to Administrative Order No. 02 dated January 31, 2017²⁴², all employees as job orders and contract of service of the University shall be entitled to gratuity pay. Provided, that pertinent provisions of CSC-COA-DBM Joint Circular No. 1, s. 2017 dated June 15, 2017²⁴³ and such applicable laws, rules and regulations or policies duly approved by the EVSU Board of Regents shall also be observed in the hiring of job orders and contract of service workers of the University

Article 50

Insurance Coverage and Benefits

Section 224. **Insurance Coverage.** – The Eastern Visayas State University, as required by law, rules and regulations, shall participate in the Government Service Insurance System (GSIS)²⁴⁴, Home Development Mutual Fund (Pag-ibig)²⁴⁵, Philippine Health Insurance Corporation (PhilHealth)²⁴⁶ and such other government

²⁴⁰ 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.”

²⁴¹ *Magna Carta* for of Public Health Workers which took effect on April 17, 1992.

²⁴² “Authorizing the Grant of Gratuity Pay to job Order and Contract of Service Workers in Government.”

²⁴³ “Rules and Regulations Governing Contract of Service and Job Order Workers in the Government.”

²⁴⁴ Republic Act No. 8291 otherwise known as “The Government Insurance System Act of 1997.”

²⁴⁵ Republic Act No. 9679 otherwise known as the “Home Development and Mutual Fund Law of 2009.”

²⁴⁶ Republic Act No. 7879 otherwise known as the “National Health Insurance Act of 1995.”

and/or controlled corporations, for the insurance and retirement benefits of all its academic and administrative officials and employees.

Section 225. **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.

Article 51 **Separation or Termination from Service**

Section 226. **Declaration of Policies.** – The following rules shall strictly be observed:

226.1. *General Rules.* – The following rules shall strictly be observed:

226.1.1. 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.

226.1.2. Termination of administrative officials and 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.

226.1.3. 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.

226.2. *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. 6683²⁴⁷ and its IRR.

226.3. *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. 10154²⁴⁸ and its IRR²⁴⁹, to wit:

²⁴⁷ "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."

²⁴⁸ "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."

- 226.3.1. *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.
- 226.3.2. *Period of Release of Retirement Benefits*²⁵⁰. – 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 date, as outline further under Section 10 of the IRR of Republic Act No. 10154 and its IRR.

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.

- 226.3.3. *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,

²⁴⁹ CSC Resolution No. 1300237 dated January 30, 2013 entitled, "Implementing Rules and Regulations of Republic Act No. 10154."

²⁵⁰ Section 5, Rule III of CSC Resolution No. 1300237 dated January 30, 2013.

when the delay is deliberately caused by the retiring employee²⁵¹.

Section 227. **Mode of Retirement; Benefits.** – The following shall govern in retiring under R.A. No. 1616:

227.1. Under R.A. No. 1616²⁵²:

227.1.1. Requirements. – Official/Employee was employed prior to May 31, 1977 (regardless of age and employment status);

1. He has rendered at least 20 years of service;
2. His/her last three years of service are continuous except in case of death and disability, abolition or phase out of position due to reorganization; and
3. His leaves of absence without pay during the last three years immediately preceding retirement do not exceed one (1) year.

227.1.2. Benefits. – Gratuity benefit equivalent to one month salary for each year of service for the first 20 years; one and one half months (1.5) salary for each year of service over 20 up to 30 years; and two (2) months for each year over 30 years, based on the highest salary rate received.

Refund of retiree's personal contributions with interest and the corresponding government contributions without interest.

227.2. Under R.A. No. 660²⁵³:

227.2.1. Requirements:

1. He is a member of the GSIS Retirement Insurance fund and employed prior to May 31, 1977;
2. He has attained and/or completed the required age and length of service as indicated below:

Age:	52	53	54	55	56	57	58	59	60	61	62	63	64	65	or
Service:	35	34	33	32	31	30	28	26	24	22	20	18	16	15	over

3. His last three (3) years of service are continuous; and
4. His leaves of absence without pay during the last three

²⁵¹ Section 3 of Republic Act No. 10154.

²⁵² "An Act Further Amending Section Twelve of Commonwealth Act Numbered One Hundred Eighty-Six, As Amended, By Prescribing Two Other Modes of Retirement And For Other Purposes."

²⁵³ "An Act to Amend Commonwealth Act Numbered One Hundred and Eighty-Six Entitled, "An Act To Create and Establish a Government Service Insurance System, to Provide for its Administration, and To appropriate the Necessary Funds Therefor," and to Provide Retirement Insurance and for other Purpose."

(3) years immediately preceding retirement do not exceed one (1) year.

227.2.2. Benefits. - The retiree is entitled to annuity benefits which may be:

1. Automatic Annuity - Monthly pension is paid guaranteed for five years from the date of retirement. After the five-year period, payment of the monthly annuity continues if retiree is still living.
2. Initial Three-Year Lump Sum - This is available to those who are at least 60 years of age on the date of retirement. The subsequent two-year lump sum is paid to the retiree on his 63rd birthday. After five years, if still living, the retiree is paid monthly annuity for life.
3. Five-Year Lump Sum - this is available only to those who are at least 63 years of age or over on the date of retirement. After five years, if still living, retiree is paid monthly annuity for life.

227.3. Under R.A. No. 8291²⁵⁴:

227.3.1. Requirements. - A member is eligible for retirement benefit when he has satisfied all the following conditions:

1. He/she has rendered at least 15 years of service;
2. He/she is at least 60 years of age at time of retirement;
3. He/she is not receiving a monthly pension benefit for permanent total disability; and
4. The last three years of service of the retiree need not be continuous.

227.3.2. Benefits. - The five-year lump sum (60 x basic monthly pension) plus the basic monthly pension for life starting at the end of 5-year guaranteed period; or

The cash payment (18 x basic monthly pension) Plus the basic monthly pension for life starting immediately upon retirement.

Section 228. ***Adoption of the Salamat-Paalam Program and Send-off Token to Retiring Officials, Faculty Member, Academic Non-Teaching Staff, Administrative or Non-Teaching Personnel or Employees of the University.***

²⁵⁴ "An Act Amending Presidential Decree No. 1146, As Amended, Expanding and Increasing the Coverage and Benefits of the Government Service Insurance System, Instituting Reforms Therein And For Other Purposes."

– The University shall strictly observe the conduct of “Salamat-Paalam” Program and the grant of award or token to be known as Send-off token to retiring officials, faculty members, academic non-teaching staff, administrative or non-teaching personnel or employees of the University as authorized under CSC Resolution No. 980474 promulgated on March 5, 1998 and circularized through MC No. 7, s. 1998 dated March 13, 1998²⁵⁵, subject to the following mechanisms²⁵⁶:

- 228.1. *Adoption of the “SALAMAT-PAALAM” Program and Suppletory Application of CSC Resolution No. 980474 Promulgated on March 5, 1998 and Circularized Through MC No. 7, s. 1998 dated March 13, 1998 and Subsequent Issuances Thereof.* – The “SALAMAT-PAALAM” Program is hereby adopted and be strictly observed in the University along with the Civil Service Commission’s thrust of humanizing the bureaucracy in recognition of the contributions of the retiring officials and employees of the University. Further, the pertinent provisions of CSC Resolution No. 980474 promulgated on March 5, 1998 and circularized through MC No. 7, s. 1998 dated March 13, 1998 and subsequent issuances thereof shall be applied suppletorily and serve as the governing guidelines in the implementation of the “SALAMAT-PAALAM” Program of the University.
- 228.2. *Mandatory Holding of a “SALAMAT-PAALAM” Program.* – “The “SALAMAT-PAALAM” Program is a simple but meaningful ceremony held in honor of retirees, whether under optional or compulsory retirement, not later than their scheduled date of retirement. During the ceremony, all retirements may be given a plaque of appreciation/recognition signed by the University President and Chairperson of the EVSU BOR, and the awards and/or tokens as may be deemed proper by the office concerned. The University shall, likewise ensure that the retirees are issued their retirement benefits under the “Maginghawang Pagreretiro Program” during the Ceremony or on the date of their retirement.
- 228.3. *Send-off Token.* – Each official, faculty member, academic non-teaching staff, administrative or non-teaching personnel or employees of the University, whose application for retirement has been approved by the EVSU BOR, shall be entitled to Employee’s Send-off Token (EST) in the amount of not less than One Hundred Thousand Pesos (Php100,000.00) to be charged against the savings and/or income and/or appropriate funds of the University, subject to the availability of funds and usual accounting and auditing rules and regulations. The said Send-off Token shall be awarded during the “SALAMAT-PAALAM” or Send-off Ceremony organized for that purpose.
- 228.4. *Indexation to the Inflation of the Send-Off Token.* – The send-off token prescribed under sub-section 243.3 hereof shall be indexed to

²⁵⁵ Adoption of “SALAMAT-PAALAM” Program in Honor of Retiring Officials and Employees in the Civil Service.”

²⁵⁶ Last paragraph of CSC MC No. 7, s. 1998 which states: “Each agency shall develop its own mechanics of the Program subject to existing rules and regulations.”

the inflation rate subject to the conditions and mechanisms as provided for under pertinent provisions of the 2017 Revised University Code and Board Resolution No. 150, s. 2017 adopted by the EVSU BOR on October 16, 2017²⁵⁷.

228.5. *Creation, Composition, Duties, Terms of Office, Hold Over and Meetings of the Committee on Salamat-Paalam Program and Send-off Token (CSPPSTK) of the University.* – There is hereby created a Committee on Salamat-Paalam Program and Send-off Token hereinafter referred to as CSPPSTK subject to the following rules:

1. *Composition.* – The Committee on Salamat-Paalam Program and Send-off Token (CSPPSTK) of the University shall be composed of the following:
 - a. Vice President for Administration and Finance, *Chairperson*;
 - b. Head of the University Events Management, *Vice Chairperson*;
 - c. Director of Cultural Affairs, *Member*;
 - d. Dean or Campus Director of the Retiree, *Member/s*;
 - e. Director for Finance Services, *Member*;
 - f. Director for Administrative Services, *Member*;
 - g. President of Faculty Association recognized by the EVSU BOR, *Member*;
 - h. President of Faculty Union/Association accredited by the CSC, *Member*; and
 - i. President of the Non-Teaching Personnel, *Member*;
 - j. President of the Alumni Association, *Member*; and
 - k. President of the Student Government/Council, *Member*.

The Human Resource Management and Development (HRMD) Officer shall serve as the Secretary of the CSPPSTK) of the University.

2. *Duties.* – The duly constituted Committee on Salamat-Paalam Program and Send-off Token (CSPPSTK) of the University shall perform the following duties, among others:
 - a. Evaluate the qualifications and recommend the grant of the Salamat-Paalam Program, Send-off Token, plaque and other awards to any Retiree/s of the University. Provided, that the same shall be approved by the EVSU BOR upon the recommendation by the University President;
 - b. Design the Salamat-Paalam Program and its activities including the plaques and awards, and implement the same after proper approval by the University President;
 - c. Closely coordinate with the duly constituted University Events

²⁵⁷ "Resolution Rationalizing and Indexing to Inflation Rates the Fees and Charges, Incentives and Assistance to the Employees and Students of the University Effective Fiscal Year 2017 and Thereafter, Subject to Existing Laws, Rules and Regulations, and For Other Purposes."

Management Committee and CSC in the conduct and documentation of the Salamat-Paalam Program of the University; and

- d. Discharge such other duties as the University President and/or EVSU BOR may direct from time to time.
3. *Terms of Office and Hold Over.* – The Chairperson, Vice Chairperson and Members of the CSPPSTK of the University shall serve for a period of two (2) years and renewable at the discretion of the University President duly approved by the EVSU BOR. Provided, that they shall be allowed to hold over after the expiration of their term of office with all the rights and duties until their respective successors or replacement shall have been designated or selected and qualified to assume office.
4. *Meetings.* – The duly constituted CSPPSTK of the University shall meet at least once a month or as often as necessary as its Chairperson or at least three (3) Members may request to make sure that the Salamat-Paalam Programs are conducted as desirable, solemn and memorable possible.

Article 52 **Extension of Services**

Section 229. ***Extension of Services of the University President.*** – Unless otherwise provided under applicable, laws, rules and regulations duly approved by competent authority/ies, the extension of services of the University shall be subject to the following guidelines:

229.1. *Policies.* – Pursuant to Section 4(x) of R.A. No. 8292²⁵⁸ and Section 7(y) of R.A. No. 9311²⁵⁹, the services of the University President may be extended by the EVSU Board of Regents subject to the following policies:

229.1.1. He/she must be an incumbent to or holding of the position before reaching the retirement age of sixty five (65)²⁶⁰;

²⁵⁸ 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:

xxxxxxxxxx

(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.

²⁵⁹ 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:

xxxxxxxxxx

(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.

²⁶⁰ CSC Resolution No. 990764 dated April 07, 1999, the CSC resolved:

- 229.1.2. His/her performance must be unanimously rated as outstanding and recommended by the duly constituted Search Committee; and
- 229.1.3. His/her performance must be unanimously rated as outstanding and recommended by the duly constituted Search Committee.
- 229.2. *Procedures and Requirements.* – The following guidelines shall strictly be observed:
- 229.2.1. *Submission of Letter of Intent and Complete Requirements.*
– Six (6) months before the University President reaches the retirement age, he/she shall submit a letter of intent to the CHED Chairperson or CHED Commissioner designated as Chairperson of the EVSU Board of Regents specifically indicating his/her desire for extension of services with complete documents based on the criteria and requirements provided hereunder and/or as the EVSU Board of Regents.
- 229.2.2. *Search Committee for Extension of President's Services (SCEPC).* – Within Thirty (30) days upon receipt of the letter of intent, the Board shall hold an Special Board meeting and must constitute a SCEPC, subject to the following conditions:
- 229.2.3. *Composition of the SCEPC.* – The SCEPC must have the following composition, to wit:
1. The CHED Chairman or his/her duly designated representative, as Chairperson;
 2. 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;
 3. 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;
 4. The Federation President/Federation Chair/Federation Head of SSC/SSG of the University or his/her

“xxxxxxx What it exempts, albeit impliedly, is the extension of the term of the SUC President who has reached the retirement age. This contemplates a situation, taking into account the word “extend”, where the SUC President is already holding said position before reaching the retirement age. Consequently, if the Governing Board does not seem fit to extend the term of office of the SUC President who reached the retirement age, the latter must yield to the operation of the retirement laws.”

representative designated by him/her in writing, as Member;

5. The Representative from the Private Sector; and
6. 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.

229.2.4. *Powers of the SCEPC.* – The SCEPC so constituted shall evaluate the application and requirements for extension of services of the President and may devise its own procedures for the search, subject to the approval of the Board of Regents.

229.2.5. *Publication or Posting.* – The Board Secretary shall publish or post the letter of intent and the names of the duly constituted SCEPC in the University’s website, Freedom of Information and Transparency Bulletin Boards and such conspicuous places to ensure awareness of the stakeholders.

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.

229.2.6. *Criteria.* – The University President shall be evaluated according to the following:

Indicators and Brief Description	Weight Allocation
<p>a. Resource Generation. Resource generation refers to programs or activities of the University during the incumbency of the University President that resulted to the acquisition of resources in the form of fees, charges and assessments, revenues, donations, contributions, grants, bequests, endowments, gifts, in cash and in kind, from various sources, domestic or foreign, for purposes relevant to University’s functions. This also includes income generating projects and other economic ventures of the University undertaken or completed during his/her incumbency.</p>	10%
<p>b. Research and Publications, etc.. This</p>	35%

<p>refers to the evidence of influence of the University President, as a research manager, to the research direction and performance of the University. The University President must also show evidence of personal excellence in scholarly research through published research outputs, books, monograms, discoveries inventions and other significant original research contributions.</p>	
<p>c. Professional Achievement and Development. This refers to the involvement of the University President in his/her capacity as consultant in terms of policy formulation and/or resource persons in terms of policy formulation and development as well as resource person in seminars, forums, conferences and other professional undertakings in relation to his/her profession. This also takes into account the involvement of the University President in activities, projects, linkages and partnerships forged that are beneficial or relevant to his or professional endeavors. This also includes membership in professional organizations that has an international, national or regional operation; distinction and commendation received from academic and other professional organizations and associations in recognition of his/her field of expertise.</p>	20%
<p>d. Extension and Relationship with the Community. This refers to the acceptance and reputation of the University President in the academic community, local government units and other stakeholders of the University. The University President must be able to show how the University, through his/her leadership, has collaborated or engaged with different agencies and organizations for empowerment of the community through its different services and activities.</p> <p>The University President must</p>	20%

also be able to show evidence of excellence and commitment as extension manager through various research-based and community-based extension programs or projects of the University that has provided significant impact to the residents of the community and different stakeholders of the University. This also includes the financial investment of the University for the conduct of extension projects.	
e. Interview/Public Forum.	15%
Total	100%

229.2.7. *Performance Evaluation and Rating.* – The performance of the University President shall be evaluated following one hundred percent (100%) adjectival ratings and ranges with the description provided hereunder:

Ranges	Description
90-100%	Outstanding
80-89%	Very Satisfactory
70-79%	Satisfactory
60-69%	Unsatisfactory
50-69%	Poor

229.2.8. *Evaluation Period.* – The duly constituted SCEPC shall complete its evaluation and other related activities within sixty (60) days from its formal constitution.

229.2.9. *Internal Rules of Procedure.* – The SCEPC 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.

229.2.10. *Results of the Search.* – The SCEPC 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 SCEPC itself duly approved by the EVSU Board of Regents upon the recommendation by the University President.

229.2.11. *Action by the EVSU Board of Regents.* – The EVSU Board of Regents shall convene within fifteen (15) days after receipt of the search results submitted by the SCEPC through its Chair. *Provided,* that the EVSU Board of Regents shall not be precluded to conduct further interview with University President.

229.2.12. *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.

229.2.13. *Budgetary requirements.* – The duly constituted SCEPC 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.

229.3. *Effect on the Final Action by the EVSU Board of Regents.* – Should the EVSU Board of Regents fails to act on the search results, the term of office of the incumbent University President is deemed ended, provided, That he/she may be appointed as Office-in-Charge (OIC) by a majority vote of the EVSU Board of Regents, there being a quorum, subject to CSC laws, rules and regulations.

Section 230. ***Extension of Services of Administrative Officials and Employees After Mandatory Retirement Age.*** – Unless otherwise provided under applicable laws, rules and regulations promulgated by competent authority/ies, the following guidelines shall govern on the extension of services of administrative officials and employees or non-teaching personnel after mandatory retirement age, to wit:

230.1. *General Policy.* – Extension of service of administrative officials and employees or non-teaching personnel may be requested by the EVSU Board of Regents upon the recommendation by the University President to complete the fifteen-year service requirement. A faculty member may be allowed to continue in the service in accordance with Civil Service Rules and Regulations.

230.2. *Procedures and Requirements.* – As provided for under P.D. No. 1146²⁶¹ and CSC Resolution No. 90-454 dated May 21, 1990 circularized through MC No. 27, Series of 1990²⁶², the policies and guidelines in the extension of services of compulsory retirees to complete the fifteen (15) years service requirement for retirement purposes:

230.2.1. *Presidential Decree (P.D.) No. 1146 specifically Section 11* thereof provides:

Sec. 11. Conditions for Old-Age Pension. – (a) Old-Age Pension shall be paid to a member who:

- (1) has at least fifteen (15) years of service;
- (2) is at least sixty (60) years of age; and
- (3) is separated from the service.

(b) unless the service is extended by appropriate authorities, retirement shall be compulsory for an employee at sixty-five-(65) years of age with at least fifteen (15) years of service; *Provided*, that if he has less than fifteen (15) years of service, he shall be allowed to continue in the service to completed the fifteen (15) years.

230.2.2. *CSC Resolution No. 90-454 dated May 21, 1990 circularized through MC No. 27, Series of 1990:*

1. Any request for the extension of service of compulsory retirees to complete the fifteen (15) years service requirement for retirement shall be allowed only to permanent appointees in the career service who are regular members of the Government Service Insurance System (GSIS), and shall be granted for a period not exceeding one (1) year.
2. Any request for the extension of service of compulsory retiree to complete the fifteen (15) years service requirement for retirement who entered the government service at 57 years of age or over upon prior grant of authority to appoint him or her, shall no longer be granted.
3. Any request for the extension of service to complete the fifteen (15) years service requirement of retirement

²⁶¹ "Amending, Expanding, Increasing and Integrating The Social Security and Insurance Benefits of Government Employees and Facilitating the Payment Thereof under Commonwealth Act No. 186, As Amended, And For Other Purposes."

²⁶² "Extension of Service of Compulsory Retiree to Complete the Fifteen Years Service Requirement for Retirement Purposes."

shall be filled not later than three (3) years prior to the date of compulsory retirement.

4. Any request for the extension of service of a compulsory retiree who meets the minimum number of years of service for retirement purposes may be granted for six (6) months only with no further extension.

230.2.3. In **Rabor v. CSC**²⁶³, the Supreme Court ruled:

“Our conclusion is that the doctrine of *Cena* should be and is hereby modified to this extent: that Civil Service Memorandum Circular No. 27, Series of 1990, more specifically paragraph (1) thereof, is hereby declared valid and effective. Section 11 (b) of P.D. No. 1146 must, accordingly, be read together with Memorandum Circular No. 27. We reiterate, however, the holding in *Cena* that the head of the government agency concerned is vested with discretionary authority to allow or disallow extension of the service of an official or employee who has reached sixty-five (65) years of age without completing fifteen (15) years of government service; this discretion is, nevertheless, to be exercised conformably with the provisions of Civil Service Memorandum Circular No. 27, Series of 1990.”

Chapter XVI **CODE OF CONDUCT AND ETHICAL STANDARDS FOR UNIVERSITY OFFICIALS AND EMPLOYEES**

Article 53 **Professional Code of Ethics for Faculty Members**

Section 231. **Professional Code of Ethics of Faculty Members.** – In addition to the ethical standards and accountability provided under this Code and in R.A. No. 7163 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.

Chapter XVII **PROHIBITED ACTS AND OTHER REGULATIONS**

Article 54 **Prohibited Acts and Transactions of University Officials or Officers and Employees**

²⁶³ **Dionisio M. Rabor v. Civil Service Commission**, G.R. No. 111812, May 31, 1995,

Section 232. ***Prohibited Acts and Transactions of University Officials or Officers, 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:

- 232.1. *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.
- 232.2. *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.
- 232.3. *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.
- 232.4. *Promoting or Furthering Private Interest or Giving Undue Advantage.* – To further their private interest, or give undue advantage to anyone.
- 232.5. *Prejudicial to Public Interest.* – To prejudice the University and public interest.
- 232.6. *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.

- 232.7. *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.

232.8. *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 eighty percent (80%) 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 XVIII

GRIEVANCE MACHINERY OF THE UNIVERSITY

Article 55

Basic Features, Policies, and Coverage of Grievance Machinery

Section 233. ***Basic Features.*** – The University shall conform to the guidelines set forth under CSC MC No. 02, s. 2001 dated January 26, 2001²⁶⁴ 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 234. ***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 235. ***Composition, and Duties and Functions of the Grievance Committee of the University.*** – Only permanent officials and personnel shall be appointed or elected as members of the Grievance Committee to be constituted by the University President.

235.1. *Composition.* – The Grievance Committee shall be composed of a Chairperson who shall be any of the Vice Presidents, a Vice

²⁶⁴ "Revised Policies on the Settlement of Grievances in the Public Sector."

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.

- 235.2. *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 insofar as approved by the EVSU Board of Regents. The Grievance Committee shall establish its own internal procedures and strategies.
- 235.3. *Inclusion of Membership in the Grievance Committee of the Regular Duties.* – Membership in the grievances committee shall be considered part of the members' regular duties²⁶⁵ with an equivalent to not more than six (6) units of a regular workload provided under the 2017 Revised University Code and this Manual as may be determined by the University President.

Section 236. **Coverage.** – The following instances shall be acted upon through the grievance machinery:

- 236.1. 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;
- 236.2. 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;
- 236.3. Poor interpersonal relationships and linkages such as unreasonable refusal to give official information by one employee to another;
- 236.4. 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;
- 236.5. Protest on appointments; and
- 236.6. All other matters giving rise to employee dissatisfaction and discontentment outside of those cases enumerated above.

Section 237. **Exclusion.** – The following cases shall not be acted upon through the grievance machinery:

²⁶⁵ Item 16 of CSC MC No. 02, s. 2001 dated January 26, 2001.

- 237.1. Disciplinary cases which shall be resolved pursuant to the uniform rules on administrative cases;
- 237.2. Sexual harassment cases as provided for in R. A. No. 7877; and
- 237.3. Union-related issues and concerns.

Section 238. **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 XIX **ADMINISTRATIVE DISCIPLINE**

Article 56 **Administrative and Disciplinary Processes**

Section 239. **General Policies.** – In the exercise of its academic freedom and institutional autonomy, pertinent provisions of R.A. No. 8292 and R.A. No. 9311, and relevant laws and jurisprudence, the University hereby adopts the following policies for be strictly compliance of all concerned:

- 239.1. *Application of CSC Resolution No. 1701077 Promulgated on July 3, 2017, Code of Conduct and Rules on Administrative and Disciplinary Cases of the Officials and Employees of the University approved by the EVSU Board of Regents, and Existing Laws and Jurisprudence and Subsequent Issuances Thereof.* – The provisions of CSC Resolution No. 1701077 promulgated on July 3, 2017, Code of Conduct and Rules on Administrative and Disciplinary Cases of the Officials and Employees of the University approved by the EVSU Board of Regents, and such applicable laws and jurisprudence and subsequent issuances thereof are hereby adopted as provided herein which shall be liberally construed, applied and interpreted to promote their objective in obtaining just, speedy, and inexpensive disposition of administrative cases²⁶⁶.
- 239.2. *Compliance of Administrative Exhaustion.* – Faculty Members, academic officials and staff shall comply administrative exhaustion in seeking for resolution of their complaint/s or issues as elucidated in **Republic of the Philippines v. Lacap**²⁶⁷, the Supreme Court unequivocally held:

“The general rule is that before a party may seek the intervention of the court, he should first avail of all the means

²⁶⁶ Section 3, Rule 1 of CSC Resolution No. Resolution No.1701077 promulgated on July 3, 2017.

²⁶⁷ **Republic of the Philippines, Represented by the Department of Public Works and Highways, Commission on Audit and the National Treasurer V. Carlito Lacap**, G.R. No. 158253, March 2, 2007 citing *ACWS, Ltd. v. Dumlao*, 440 Phil. 787, 801-802 (2002); *Zabat v. Court of Appeals*, 393 Phil. 195, 206 (2000); *Paloma v. Mora*, G.R. No. 157783, September 23, 2005, 470 SCRA 711, 725; and *Fabia v. Court of Appeals*, 437 Phil. 389, 403 (2002).

afforded him by administrative processes. The issues which administrative agencies are authorized to decide should not be summarily taken from them and submitted to a court without first giving such administrative agency the opportunity to dispose of the same after due deliberation.

Corollary to the doctrine of exhaustion of administrative remedies is the doctrine of primary jurisdiction; that is, courts cannot or will not determine a controversy involving a question which is within the jurisdiction of the administrative tribunal prior to the resolution of that question by the administrative tribunal, where the question demands the exercise of sound administrative discretion requiring the special knowledge, experience and services of the administrative tribunal to determine technical and intricate matters of fact.”

Further, in **COA v. CA**²⁶⁸, the Supreme ruled:

“The failure to fulfill the requirements of Rule 65 disallows the CA from taking due course of the Petition; otherwise appeals and motions for reconsideration would be rendered meaningless, as stated time and again by this Court:

If resort to a remedy within the administrative machinery can still be made by giving the administrative officer concerned every opportunity to decide on a matter that comes within his or her jurisdiction, then such remedy should be exhausted first before the court's judicial power can be sought. The premature invocation of the intervention of the court is fatal to one's cause of action. The doctrine of exhaustion of administrative remedies is based on practical and legal reasons. The availment of administrative remedy entails lesser expenses and provides for a speedier disposition of controversies. Furthermore, the courts of justice, for reasons of comity and convenience, will shy away from a dispute until the system of administrative redress has been completed and complied with, so as to give the administrative agency concerned every opportunity to correct its error and dispose of the case. x x x.

Moreover, courts have accorded respect for the specialized ability of other agencies of government to deal

²⁶⁸ **The Special Audit Team, Commission on Audit v. Court of Appeals and Government Service Insurance System**, G.R. No. 174788, April 11, 2013 citing *William Golangco Construction Corporation, v. Ray Burton Development Corporation*, G.R. NO. 163582, 9 August 2010, 627 SCRA 74, 82-83; *Dimarucot v. People*, G.R. NO. 183975, 20 September 2010, 630 SCRA 659, 668-669; *Domdom v. Third and Fifth Divisions of Sandiganbayan*, G.R. Nos. 182382-83, 24 February 2010, 613 SCRA 528; *Ongsuco v. Malones*, G.R. NO. 182065, 27 October 2009, 604 SCRA 499, 511-512, *Fua, Jr. v. Commission on Audit*, G.R. NO. 175803, 4 December 2009, 607 SCRA 347; *Addition Hills Mandaluyong Civic & Social Organization Inc. v. Megaworld Properties and Holdings Inc.*, G.R. NO. 175039, 18 April 2012, 670 SCRA 83, 89; and *Atty. Sanchez v. Judge Vestil*, 358 Phil. 477, 481 (1998).

with the issues within their respective specializations prior to any court intervention. The Court has reasoned thus:

We have consistently declared that the doctrine of exhaustion of administrative remedies is a cornerstone of our judicial system. The thrust of the rule is that courts must allow administrative agencies to carry out their functions and discharge their responsibilities within the specialized areas of their respective competence. The rationale for this doctrine is obvious. It entails lesser expenses and provides for the speedier resolution of controversies. Comity and convenience also impel courts of justice to shy away from a dispute until the system of administrative redress has been completed.

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Once again, the Court must remind the parties to judicial disputes to adhere to the standards for litigation as set by procedural rules. These rules exist primarily for the benefit of litigants, in order to afford them both speedy and appropriate relief from a body duly authorized by law to dispense the remedy. If a litigant prematurely invokes the jurisdiction of a court, then the potential result might be a deafening silence. Although we recognize that justice delayed is justice denied, we must also bear in mind that justice in haste is justice defiled.”

- 239.3. *Requirements of Administrative Due Process.* – No faculty member or academic official or staff of the University shall be removed or suspended except for cause as provided under this Manual or 2017 Revised University Code, CSC Resolution No. 1701077 promulgated on July 3, 2017, and such applicable laws, jurisprudence and after due process of law. As enunciated in **Fontanilla v. COA**²⁶⁹, the Supreme Court instructively declared:

“Time and again, we have ruled that the essence of due process is the *opportunity to be heard*. In administrative proceedings, one is heard when he is accorded a *fair and reasonable opportunity* to explain his case or is given the chance to have the ruling complained of reconsidered.

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We stress that administrative due process also requires the following: 1) A finding or decision by a competent tribunal that is supported by **substantial evidence**, either presented at the hearing or at least contained in the records

²⁶⁹ **Raphael C. Fontanilla v. The Commission Proper, Commission on Audit**, G.R. No. 209714, June 21, 2016 citing *Basaga v. Spouses Acosta*, G.R. No. 194061, April 20, 2015 citing *Vivo V. Pagcor*, G.R. No. 187854, November 12, 2013, 709 SCRA 276, 281; *Air Manila, Inc. v. Hon. Balatbat, et al.*, 148 Phil. 502 (1971); *Garcia v. Executive Secretary*, 116 Phil. 344 (1962); and *Ang Tibay v. Court of Industrial Relations*, 69 Phil. 635, 642-644 (1940).

of disclosed to the parties affected: 2) The tribunal must act on its own independent consideration of the law and facts of the controversy and **not simply accept the view of a subordinate in arriving at a decision**; and 3) The tribunal should in all controversial questions, render its decision **in such a manner that the parties to the proceedings can know the various issues involved** and the reason for the decision rendered.”

In **Montoya v. Varilla**²⁷⁰, the Supreme Court instructively held:

“Though procedural rules in administrative proceedings are less stringent and often applied more liberally, administrative proceedings are not exempt from basic and fundamental procedural principles, such as the right to due process in investigations and hearings. The right to substantive and procedural due process is applicable to administrative proceedings.

Well-settled is the rule that the essence of due process is simply an opportunity to be heard or, as applied to administrative proceedings, an opportunity to explain ones side or an opportunity to seek a reconsideration of the action or ruling complained of.

Unarguably, this rule, as it is stated, strips down administrative due process to its most fundamental nature and sufficiently justifies freeing administrative proceedings from the rigidity of procedural requirements. In particular, however, due process in administrative proceedings has also been recognized to include the following: (1) the right to actual or constructive notice of the institution of proceedings which may affect a respondents legal rights; (2) a real opportunity to be heard personally or with the assistance of counsel, to present witnesses and evidence in ones favor, and to defend ones rights; (3) a tribunal vested with competent jurisdiction and so constituted as to afford a person charged administratively a reasonable guarantee of honesty as well as impartiality; and (4) a finding by said tribunal which is supported by substantial evidence submitted for consideration during the hearing or contained in the records or made known to the parties affected.”

Relatedly, in **Ray Peter O. Vivo v. PAGCRO**²⁷¹, the Supreme Court enunciated:

²⁷⁰ **P02 Ruel C. Montoya v. Police Director Reynaldo P. Varilla**, G.R. No. 180146, December 18, 2008 citing *Civil Service Commission v. Lucas*, 361 Phil. 486, 491 (1999); *Westmont Pharmaceuticals, Inc. v. Samaniego*, G.R. Nos. 146653-54, 20 February 2006, 482 SCRA 611, 619; and *Fabella v. Court of Appeals*, 346 Phil. 940, 952-953 (1997).

“The essence of due process is to be heard, and, as applied in to administrative proceedings, this means a fair a reasonable opportunity to explain one’s side, or an opportunity to seek a reconsideration of the action or ruling complained of.”

Further, in **LTO v. Gutierrez**²⁷², the Supreme Court declared:

“The sense of procedural due process is embodied in the basic requirements of notice and a real opportunity to be heard. In administrative proceedings, xxxxxxxx, procedural due process simply means the opportunity to explain one’s side or the opportunity to seek a reconsideration of the action or ruling complained of. To be heard does not mean only verbal arguments in court; one may also be heard thru pleadings. Where opportunity to be heard, either through oral arguments or pleadings, is accorded, there is no denial of procedural due process. This was extensively discuss in **Vivo v. Philippine Amusement and Gaming Corporation**, as follows:

“The observance of fairness in the conduct of any investigation is at the very heart of procedural due process. The essence of due process is to be heard, and, as applied to administrative proceedings, this means a fair and reasonable opportunity to explain one’s side, or an opportunity to seek a reconsideration of the action or ruling complained of. Administrative due process cannot be fully equated with due process in its strict judicial sense, for in the former a formal trial-type hearing is not always necessary, and technical rules of procedure are not strictly applied. *Ledesma v. Court of appeals* [(565 Phil. 731, 740 [2007])] elaborates on the well-established meaning of due process in administrative proceedings in this wise:

x x x Due process, as a constitutional precept, does not always and in all situations require a trial-type proceeding. Due process is satisfied when a person is notified of the charge against him and given an opportunity to explain or defend himself. In administrative proceedings, the filing of charges and giving reasonable opportunity for the person so charged to answer the accusations against him constitute the minimum requirements of due process. The essence of due of process is simply to be heard, or as applied to

²⁷¹ **Ray Peter O. Vivo v. PAGCOR**, G.R. No. 187854, November 12, 2013.

²⁷² **Disciplinary Board, Land Transportation v. Mercedita E. Gutierrez**, G.R. No. 224395, July 3, 2017, citing *Ebdane, Jr. v. Apurillo*, G.R. No. 204172, December 9, 2015 777 SCRA 324, 332, citing *Department of Agrarian Reform v. Samson*, 577 Phil. 370, 380 (2008); and *Vivo v. Philippine Amusement and Gaming Corporation*, 721 Phil. 34 (2013).

administrative proceedings, an opportunity to explain one's side, or an opportunity to seek a reconsideration of the action or ruling complained of."

- 239.4. *Responsibility on the Burden of Proof.* – The complainant has the burden of proof of proving by substantial evidence the allegations in his complaint. The basic rule is that mere allegation is not evidence and is not equivalent to proof. Charges based on a mere suspicion and speculation likewise cannot be given credence. Hence, when the complainant relies on mere conjectures and suppositions, and fails to substantiate his allegations, the administrative complaint must be dismissed for lack of merit²⁷³.

In a "**Letter of Rafael Dimaano Requesting Investigation of the Alleged Illegal Activities Purportedly Perpetrated by Associate Justice Jane Aurora C. Lantion of the Court of Appeals, Cagayan De Oro City and Unsworn Complaint Rosa Abdulharan Against Associate Justice Jane Aurora C. Lantion Jane of the Court of Appeals, Cagayan De Oro City**"²⁷⁴, the Supreme Court clearly held:

"In administrative proceedings, the quantum of proof necessary for a finding of guilt is substantial evidence or that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion. It must be stressed that the burden of substantiating the charges in an administrative proceeding falls on the complainant, who must be able to prove the allegations in the complaint with substantial evidence. Reliance on mere allegations, conjectures and suppositions will leave an administrative complaint with no leg to stand on."

- 239.5. *Requirement of Substantial Evidence.* – As pronounced by the Supreme Court in **Ombudsman v. Torres**²⁷⁵, the requirement of administrative culpability of any faculty member, academic official or staff of the University shall be as follows:

"To sustain a finding of administrative culpability only substantial evidence is required, not overwhelming or

²⁷³ **Dr. Castor C. de Jesus v. Rafael D. Guerero III, et al.**, G.R. No. 171491, September 4, 2009 citing *Manalabe v. Cabie*, A.M. No. P-05-1984, July 6, 2007, SCRA 582, 589; *Adajar v. Develos*, A.M. No. P-05-2056, November 18, 2005, 475 SCRA 361, 376-377; *Ong v. Rosete*, A.M. No. MTJ-04-1538, October 22, 204, SCRA 150, 160; and *Datuin, Jr. v. Soriano*, A.M. No. TRJ-01-1640, October 15, 2002, 391 SCRA 1, 5.

²⁷⁴ **In Letter of Rafael Dimaano Requesting Investigation of the Alleged Illegal Activities Purportedly Perpetrated by Associate Justice Jane Aurora C. Lantion of the Court of Appeals, Cagayan De Oro City**, A.M. No. 17-03-03-CA and **Unsworn Complaint Rosa Abdulharan Against Associate Justice Jane Aurora C. Lantion Jane of the Court of Appeals, Cagayan De Oro City**, IPI No. 17-258-CA-J, July 11, 2017 citing *Complaint of Imelda D. Ramil against Stenographer Evelyn Antonio*, 552 Phil. 92, 100 (2007); *Dayag v. Judge Gonzales*, 526 Phil. 48, 57 (2006); and *Alfonso v. Igancio*, 487 Phil. 1, 7 (2004).

²⁷⁵ **Office of the Ombudsman v. Marian D. Torres and Maricar D. Torres**, G.R. No. 168309, January 29, 2008 citing *Apolinario v. Flores*, G.R. No. 152780, January 22, 2007, 512 SCRA 113, 119; *Resngit-Marquez v. Judge Llamas, Jr.*, 434 Phil. 184, 203 (2002), *Mariano v. Roxas*, 434 Phil. 742, 749 (2002), and *Liquid v. Camano, Jr.*, 435 Phil. 695, 706 (2002).

preponderant, and very much less than proof beyond reasonable doubt as required in criminal cases. Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.”

In **Civil Service Commission v. Herminigildo L. Andal**, the Supreme Court held:

“Substantial evidence, which is the quantum of proof required in this administrative case, the amount of relevant evidence that a reasonable mind might accept as adequate to justify a conclusion. This standard is satisfied in the present case so long as there is reasonable ground to believe that respondent is responsible for the misconduct complained of, even if the evidence may not be overwhelming or even preponderant.”²⁷⁶

- 239.6. *Resignation Not a Way Out to Evade Administrative Liability.* – Resignation is not a way out to evade administrative liability when facing administrative sanction. The resignation of a public servant does not preclude the finding of any administrative liability to which he or she shall still be answerable.²⁷⁷

However, a faculty member, academic official or staff under investigation may be allowed to resign pending decision of his case without prejudice to the continuation of the proceedings until finally terminated.²⁷⁸

- 239.7. *Effects of Desistance by the Complainant.* – The settled rule is that the filing of an affidavit of desistance by complainant for lack of interest does not *ipso facto* result in the termination of an administrative case against the respondent²⁷⁹. In **Pastor C. Pinlac v. Oscar T. Llamas**²⁸⁰, the Supreme Court ruled:

“We reiterate the settled rule that administrative actions cannot depend on the will or pleasure of the complainant who may, for reasons of his own, accept and condone what it otherwise detestable.”

However, well-established is the rule in administrative proceedings that the burden of proof rests on the complainant, who

²⁷⁶ **Civil Service Commission v. Herminigildo L. Andal**, A.M. No. SB-12-19-P (Formerly OCA IPI No. 10-26-SB-P), November 18, 2014 citing *Jallorina v. Taneo-Regner*, A.M. No. P-11-2948, 23 April 2012, 670 SCRA 301.

²⁷⁷ **Esther S. Pagano v. Juan Nazarro, Jr., et al.**, G.R. No. 149072, September 21, 2007 citing *Baquerfo v. Sanchez*, A.M. No. P-05-1974, 6 April 2005, 455 SCRA 13, 19-20.

²⁷⁸ **Light Rail Transit Authority V. Aurora A. Salvaña**, G.R. No. 192074, June 10, 2014.

²⁷⁹ **Leonila S. Raymundo v. Enrique M. Calaguas**, A.M. No. P-01-1496, 28 January 2005, 449 SCRA 437, citing *Teodoro v. Carpio*, A.M. No. MTJ-O2-1416, 27 February 2004, 424 SCRA 56.

²⁸⁰ **Pastor C. Pinlac v. Oscar T. Llamas**, A.M. No. P-10-2781 (Formerly OCA IPI No. 02-1419-P), November 24, 2010.

must be able to support and prove by substantial evidence his accusations against respondent²⁸¹.

- 239.8. *Hearsay*. – Evidence is hearsay when its probative force depends in whole or in part on the competency and credibility of some persons other than the witness by whom it is sought to produce. However, while the testimony of a witness regarding a statement made by another person given for the purpose of establishing the truth of the fact asserted in a statement is clearly hearsay evidence, it is otherwise if the purpose of placing the statement on record is merely to establish the fact that the statement, or the tenor of such statement, was made. Regardless of the truth or falsity of a statement, when what is relevant is the fact that such statement has been made, the hearsay rule does not apply and the statement may be shown. As a matter of fact, evidence as to making of the statement is not secondary but primary, for the statement itself may constitute a fact in issue or is circumstantially relevant as to the existence of such a fact. This is known as the doctrine of independently relevant statements.²⁸²
- 239.9. *Limitations on the Application of Technical Rules Obtaining to Cases in Ordinary Court of Law, and Formal and Trial-Type Hearing is Not Necessary*. – The administrative cases and proceedings against any faculty member, academic official or staff of the University shall not be bound by the strict technical rules obtaining cases in ordinary court of law²⁸³. In **Augusto Samalio v. Court of Appeals**²⁸⁴, the Supreme Court clearly pronounced:

“Further, administrative bodies are not bound by the technical niceties of law and procedure and the rules obtaining in courts of law. Administrative tribunals exercising quasi-judicial powers are unfettered by the rigidity of certain procedural requirements, subject to the observance of fundamental and essential requirements of due process in justiciable cases presented before them. In administrative proceedings, technical rules of procedure and evidence are not strictly applied and administrative due process cannot be fully equated with due process in its strict judicial sense.”
In **Lastimoso v. Asayo**²⁸⁵, the Supreme Court held:

“It is a settled jurisprudence that in administrative proceedings, technical rules of procedure and evidence are not

²⁸¹ **Antonino Monticalbo v. Judge Crescente F. Mraya, Jr.**, A.M. No. RTJ-09-2197, 13 April 2011, 648 SCRA 573, citing *Office of the Court of Administrator v. Lopez*, A.M. No. P-10-2788, January 18, 2011.

²⁸² **Jose Espineli v. People of the Philippines**, G.R. No. 179535, June 9, 2014, citing *Republic v. Heirs of Felipe Alejaga, Sr.*, Phil. 656, 672 (2002).

²⁸³ CSC Decision No. 150715 dated September 22, 2015.

²⁸⁴ **Augusto Samalio v. Court of Appeals, et al.**, G.R. No. 140079, March 31, 2005.

²⁸⁵ **Deputy Director General Roberto Lastimoso v. P/Senior Inspector Jose J. Asayo**, G.R. NO. 154243, December 4, 2007 citing G.R. No. 164876, January 23, 2006, 479 SCRA 495; and *Casimiro v. Tandog*, G.R. No. 146137, June 08, 2005, 459 SCRA 624, 631; *Samalio v. Court of Appeals*, supra note 1, at 471.

strictly applied. In *Land Bank of the Philippines v. Celada*, the Court stressed thus:

After all, technical rules of procedure are not ends in themselves but are primarily devised to help in the proper and expedient dispensation of justice. In appropriate cases, therefore, the rules may be construed liberally in order to meet and advance the cause of substantial justice.”

Further, in *Imperial v. GSIS*²⁸⁶, the Supreme Court declared:

“Procedural due process is the constitutional standard demanding that notice and an opportunity to be heard be given before judgment is rendered. As long as a party is given the opportunity to defend his interests in due course, he would have no reason to complain; the essence of due process is in the opportunity to be heard. A formal or trial-type hearing is not always necessary.”

239.10. *Penalty, Punishment and Fines Distinguished.* – In *SPARK v. Quezon City*²⁸⁷, the Supreme Court ruled:

“Penalty” is defined imposed on a wrongdoer usually in the form of imprisonment or fine”; “[p]unishment imposed by lawful authority upon a person who commits a deliberate or negligent act.” Punishment, in turn, is defined as “[s]anction—such as fine, penalty, confinement, or loss of property, right, or privilege – assessed against a person who has violated the law.

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Fines/and/or imprisonment, on the other hand, undeniably constitute penalties – as provided in our various criminal and administrative laws and jurisprudence xxxxxxxxxxxx.”

Section 240. **Original and Concurrent Jurisdictions.** – The EVSU Board of Regents or University President insofar as authorized by the Board shall have original concurrent jurisdiction of with the CSC over the faculty members and academic official or staff of the University. It shall take cognizance of complaints involving their respective faculty members. Its decisions shall be final in case the penalty imposed is suspension for not more than thirty (30) days or fine in an amount not exceeding thirty (3) days salary. In case the decision rendered by a the EVSU Board of Regents is appealable to the CSC, the same may be initially appealed to the University President and finally to the CSC and pending appeal, the

²⁸⁶ *Monico K. Imperial, Jr. V. Government Service Insurance System*, G.R. No. 191224, October 4, 2011 citing *Catmon Sales International Corporation v. Yngson, Jr.*, G.R. No. 179761, January 15, 2010, 610 SCRA 236, 244; and *Cuenca v. Atas*, G.R. No. 146214, October 5, 2007, 535 SCRA 48, 72.

²⁸⁷ *SPARK v. Quezon City*, G.R. No. 225442, August 8, 2017.

same shall be executory except when the penalty is removal, in which case the same shall be executory only after confirmation by the EVSU Board of Regents²⁸⁸.

Provided, that the CSC shall have concurrent jurisdiction with the EVSU Board of Regents over the disciplinary action/s against any faculty member or academic official or staff of the University²⁸⁹.

Section 241. **Penalties; Classification of Offenses**²⁹⁰. – Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service as provided hereunder:

- 241.1. *Grave Offense*. – The following grave offenses shall be punishable by dismissal from the service:
 - 241.1.1. Serious Dishonesty;
 - 241.1.2. Gross Neglect of Duty;
 - 241.1.3. Grave Misconduct;
 - 241.1.4. Being Notoriously Undesirable;
 - 241.1.5. Conviction of a Crime Involving Moral Turpitude;
 - 241.1.6. Falsification of Official Document;
 - 241.1.7. Physical or mental incapacity or disability due to immoral or vicious habits;

²⁸⁸ Section 50, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²⁸⁹ **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 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.

²⁹⁰ Section 50, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

- 241.1.8. 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 favor or better treatment than that accorded to other persons, or committing acts punishable under the anti-graft laws;
- 241.1.9. Contracting loans of money or other property from persons with whom the office of the employee has business relations;
- 241.1.10. Soliciting or accepting directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value which in the course of his/her/their official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of one's office. The propriety or impropriety of the foregoing shall be determined by its value, kinship, or relationship between giver and receiver and the motivation. A thing of monetary value is one which is evidently or manifestly excessive by its very nature.
- 241.1.11. Nepotism; and
- 241.1.12. Disloyalty to the Republic of the Philippines and to the Filipino people.
- 241.2. *Other Grave Offenses.* – The following grave offenses shall be punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense:
 - 241.2.1. Less Serious Dishonesty;
 - 241.2.2. Oppression;
 - 241.2.3. Disgraceful and Immoral Conduct;
 - 241.2.4. Inefficiency and Incompetence in the Performance of official duties;
 - 241.2.5. Frequent Unauthorized Absences (Habitual Absenteeism);
 - 241.2.6. Habitual Tardiness in reporting for duty causing prejudice to the operations of the office;
 - 241.2.7. Loafing from Duty During Regular Office Hours;
 - 241.2.8. Refusal to Perform Official Duty;
 - 241.2.9. Gross Insubordination;

- 241.2.10. Conduct prejudicial to the best interest of the service;
 - 241.2.11. Directly or indirectly having financial and material interest in any transaction requiring the approval of one's office. Financial and material interest is defined as pecuniary or proprietary interest by which a person will gain or lose something.
 - 241.2.12. Owning, controlling, managing or accepting employment as officer, employee, consultant, counsel, broker, agent, trustee, or nominee in any private enterprise regulated, supervised or licensed by one's office, unless expressly allowed by law.
 - 241.2.13. Disclosing or misusing confidential or classified information officially known to one's office and not made available to the public, to further one's private interests or give undue advantage to anyone, or prejudice the public interest.
 - 241.2.14. Obtaining or using any statement filed under the Code of Conduct and Ethnical Standards for Public Officials and employees for any purpose contrary to morals or public policy or any commercial purpose other than by news and communications media for dissemination to the general public;
 - 241.2.15. Recommending any person to any position in a private enterprise which has a regular or pending official transaction with his/her/their office, unless such recommendation or referral is mandated by (1) law, or (2) international agreements, commitment and obligation, or (3) as part of the functions of one's office; and
 - 241.2.16. Plagiarism.
- 241.3. *The grave offense of Inefficiency and Incompetence in the Performance of Official Duties.* – The grave offense of Inefficiency and Incompetence in the performance of official duties is punishable by Demotion. In this case, the guilty person shall suffer diminution in salary corresponding to the next lower salary grade or rank.
- Provided,* that designated faculty members guilty of inefficiency and incompetence shall immediately be replaced or substituted and be disqualified for designation in any of the designated position/s for the period of five (5) continuous years subject to the provisions of the 2017 Revised University Code.
- 241.4. *Less Grave Offenses.* – The following less grave offenses are punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense; and dismissal from the service for the second offense:

- 241.4.1. Simple Neglect of Duty;
 - 241.4.2. Simple Misconduct;
 - 241.4.3. Discourtesy in the Course of Official Duties;
 - 241.4.4. Violation of existing Civil Service Law and rules of serious nature;
 - 241.4.5. Insubordination;
 - 241.4.6. Habitual Drunkenness;
 - 241.4.7. Unfair discrimination in rendering public service due to a party affiliation or preference;
 - 241.4.8. Failure to file sworn statements of assets, liabilities and net worth (SALN), and disclosure of business interest and financial connections including those of their spouses and unmarried children under eighteen (18) years of age living in one's households;
 - 241.4.9. Failure to resign from one's position in the private business enterprise within thirty (30) days from assumption of public office when conflict of interest arises, and/or failure to divest himself/herself of his/her shareholdings or interest in private business enterprise within sixty (60) days from assumption of public office when conflict of interest arises; *Provided, however,* that for those who are already in the service and conflict of interest arises, the official or faculty member must either resign or divest himself/herself of said interest within the periods hereinabove provided, reckoned from the date when the conflict of interest had arisen; and
 - 241.4.10. Engaging directly or indirectly in partisan political activities by one holding non-political office.
- 241.5. *Less Grave Offense of Simple Dishonest and Failure to Attend Meetings and Functions Duly Authorized by the EVSU Board of Regents or its Board Committee/s and/or University President and Immediate Supervisors.* – Less Grave Offense of Simple Dishonest is punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense; six (6) months and one (1) day to one (1) year for the second offense; and dismissal for third offense.

Further, the failure of an official or faculty member or academic staff or academic teaching staff or employee to attend meetings or functions duly authorized by the EVSU Board of Regents or its Board Committee/s and/or University President or immediate supervisors, without prior notice and justification grounds, shall be considered grave offense and be penalized as prescribed above.

Provided, that this shall not preclude for the imposition of penalties subject to the circumstances and merits of the case.

241.6. *Light Offenses.* – The following light offenses are punishable by reprimand for the first offense; suspension of one (1) to thirty (30) days from the second offense; and dismissal from the service for the third offense:

- 241.6.1. Simple Discourtesy in the Course of Official Duties;
- 241.6.2. Improper or unauthorized solicitation of contributions from subordinate employees and by teachers or University Officials from students or school children;
- 241.6.3. Violation of Reasonable Office Rules and Regulations;
- 241.6.4. Habitual Tardiness;
- 241.6.5. Gambling Prohibited by Law;
- 241.6.6. Refusal to Render Overtime Service;
- 241.6.7. Disgraceful, Immoral or Dishonest Conduct Prior to Entering the service;
- 241.6.8. Borrowing money by superior officers from subordinates and borrowing money by the faculty member from his/her student/s;
- 241.6.9. Willful failure to pay just debts or willful failure to pay taxes due to the government. *Provided*, that term “just debts” shall apply only to:
 - 1. Claims adjudicated by a court of law; or
 - 2. Claims the existence of justness of which are admitted by the debtor;
- 241.6.10. Lobbying for personal interest or gain in legislative halls and offices without authority;
- 241.6.11. Promoting the sale of tickets in behalf of private enterprises that not intended for charitable or public welfare purposes and even in the latter cases, if there is no prior authority from the University President and/or EVSU Board of Regents;
- 241.6.12. Failure to act promptly on letters and request within fifteen (15) working days from receipt, except as otherwise provided in the rules implementing the Code of Conduct and Ethnical Standards for Public Officials and Employees;

- 241.6.13. Failure to process documents and complete action on documents and papers within a reasonable time from preparation thereof, except as otherwise provided in the rules implementing the Code of Conduct and Ethnical Standards for Public Officials and Employees;
 - 241.6.14. Failure to attend to anyone who wants to avail himself/herself of the services of the office, or act promptly and expeditiously on public transactions;
 - 241.6.15. Engaging in private practice of one's profession unless authorized by the Constitution, law or regulation and/or EVSU Board of Regents upon the recommendation by the University President, *provided*, that such practice will not conflict with one's official functions; and
 - 241.6.16. Pursuit of private business, vocation or profession without the permission required by the Civil Service rules and regulations.
- 241.7. *Other Specific Offenses*²⁹¹. – The following acts also constitute administrative offenses:
- 241.7.1. The Offense of Sexual Harassment:
 - 1. Grave Offenses punishable by dismissible from the service shall include but are not limited to:
 - a. Unwanted touching of private parts of the body (inner thighs, genitalia, buttocks and breast);
 - b. Sexual assault;
 - c. Malicious touching;
 - d. Requesting for sexual favor in exchange for employment, promotion, local or foreign travels, favorable working conditions or assignments, a passing grade, the granting of honors or scholarship, or the grant of benefits or payment of a stipend or allowance; and
 - e. Other analogous cases.
 - 2. Less Grave Offenses shall include, but are not limited to:
 - a. Unwanted touching or brushing against a victim's body;
 - b. Pinching not falling under grave offenses;

²⁹¹ Section 51, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

- c. Derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person;
 - d. Verbal abuse with sexual overtones; and
 - e. Other analogous cases.
3. Light Offenses shall include, but are not limited to:
- a. Surreptitiously looking at a person's private part or worn undergarments;
 - b. Making sexist statements and uttering smutty jokes or sending these through text, electronic mail including but not limited to social media platform, causing embarrassment or offenses and carried out after the offender has been advised that they are offensive or embarrassing or, even without such advise, when they are by their nature clearly embarrassing, offensive or vulgar;
 - c. Malicious leering or ogling;
 - d. Display of sexually offensive pictures, materials or graffiti;
 - e. Unwelcome inquiries or comments about a person's sex life;
 - f. Unwelcome sexual filtration, advances, propositions;
 - g. Making offensive hand or body gestures at an employee;
 - h. Persistent unwanted attention with sexual overtones;
 - i. Unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver; and
 - j. Other analogous cases.
4. For the purpose of this Manual and/or in the 2017 RACCS, the administrative offense of sexual harassment is further described in the following circumstances:
- a. Work-related sexual harassment is committed under the following circumstances:

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 human resource action) affecting the applicant/employee; or
 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
 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 word of the person complained of.
- b. 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:
1. Submission to or rejection of the act or series of acts 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; or
 2. The act or series of acts have the purpose or effect of interfering with the performance, creating an it=intimidating, hostile or offensive academic environment of the complainant;
 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.
- c. The offense may also take place in the following instances:

1. In the premises of the workplace or office of the University;
 2. In any place where the parties were found as a result of work or education or training responsibilities or relations;
 3. At work or education or training-related social functions;
 4. While on official business outside the office or University or during work or University or training-related travel;
 5. At official conferences, fora, symposia or training sessions; or
 6. By telephone, cellular phone, fax machine or electronic mail.
5. Persons Liable for Sexual Harassment. – Any University official, faculty member or academic staff or academic non-teaching staff or employee, regardless of sex, is liable for sexual harassment when he/she:
- a. Directly participates in the execution of any act of sexual harassment as defined hereof;
 - b. Induces or direct another or others to committee sexual harassment as defined hereof;
 - c. Cooperates in the commission of sexual harassment by another through an act without which the sexual harassment would not have been accomplished;
 - d. Cooperates in the commission of sexual harassment by another through previous or simultaneous acts.
- 241.7.2. Violations of Republic Act No. 9485 or Anti-Red Tape Act of 2007.
1. Grave Offense:

Fixing and/or collusion with fixers in consideration of economic and/or other gain or advantage shall be penalized by Dismissal and perpetual disqualification from public service.
 2. Light Offenses:

- a. Refusal to accept application and/or request within the prescribed period or any document being submitted by a client;
- b. Failure to act on an application and/or request or failure to refer back to the client a request which cannot be acted upon due to lack of requirements within the prescribed period;
- c. Failure to attend to clients who are within the premises of the office or University prior to the end of official working hours and during lunch break;
- d. Failure to render frontline services within the prescribed period on any application and/or request without due cause; and
- e. Imposition of additional irrelevant requirements other than those listed in the first notice.

The foregoing light offenses shall be penalized as follows:

First Offense- Thirty (30) days suspension without pay and mandatory attendance in Values Orientation Program;

Second Offense- Three months suspension without pay;

Third Offense- Dismissal and perpetual disqualification from public service.

Section 242. **Elements, Definitions or Determination of Offenses.** – Notwithstanding as may be provided under applicable laws, rules and regulations as well as jurisprudence, the elements or definitions of administrative offenses shall be as follows:

- 242.1. *Absence Without Leave (AWOL)* – means that the employee is leaving or abandoning his post without justifiable reason and without notifying his employer.²⁹² As provided under CSC Resolution No. 070631 promulgated on April 10, 2007 and circularized per MC No. 13, s. 2007 dated July 25, 2007²⁹³, clearly declared and sustained: “In order to curb such practice, to promote efficiency and effective personnel administration in government and to obviate any prejudice to the service, the Civil Service Commission, pursuant to CSC Resolution No. 07-0631 dated April 10, 2007, hereby amends the abovementioned rule to read as follows:

²⁹² **Hon. Remedios L. Petilla v. Court of Appeals, et al.**, G.R. No. 150792, March 3, 2004 citing *City Government of Makati v. Civil Service Commission*, G.R. No. 131392, 6 February 2002, 376 SCRA 248.

²⁹³ “Amendment to Section 63, Rule XVI of the Omnibus Rules on Leave, CSC Memorandum Circular Nos. 41 and 14, Series of 1998 and 1999, Respectively.”

"Sec. 63. *Effect of Absences without approved leave.* – An official or 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. However, when it is clear under the obtaining circumstances that the official or employee concerned, has established a scheme to circumvent the rule by incurring substantial absences though less than thirty working (30) days 3x in a semester, such that a pattern is already apparent, dropping from the rolls without notice may likewise be justified."

In ***Palecpec v. Davis***,²⁹⁴ the Supreme Court clearly ruled:

"Absence without leave for a prolonged period of time constitutes conduct prejudicial to the best interest of public service and justifies the dismissal of an employee and the forfeiture of benefits with prejudice to re-employment in the government since it is an established fact that frequent unauthorized absences cause inefficiency in the public services."

- 242.2. *Being Notoriously Undesirable* – in determining whether an employee is notoriously undesirable, the CSC prescribes a two-fold test: (1) whether it is common knowledge or generally known as universally believed to be true or manifest to the world that the employee committed the acts imputed against him; and (2) whether he had contracted the habit for any of the enumerated misdemeanors. An employee who cannot get along with his co-employees and superiors can upset and strain the working environment and is therefore detrimental to institution.²⁹⁵
- 242.3. *Conduct Prejudicial to the Best Interest of the Service* – refers to acts or omissions that violate the norm of public accountability and diminish or tend to diminish the people's faith xxxxxxxxxx.²⁹⁶
- 242.4. *Conduct Unbecoming of Public Official or Employee* – means that conduct of public official or employee has a great tendency to destroy public respect.²⁹⁷
- 242.5. *Crime Involving Moral Turpitude* – refers to everything which is done contrary to justice, modesty, or good morals; an act of

²⁹⁴ ***Rudy A. Palecpec, Jr. v. Hon. Corazon C. Davis, G.R. No. 171048***, July 31, 2007 citing *Caa v. Gebusion*, 385 Phil. 773, 786 (2000); *Masadao, Jr. v. Glorioso*, 345 Phil. 861, 864 (1997).

²⁹⁵ ***Ma. Rosario R. Escaño v. Adrian P. Manaois***, A.M. No. 16-02-01-CTA, November 15, 2016 citing *San Luis v. Court of Appeals*, G.R. No. 80160, June 26, 1989, 174 SCRA 258, 270-271; and *Heavylift Manila, Inc. v. Court of Appeals*, G.R. No. 154410, October 20, 2005, 473 SCRA 541, 549.

²⁹⁶ ***A.M. No. 2011-05-SC***, September 6, 2011, RE: "Deceitful Conduct of Ignacio S. del Rosario, Cash Clerk III, Records and Miscellaneous Matter Section, Checks Disbursement Division, FMO-OCA" citing *Toledo v. Perez*, A.M. Nos. P-03-1677 and P-07-2317, July 15, 2009, 593 SCRA 5, 11, citing *Ito v. De Vera*,

²⁹⁷ ***Carlisle Borough v. Adams***, Pa., 12 Cumb. 53 and Administrative Order No. 37 dated September 30, 1987.

baseness, vileness or depravity in the private and social duties which a man owes his fellowmen, or to society in general, contrary to the accepted and customary rule of right and duty between man and woman, or conduct contrary to justice, honesty, modesty, or good morals. Not every criminal act, however, involves moral turpitude.²⁹⁸

- 242.6. *Discourtesy in the Course of Official Duties* – refers to rude and hostile behavior exhibited by an official or employee affecting public service. It also includes acts of, among others, fighting between officials or employees during office hours reflecting adversely on the good image of the University, shouting at one another in the workplace and during office hours, and high-strung and belligerent behavior.²⁹⁹
- 242.7. *Disgraceful and Immoral Conduct* – is an act which violates the basic norm of decency, morality and decorum abhorred and condemned by the society and conduct which is willful, flagrant or shameless, and which shows a moral indifference to the opinions of the good and respectable members of the community.³⁰⁰
- 242.8. *Dishonesty* – refers to the concealment or distortion of truth in a matter of fact relevant to one's office or connected with the performance of his duty³⁰¹. It also "refers to disposition to lie, cheat, deceive or defraud. It implies untrustworthiness, lack of integrity, lack of honesty, probity or integrity in principle on the part of the individual who failed to exercise fairness and straightforwardness in his or her dealings".³⁰²

Dishonesty is defined as "intentionally making a false statement in any material fact, or practicing or attempting to practice any deception or fraud in securing his examination, registration, appointment or promotion." Thus, dishonesty, like bad faith, is not simply bad judgment or negligence. Dishonesty is a question of intention. In ascertaining the intention of a person accused of dishonesty, consideration must be taken not only of the facts and circumstances which gave rise to the act committed by the respondent, but also of his state of mind at the time the offense was committed, the time he might have had at his disposal for the

²⁹⁸ **Cecilia Pagaduan v. Civil Service Commission**, G.R. No. 206379, November 19, 2014 citing *PAL v. NLRC*, G.R. No. 123294, October 20, 2010, 634 SCRA 18, 41-42; and *RE: Decision dated May 20, 2008 in G.R. No. 161455 under Rule 139-B of the Rules of Court v. Pactolin*, A.C. No. 7940, April 4, 2012, 670 SCRA 366, 371; and

²⁹⁹ **Maria Raquel R. Bajar v. Victoriano P. Baterisna**, A.M. No. P-06-2151, August 28, 2006 citing *Cervantes v. Cardeo*, supra; *Aquino v. Israel*, 426 SCRA 266, March 25, 2004; *Quiroz v. Orfila*, 272 SCRA 324, May 7, 1997.

³⁰⁰ **Evelina C. Banaag v. Olivia C. Espeleta**, A.M. No. P-11-3011 (Formerly OCA IPI No. 09-3143-P), December 16, 2011 citing Section 46(b)(5), Chapter 7, Subtitle A, Title I, Book V of the Administrative Code of 1987; and Section 1 of CSC Resolution No. 100912 dated May 17, 2010 (Revised Rules on the Administrative Offense of Disgraceful and Immoral Conduct).

³⁰¹ **Michaelina Ramos Balasbas v. Patricia B. Monayao**, G.R. No. 190524, February 17, 2014.

³⁰² **A.M. No. 2011-05-SC**, September 6, 2011, RE: "Deceitful Conduct of Ignacio S. del Rosario, Cash Clerk III, Records and Miscellaneous Matter Section, Checks Disbursement Division, FMO-OCA" citing *Bulalat v. Adil*, A.M. No. SCC-05-10-P, October 19, 2007, 537 SCRA 44, 48.

purpose of meditating on the consequences of his act, and the degree of reasoning he could have had at that moment.³⁰³

The Supreme Court also defined dishonesty as the (d)isposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray.³⁰⁴ Under CSC Resolution No. 06-0538³⁰⁵ and as enunciated in **Committee on Security and Safety v. Reynaldo V. Dianco, et al.**³⁰⁶:

242.8.1. *Serious Dishonesty* – the presence of any of the following attendant circumstances in the commission of the dishonest act constitutes the offense of serious dishonesty:

- a. The dishonest act caused serious damage and grave prejudice to the government;
- b. The respondent gravely abused his authority in order to commit the dishonest act;
- c. Where the respondent is an accountable officer, the dishonest act directly involves property; accountable forms or money for which he is directly accountable; and respondent shows intent to commit material gain, graft and corruption;
- d. The dishonest act exhibits moral depravity on the part of the respondent;
- e. The respondent employed fraud and/or falsification of official documents in the commission of the dishonest act related to his/her employment;
- f. The dishonest act was committed several times or in various occasions;
- g. The dishonest act involves a Civil Service examination irregularity or fake Civil Service eligibility such as, but not limited to, impersonation, cheating and use of crib sheets.
- h. Other analogous circumstances. (*Emphasis supplied*)

³⁰³ **Office of the Court Administrator v. Maria Celia A. Flores**, A.M. No. P-07-2366 (Formerly OCA-I.P.I. No. 07-2519-P), April 16, 2009 citing *Civil Service Commission v. Perocho, Jr.*, A.M. No. P-05-1985, 26 July 2007, 528 SCRA 171, 179 citing *Wooden v. Civil Service Commission*, G.R. No. 152884, 30 September 2005, 471 SCRA 512, 526.

³⁰⁴ **Administrative Case for Dishonesty Against Elizabeth Ting, Court Secretary I, and Angelita C. Esmerio, Clerk III, Office of the Division Clerk of Court, Third Division**, A.M. No. 2001-7-SC & No. 2001-8-SC, July 22, 2005, citing *Office of the Court Administrator v. Ibay*, 393 SCRA 212 (2002).

³⁰⁵ Rules on Administrative Offense of Dishonesty

³⁰⁶ **Committee on Security and Safety, Court Of Appeals, v. Reynaldo V. Dianco - Chief Security, Joven O. Sorianosos - Security Guard 3, and Abelardo P. Catbagan - Security Guard 3**, A.M. No. CA-15-31-P (formerly OCA I.P.I. No. 13-218-CA-P), June 16, 2015.

242.8.2. *Simple Dishonesty* – the presence of any of the following attendant circumstances in the commission of the dishonest act constitutes the offense of simple dishonesty:

- a. The dishonest act did not cause damage or prejudice to the government.
- b. The dishonest act had no direct relation to or does not involve the duties and responsibilities of the respondent.
- c. In falsification of any official document, where the information falsified is not related to his/her employment.
- d. That the dishonest act did not result in any gain or benefit to the offender.
- e. Other analogous circumstances.

242.9. *Falsification of Official Document* – is the violation of public faith and the destruction of truth therein solemnly proclaimed. It is contrary to justice, honesty and good morals and, therefore, involves moral turpitude³⁰⁷. Black defines a *public document* as a document of public interest issued or published by a political body or otherwise connected with public business. The term is also described as a document in the execution of which a person in authority or notary public takes part.³⁰⁸

The distinction made by the law between falsification by private persons, first, of public documents, and secondly of private documents, is clear; the first is committed by the mere performance of any of the acts of falsification enumerated in Art. 171; while the second is committed not only by the performance of any of the acts of falsification enumerated in Art. 171; but it must likewise be shown that such act of falsification was committed to the damage of a third party or with intent to cause such damage. The reason for the distinction is given in a decision of the Supreme Court of Spain dated December 23, 1885, cited by this Court in the case of *People vs. Pacana*, 47 Phil. 48; i.e., that in the falsification of public or official documents, whether by public officials or by private persons, it is unnecessary that there be present the idea of gain or the intent to injure a third person, for the reason that, in contradiction to private documents, the principal thing punished is the violation of the public faith and the destruction of the truth as therein solemnly proclaimed.³⁰⁹

³⁰⁷ ***Cecilia Pagaduan v. Civil Service Commission***, G.R. No. 206379, November 19, 2014 citing *RE: Decision dated May 20, 2008 in G.R. No. 161455 under Rule 139-B of the Rules of Court v. Pactolin*, A.C. No. 7940, April 4, 2012, 670 SCRA 366, 371.

³⁰⁸ ***Laurinio Goma and Natalio Umale v. Court of Appeals***, G.R. No. 168437, January 8, 2009 Citing Black's Law Dictionary 520 (8th ed.); and *Bermejo v. Barrios*, Nos. L-23614-15, February 27, 1970, 31 SCRA 764; *Cacnio v. Baens*, 5 Phil. 742 (1906).

³⁰⁹ ***People of the Philippines v. Po Giok To***, G.R. No. L-7236, April 30, 1955

242.10. *Grave Misconduct* – is a transgression of some established or definite rule of action, is a forbidden act, is a dereliction of duty, is willful in character, and implies wrongful intent and not mere error in judgment. More particularly, it is an unlawful behavior by the public officer x x x.³¹⁰ It as an intentional wrongdoing or deliberate violation of a rule of law or standard of behavior, especially by a government official. As differentiated from simple misconduct, in grave misconduct the elements of corruption, clear intent to violate the law or flagrant disregard of established rule, must be manifest.³¹¹

Misconduct shall be considered grave only in cases where the elements of “corruption, willful intent to violate the law or to disregard established rules [are proven] by substantial evidence.” The misconduct must imply wrongful intention and not a mere error of judgment. Corruption as an element of grave misconduct consists in the act of an official or employee who unlawfully or wrongfully uses her station or character to procure some benefit for herself or for another, at the expense of the rights of others. Nonetheless, “a person charged with grave misconduct may be held liable for simple misconduct if the misconduct does not involve any of the additional elements to qualify the misconduct as grave. Grave misconduct necessarily includes the lesser offense of simple misconduct.”³¹²

242.11. *Gross Insubordination* – refers to willful disobedience of the employer’s lawful orders envisage the concurrence of at least two requisites: (1) the employees assailed conduct must have been willful, that is, characterized by a wrongful and perverse attitude; and (2) the order violated must have been reasonable, lawful, made, known to the employee and must pertain to the duties which he had been engaged to discharge.³¹³

242.12. *Gross Neglect of Duty* – refers to negligence characterized by the want of even slight care, acting or omitting to act in a situation where there is a duty to act, not inadvertently but willfully and intentionally, with a conscious indifference to consequences, insofar as other persons may be affected. It is the omission of that care which even inattentive and thoughtless men never fail to give to their own property. In cases involving public officials, there is gross negligence when a breach of duty is flagrant and palpable.³¹⁴ It is characterized by want of even the slightest care, or by conscious

³¹⁰ **Michaelina Ramos Balasbas v. Patricia B. Monayao**, G.R. No. 190524, February 17, 2014 citing *Japson v. Civil Service Commission*, G.R. No. 189479, April 12, 2011, 648 SCRA 532, 543-544.

³¹¹ **Jowett K. Golangco v. Atty. Jone B. Fung**, G.R. No. 147640, and *Office of the Ombudsman v. Hon. Court of Appeals*, G.R. No. 147762, October 12, 2006 citing *Vertudes v. Buenafior*, G.R. No. 153166, 16 December 2005, 478 SCRA 210, 233-234.

³¹² **Glenda Rodriguez-Angat v. Government Service Insurance System**, G.R. No. 204738, July 29, 2015 citing *Government Service Insurance System (GSIS) v. Mayordomo*, supra note 43, at 683.

³¹³ **Juliet G. Apacible v. Multimed Industries Incorporated**, G.R. No. 178903, May 30, 2011 citing *Bascon v. Court of Appeals*, G.R. No. 144899, February 5, 2004, 422 SCRA 122.

³¹⁴ **Civil Service Commission v. Jessie V. Rabang**, G.R. No. 167763, March 14, 2008 citing *Golangco v. Fung*, G.R. No. 147640, October 16, 2006, 504 SCRA 321, 331.

indifference to the consequences, or by flagrant and palpable breach of duty.³¹⁵ It denotes a flagrant and culpable refusal or unwillingness of a person to perform a duty.³¹⁶

Gross neglect of duty or gross negligence refers to negligence characterized by the want of even slight care, acting or omitting to act in a situation where there is a duty to act, not inadvertently but willfully and intentionally, with a conscious indifference to consequences insofar as other persons may be affected. It is the omission of that care which even inattentive and thoughtless persons never fail to take on their own property. In cases involving public officials, there is gross negligence when a breach of duty is flagrant and palpable.³¹⁷

242.13. *Habitual Drunkenness* – drinking during office hours may constitute misconduct and is prohibited under the Civil Service Rules. Drinking undermines efficiency and is counter-productive. It generates an unwholesome consequence on a public servant.³¹⁸

242.14. *Inefficiency and Incompetence in the Performance of Official Duties* – Gross inefficiency is intimately akin to gross neglect as both involve specific acts of omission on the part of the employee resulting in damage to the employer or to the latter's business³¹⁹.

Gross inefficiency is closely related to gross neglect, for both involve specific acts of omission resulting in damage to another.³²⁰

242.15. *Insubordination* – refers to a refusal to obey some order, which a superior officer is entitled to give and have obeyed. The term imports a willful or intentional disregard of the lawful and reasonable instructions of the employer.³²¹

242.16. *Less Serious Dishonesty* – refers to the disposition to lie, cheat, deceive, or defraud; untrustworthiness, lack of integrity.³²² Pursuant to Section 4 of CSC Resolution No. 06-0538, the presence of any the following attendant circumstances in the commission of

³¹⁵ **Teresita R. Marigomen v. Enrique E. Manabat, Jr.**, A.M. No. CA-11-24-P (formerly A.M. OCA I.P.I. No. 10-163-CA-P), November 16, 2011 citing *Brucal v. Hon. Desierto*, 501 Phil. 453, 465-466 (2005).

³¹⁶ **Philippine Retirement Authority v. Thelma Rupa**, G.R. No. 140519, August 21, 2001 citing Black's Law Dictionary, 4th edition, pp. 832 and 1184.

³¹⁷ **Jowett K. Golangco v. Atty. Jone B. Fung**, G.R. No. 147640, and *Office of the Ombudsman v. Hon. Court of Appeals*, G.R. No. 147762, October 12, 2006 citing *Lim v. National Labor Relations Commission*, 328 Phil. 843, 858 (1996); and *Brucal v. Desierto*, G.R. No. 152188, 8 July 2005, 463 SCRA 151, 166.

³¹⁸ **Judge Pelagia Dalmacio-Joaquin v. Nicomedes C. Dela Cruz**, A.M. No. P-07-2321 (Formerly OCA I.P.I. No. 07-2492-P), April 24, 2009 citing Presidential Decree No. 807, Art. IX, Sec. 36(4).

³¹⁹ **Ray Antonio C. Sasing v. Celestial Venus G. Gelbolingo**, A.M. No. P-12-3032 (Formerly A.M. OCA I.P.I. No. 11-3652-P), February 20, 2013 citing *St. Luke's Medical Center, Incorporated v. Fadrigio*, G.R. No. 185933, November 25, 2009, 605 SCRA 728, 736.

³²⁰ **Jowett K. Golangco v. Atty. Jone B. Fung**, G.R. No. 147640 and *Ombudsman v. Court of Appeals*, G.R. No. 147762, October 12, 2006 citing *Lim v. National Labor Relations Commission*, 328 Phil. 843, 858 (1996).

³²¹ **Civil Service Commission and Department of Science and Technology, Regional Office No. V v. Marilyn G. Arandia**, G.R. No. 199549, April 7, 2014 citing *Judge Dalmacio-Joaquin v. Dela Cruz*, A.M. No. P-07-2321, April 24, 2009.

³²² **Light Rail Transit Authority v. Aurora A. Salvaña**, G.R. No. 192074, June 10, 2014 citing *Office of the Ombudsman v. Torres*, 567 Phil. 46, 57 (2008), citing Black's Law Dictionary, 6th Ed. (1990).

the dishonest act constitutes less serious dishonesty:

242.16.1. The dishonest act caused damage and prejudice to the government which is not so serious as to qualify under the immediately preceding classification;

242.16.2. The respondent did not take advantage of his/her position in committing the dishonest act;

242.16.3. Other analogous circumstances.

242.17. *Nepotism* – refers as an appointment issued in favor of a relative within the third civil degree of consanguinity or affinity of any of the following: (1) appointing authority; (2) recommending authority; (3) chief of the bureau or office; and (4) person exercising immediate supervision over the appointee.³²³

242.18. *Oppression* – as an act of cruelty, severity, unlawful exaction, domination or excessive use of authority.³²⁴ It is also known as grave abuse of authority, which is a misdemeanor committed by a public officer, who under color of his office, wrongfully inflict upon any person any bodily harm, imprisonment or other injury. It is an act of cruelty, severity, or excessive use of authority. To be held administratively liable for oppression or grave abuse of authority, there must be substantial evidence presented proving the complainant's allegations. Substantial evidence is that amount of relevant evidence which a reasonable mind might accept as adequate to support a conclusion.³²⁵

242.19. *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. Black's 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. The objective act of falsely attributing to one's self what is not one's work, whether intentional or out of neglect, is sufficient to conclude that plagiarism has occurred. Students who plead

³²³ *Civil Service Commission v. Maricelle M. Cortes*, G.R. No. 200103, April 23, 2014

³²⁴ *Jowett K. Golangco v. Atty. Jone B. Fung*, G.R. No. 147640, and *Office of the Ombudsman v. Hon. Court of Appeals*, G.R. No. 147762, October 12, 2006 citing *Salalima v. Guingona, Jr.*, 326 Phil. 847, 893 (1996).

³²⁵ *Office of the Ombudsman v. Cynthia E. Caberoy*, G.R. No. 188066, October 22, 2014, citing *Romero v. Villarosa, Jr.*, A.M. No. P-11-2913, April 12, 2011, 648 SCRA 32, 41-42; *Spouses Stilgrove v. Sabas*, 538 Phil. 232, 244 (2006); and *Nedia v. Judge Laviña*, 508 Phil. 9, 19 (2005).

ignorance or appeal to lack of malice are not excused.³²⁶

242.20. *Simple Misconduct* – refers to a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer. Misconduct in office is a misconduct such as it affects his performance of his duties as an officer and not such only as affects his character as a private individual. In such cases, it has been said at all times, it is necessary to separate the character of the man from the character of the officer. If any of the elements to qualify the misconduct as grave is not manifest and is not proven by substantial evidence, a person charged with grave misconduct may be held liable for simple misconduct³²⁷.

Misconduct, on the other hand, is a transgression of some established and definite rule of action, a forbidden act, a dereliction of duty, unlawful behavior, willful in character, improper or wrong behavior. It is any unlawful behavior by public officers in relation to the duties of their offices, willful in character. The term embraces acts which the office holder had no right to perform, acts performed improperly, and failure to act in the face of an affirmative duty to act.³²⁸

242.21. *Simple Neglect of Duty* – refers to the failure of an employee to give proper attention to a required task or to discharge a duty due to carelessness or indifference.³²⁹ It also refers to the failure of an employee to give one's attention to a task expected of him³³⁰. It signifies a disregard of a duty resulting from carelessness or indifference.³³¹

Chapter XX NON-DISCIPLINARY CASES

Article 57

Invalidation or Disapproval, Protest and Revocation of Appointments

³²⁶ *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.

³²⁷ *Committee on Security and Safety, Court of Appeals v. Reynaldo V. Dianco, et al*, A.M. No. CA-15-31-P (formerly OCA, L.P.I. No. 13-218-CA-P), June 16, 2015 citing A.M. No. RTJ-99-1441, 367 Phil. 162 (1999).

³²⁸ *Judge Pelagia Dalmacio-Joaquin v. Nicomedes C. Dela Cruz*, A.M. No. P-07-2321 (Formerly OCA I.P.I. No. 07-2492-P), April 24, 2009 citing *Camus, Jr. v. Alegre*, A.M. No. P-06-2182, August 12, 2008, 561 SCRA 744, 754; citing *Rodriguez v. Eugenio*, A.M. No. RTJ-06-2216, April 20, 2007, 521 SCRA 489, 501, Callejo, Juanita T., CSC Resolution No. 99-0192, January 15, 1999.

³²⁹ *Teresita R. Marigomen v. Enrique E. Manabat, Jr.*, A.M. No. CA-11-24-P (formerly AM. OCA I.P.I. No. 10-163-CA-P), November 16, 2011 citing *Reyes v. Pablico*, A.M. No. P-06-2109, November 27, 2006, 508 SCRA 146, 156.

³³⁰ *Ma. Rosario R. Escaño v. Adrian P. Manaois*, A.M. No. 16-02-01-CTA, November 15, 2016 citing *Marquez v. Pablico*, A.M. No. P-06-2201, June 30, 2008, 556 SCRA 531, 537.

³³¹ *Philippine Retirement Authority v. Thelma Rupa*, G.R. No. 140519, August 21, 2001 citing Merriam Webster's Dictionary of Law, 1996 edition, at p. 324.

Section 243. **Invalidation or Disapproval of Appointment.** – The following rules shall be strictly observed:

243.1. *Invalidation or Disapproval; Who May Appeal; Effect*³³². – Either the University President or EVSU Board of Regents or the appointee may assail the invalidation or disapproval of an appointment. Pending resolution of the appeal before the CSC, the appointee shall remain in his/her position with entitlement to salaries. In case an appointment is finally invalidated or disapproved, the appointee shall be entitled to restoration to his/her previous position, if applicable.

When an appointment is invalidated/disapproved on grounds that do not constitute a violation of civil service law, the appointee shall be considered a de facto official/employee for which he/she is entitled to payment of salaries from the government and the services are creditable government service. On the other hand, when an appointment is invalidated/disapproved for violation of pertinent laws such as publication requirement pursuant to Republic Act No. 7041³³³, among others, the services of the appointee shall not be credited as government service and the salaries of the appointee shall be borne by the appointing authority and/or the person responsible for the commission of the violation of a rule, law.

The University may fill up a vacant position resulting from the promotion after the CSC has approved/validated the promotional appointment, except in meritorious cases as may be authorized by the CSC.

243.2. *Evaluation of Qualification of Appointee.* – For purposes of evaluation of the qualification of the appointee, his/her qualification shall be reckoned from the time of the issuance of the appointment³³⁴.

243.3. *Where and When to File*³³⁵. – Subject to the requirement of Rule 13 of 2017 RACCS³³⁶, appointments invalidated or disapproved by the CSC Field Office may be appealed to the CSC Regional Office No. VIII while those invalidated by at the CSC Regional Office No. VIII may be appealed to the CSC (Commission) within the fifteen (15)-day reglementary period.

To facilitate prompt actions on invalidated or disapproved appointments, motions for reconsideration filed with the CSC Field Office shall be treated as an appeal to the CSC Regional Office No. VIII and a motion for reconsideration at the CSC Regional Office No. VIII will be treated as a Petition for Review to the CSC (Commission) and all the records thereof including the comments of the CSC Field

³³² Section 86, Rule 17 of CSC Reso. No. 1701009 circularized per MC No. 24, s. 2017 dated August 24, 2017.

³³³ "An Act Requiring Regular Publication of Existing Vacant Position in Government Offices, Appropriating Funds Therefore, and For Other Purposes."

³³⁴ Section 87, Rule 17 of CSC Reso. No. 1701009 circularized per MC No. 24, s. 2017 dated August 24, 2017.

³³⁵ Section 88, Rule 17 of CSC Reso. No. 1701009 circularized per MC No. 24, s. 2017 dated August 24, 2017.

³³⁶ CSC Resolution No. 1701077 promulgated on July 3, 2017.

Office or CSC Regional Office No. VIII shall, within ten (10) days from receipt of the latter, be forwarded to the CSC Regional Office No. VIII or the CSC (Commission) as the case may be.

Section 244. ***Protest, Revocation or Recall of Approval/Validation of Appointments.*** – The following rules shall be implemented:

244.1. *On the Protest and Revocation of Appointment:*

244.1.1. *Protest; Who May File.* – Only a qualified next-in-rank official or employee may file a protest against an appointment made in favor of another who does not possess the minimum qualification requirements³³⁷.

244.1.2. *Where and When to File.* – A qualified next-in-rank employee shall have the right to appeal initially to the University President and/or EVSU Board of Regents, then to the CSC Regional Office No. VIII then to the Civil Service Commission Proper³³⁸.

Protest may be filed within fifteen (15) days from the announcement and/or posting of the appointments subject to protest. For this purpose, all appointments or promotions shall be duly announced and/or posted in the Transparency and Freedom of Information Bulletin Boards or at conspicuous places in the University Campuses within thirty (30) days or within a shorter period from the issuance of the appointment as provided in the University-approved Merit Selection Plan (MSP) and/or Human Resource Merit Promotion and Selection for Faculty Members and Academic Non-Teaching Personnel (HRMPS-FANTS) Manual or Human Resource Merit Promotion and Selection for Faculty Members and Administrative or Non-Teaching Personnel (HRMPS-ANTP) Manual duly approved by the EVSU Board of Regents, as the case may be³³⁹.

244.1.3. *Effect on the Appointment*³⁴⁰. – A protest shall not render an appointment ineffective or bar the approval/validation thereof, by the CSC Field Office, CSC Regional Office No. VIII or the CSC Commission Proper, as the case may be, but the approval/validation shall be subject to the final outcome of the protest.

An appointment may still be revoked by the EVSU Board of Regents upon the recommendation by the University President prior to the submission to the CSC Filed Office even if the appointee has accepted the

³³⁷ Section 89, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

³³⁸ Section 90, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

³³⁹ Section 91, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

³⁴⁰ Section 92, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

appointment and assumed office. A decision or resolution by the EVSU Board of Regents granting the protest shall be subject to appeal by the appointee or to automatic review by the CSC Regional Office No. VIII. The EVSU Board of Regents shall within five (5) days from issuance of such decision or resolution transmit the records of the case to the CSC Regional Office No. VIII for disposition.

The EVSU Board of Regents, however, does not have the power to revoke an appointment which was already submitted to the CSC Field Office.

244.1.4. *When Deemed Filed.* – A protest is deemed filed, in case the same is sent by registered mail private courier service, on the date stamped on the envelope or courier pack which shall be attached to the records of the case, and in case of personal delivery, on the date stamped by the University or the CSC Commission Proper³⁴¹.

244.1.5. *Effect of Withdrawal of Protest.* – A protest or an appeal in this case may be withdrawn at any time as a matter of right. The withdrawal of the protest or appeal shall terminate the protest case³⁴².

244.1.6. *Transmittal of Records*³⁴³. – In case the decision on protest is appealed to the CSC Commission Proper, the University President shall forward his/her comment and the records of the case within five (5) days from receipt of the copy of the protest. The records shall be systematically and chronologically arranged, paged and securely bound to prevent loss and shall include the following:

1. Statement of duties or job description of the contested position;
2. Duly accomplished and updated personal data sheets of the parties with certified statement of service records attached;
3. Certified copy of the protested appointment; and
4. Comparative assessment of the qualifications of the protestant and protestee.

244.1.7. *Dismissal of Protest*³⁴⁴. – A protest shall be dismissed on any of the following grounds:

1. The protestant is not qualified next-in-rank;

³⁴¹ Section 93, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

³⁴² Section 94, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

³⁴³ Section 95, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

³⁴⁴ Section 96, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

2. The protest is not directed against a particular protestee but to “anyone who is appointed to the position” or directed to two or more protestees;
3. No appointment has been issued; or
4. The protest is filed outside of the fifteen (15)-day reglementary period.

244.1.8. *Finality of Decision.* – A Decision or Resolution denying a protest shall become final and executory after fifteen (15) days from receipt thereof and no motion for reconsideration, appeal or petition for review has been filed³⁴⁵.

244.1.9. *Effect of Decision.* – In case the protest is finally decided by the CSC against the protestee, the approval/validation of his/her appointment shall be revoked and the appointment shall be considered disapproved/invalidated. The protestee shall be reverted to his/her former position, if applicable³⁴⁶.

244.2. *On the Recall of Approval/Validation of Appointment:*

244.2.1. *Who May File.* – The CSC Commission Proper, or the CSC Regional Office No. VIII or the CSC Field Office, *motu proprio* or upon petition by any person, may initiate the recall of approval/validation of an appointment of an official or employee who does not meet the requisite qualification standards of the position or on the ground that the appointment was issued in violation of existing civil service laws, rules, and regulations³⁴⁷.

244.2.2. *When and Where to File.* – The petition may be filed anytime, during a subsisting appointment, to the CSC Regional Office No. VIII which has jurisdiction over the appointee. In case the petition is filed with the CSC Filed office, the same shall be transmitted to the CSC Regional Office No. VIII for decision³⁴⁸.

244.2.3. *Effect on the Appointment.* – During the pendency of a petition to recall the approval/validation of an appointment, the appointee shall remain and continue to discharge the functions of the position³⁴⁹.

244.2.4. *Finality of Decision.* – A Decision or Resolution on the petition to recall the approval of the appointment shall become final and executory after fifteen (15) days from

³⁴⁵ Section 97, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

³⁴⁶ Section 98, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

³⁴⁷ Section 99, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

³⁴⁸ Section 100, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

³⁴⁹ Section 101, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

receipt thereof and no motion for reconsideration or appeal or petition for review has been filed³⁵⁰.

- 244.2.5. *Effect of Decision.* – When the petition to recall the approval/validation of an appointment is decided by the CSC against the appointee, the approval/validation of his/her appointment shall be revoked and the appointment shall be considered disapproved/invalidated. In case a promotion from within the University, the appointee shall be reverted to his/her former position, if applicable³⁵¹.

Article 58

Correction of Personal Information in the Records of the Commission

Section 245. ***When and Where to File.*** – Request for correction of personal information shall be filed before retirement or on meritorious grounds, within (1) year thereafter, with the CSC Regional Office No. VIII, and which request shall be acted upon within fifteen (15) days from receipt. Copies of the Order or Resolution issued by the CSC Regional Office No. VIII shall be submitted to the Integrated Records Management Office (IRMO) as the repository of all human resource records.

Section 246. ***Required Documents.*** – The following documents shall be submitted together with the request:

- 246.1. Original Certificate of Live Birth duly authenticated by the Local Civil Registrar of the municipality or city where the birth was registered or recorded or the Philippines Statistics Authority, or in its absence, a court order;
- 246.2. Personal Affidavit of Discrepancy; and
- 246.3. Photocopy of documents sought to be corrected.

A filing fee shall be paid and a receipt thereof shall be attached to the request.

Section 247. ***Supporting Documents.*** – When the submitted Certificate of Live Birth is issued on the basis of late registration, original or duly authenticated supporting documents must be submitted, in addition to the requirements enumerated in the immediately preceding section, to warrant the correction or change of information in the records of the CSC Commission Proper, to wit:

- 247.1. Baptismal certificate, unless it has been lost or destroyed during a war, fire, natural calamity or any other fortuitous event, in which case, a certification issued by the proper church authority must be submitted. If the requesting party was not issued any baptismal

³⁵⁰ Section 102, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

³⁵¹ Section 103, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

certificate or was not baptized, an affidavit attesting to such fact must be submitted.

- 247.2. Other employment, personal or school records which support the entry reflected in the belatedly registered birth certificate and entry is requested to be reflected in the records of the CSC Commission Proper as the true and correct entry.

Article 59 **Dropping from the Rolls**³⁵²

Section 248. **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 within thirty (30) days from the time a ground therefor arises subject to the following procedures:

248.1. *Absence Without Approved Leave:*

- 248.1.1. An official or faculty member or academic non-teaching staff, and non-teaching personnel or employee who is continuously absent without approved leave (AWOL) for at least thirty (30) working days shall be dropped from the rolls without prior notice which shall take effect immediately.

He/she shall, however, be informed of his or her separation from the service not later than fifteen (15) days from receipt of the notice of separation which must be sent to his/her last known address;

- 248.1.2. 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 faculty member or academic non-teaching staff, and non-teaching personnel or employee at his/her last known address on record. Failure on his/her part to work within the period stated in the order, which shall not be less than three (3) days, is a valid ground to drop him/her from the rolls.

- 248.1.3. If it is clear under the obtaining circumstances that the official or faculty member or academic non-teaching staff, and non-teaching personnel or employee concerned, has established a scheme to circumvent the rule by incurring substantial absences though less than thirty (30) working days, three (3) times in a semester, such that a pattern is already apparent, dropping from the rolls without notice may likewise be justified.

³⁵² Rule 20 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

In the determination of whether the absences incurred are substantial, circumstances that would affect the delivery of service shall be taken into consideration.

248.2. *Unsatisfactory or Poor Performance:*

248.2.1. A faculty member or academic non-teaching staff, and non-teaching personnel or employee who obtained Unsatisfactory rating for one rating period or exhibited poor performance within the first three (3) months of the rating period shall be provided appropriate developmental intervention by the Executive Official and supervisor of the office, department, or unit, in coordination with the HRMD Office, to address competency related performance gaps.

If after advise and provision of developmental intervention, the employee still obtains Poor rating for the remaining months of the rating period or Unsatisfactory rating in the immediately succeeding rating period, he/she may be dropped from the rolls.

248.2.2. An officer or faculty member or academic non-teaching staff, and non-teaching personnel or employee who is given two (2) consecutive Unsatisfactory ratings may be dropped from the rolls after due notice. Notice shall mean that the official or faculty member or academic non-teaching staff, and non-teaching personnel or employee concerned is informed in writing of his/her unsatisfactory performance for a semester and is sufficiently warned that a succeeding unsatisfactory performance may warrant his/her dropping from the rolls. 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 officer or faculty member or academic staff or academic non-teaching staff or employee to prepare an explanation within a reasonable period specific in the notice. This period shall not apply to probationary official or faculty member or academic non-teaching staff, and non-teaching personnel or employee as defined under Section 4(v) of the 2017 RACCS and/or Section ___ hereof.

248.2.3. An officer or faculty member or academic non-teaching staff, and non-teaching personnel or employee, who for one evaluation period is rated Poor in performance, may be dropped from the roll provided he/she has been informed in writing of the status of his/her performance within fifteen (15) days after the end of the 3rd month with sufficient warning that failure to improve his/her performance within the remaining period of the semester shall warrant his/her dropping from the rolls. Such notice

shall also contain sufficient information which shall enable the officer or faculty member or academic non-teaching staff, and non-teaching personnel or employee to prepare an explanation within a reasonable period specific in the notice.

248.3. *Physical Unfitness:*

248.3.1. An officer or faculty member or academic non-teaching staff, and non-teaching personnel or employee who is continuously absent for more than one (1) year by reason of illness may be declared physically unfit to perform his/her duties and may be consequently dropped from the rolls.

248.3.2. An officer or faculty member or academic non-teaching staff, and non-teaching personnel or employee who is intermittently absent by reason of illness for at least two hundred sixty (260) working days during a twenty-four (24)-month period may also be declared physically unfit by the University President.

For this purpose, notice shall be given the officer or official or faculty member or academic non-teaching staff, and non-teaching personnel or employee concerned containing a brief statement of the nature of his/her incapacity to work.

248.4. *Mental Disorder:*

248.4.1. An officer or faculty member or academic non-teaching staff, and non-teaching personnel or employee who is behaving abnormally for an extended period, which may manifest continuing mental disorder shall be provided necessary human resource and psychological interventions. If after interventions, continued abnormal behavior/mental disorder is manifested, as reported by his or her co-worker or immediate supervisor and confirmed by a licensed psychiatrist, the officer or faculty member or academic non-teaching staff, and non-teaching personnel or employee may be dropped from the rolls.

248.4.2. If the officer or faculty member or academic non-teaching staff, and non-teaching personnel or employee refuses to undergo the necessary human resource and/or psychological interventions, he or she may be dropped from the rolls based on the report of co-workers or immediate supervisor and after confirmation by a licensed psychiatrist.

Section 249. **Written Notice; Who Signs.** – The written notice mentioned in the preceding paragraphs shall be signed by the University President or the Vice

President for Administration and Finance upon the recommendation of the person exercising immediate supervision over the officer or faculty member or academic non-teaching staff, and non-teaching personnel or employee. However, the notice of separation shall be signed by the University President upon the authority of the EVSU Board of Regents.

Section 250. **Order of Separation Through Dropping from the Rolls; Immediately Executory.** – The University shall not entertain motion for reconsideration from the order of separation through dropping from the rolls. The officer or faculty member or academic non-teaching staff, and non-teaching personnel or employee shall appeal directly to the CSC (Commission) Proper within fifteen (15) days from receipt of the order. Pending appeal the order of separation is immediately executory.

Section 251. **Dropping From the Rolls; Non-disciplinary in Nature.** – This mode of separation from the service for unauthorized absences or unsatisfactory or poor performance or physical or mental disorder is non-disciplinary in nature and shall not result in the forfeiture of any benefit on the part of the officer or faculty member or academic non-teaching staff, and non-teaching personnel or employee or in disqualification from reemployment in the government.

Article 60 **Remedies in Non-Disciplinary Cases**

Section 252. **Remedies in Non-Disciplinary Cases**³⁵³. – The aggrieved party in non-disciplinary cases may avail of the applicable remedies provided for under Rules 12³⁵⁴ and 13³⁵⁵ of the 2017 RACCs and/or in the similar provisions under the Code of Conduct and Rules on Administrative and Disciplinary Cases for the Officials and Employees of the University Manual duly approved by the EVSU Board of Regents unless otherwise provided by law.

All actions of CSC Regional Office No. VIII or other offices within the CSC may be brought to the CSC Commission Proper by way of a petition for review.

Section 253. **Effects of Decisions of the Commission on Appeal or Petition for Review**³⁵⁶. – Where the CSC Commission Proper sets aside or reverses a decision, the effect shall be as follows:

- 253.1. *Dropping from the Rolls* – the employee shall be reinstated immediately to his/her former post with payment of back wages and other monetary benefits;
- 253.2. *Illegal Termination* – the employee shall be reinstated with payment of back wages and other monetary benefits;

³⁵³ Section 111, Rule 21 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

³⁵⁴ Rule 12-. "Motion for Reconsideration in Disciplinary Cases."

³⁵⁵ Rule 13.- "Appeal in Disciplinary Cases."

³⁵⁶ Section 113, Rule 21 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

- 253.3. *Disapproval, Invalidation, and Revocation of Appointments* – the appointee shall remain in that position.
- 253.4. *Reassignment, Transfer, Detail, or Secondment* – the employee shall be restored to former position; and
- 253.5. *Demotion* – the employee shall be entitled to back wages and other similar benefits and restoration of former salary grade with the same salary step.

Chapter XXI **RIGHT TO SELF-ORGANIZATION**

Article 61 **General Policy**

Section 254. **Policies.** – The following policies shall strictly be observed:

- 254.1. *Adoption and Application of Executive Order No. 180 and Relevant Policies.* – The pertinent provisions of Executive Order No. 180 issued on June 1, 1987³⁵⁷ and its Implementing Rules and Regulations thereof and such policies promulgated by the CSC, DBM and Public Sector Labor-Management Council³⁵⁸ are hereby adopted and shall be applied suppletorily to this Chapter.
- 254.2. *Recognition and Protection of the Right to Self-Organization.* – The University shall fully recognize and protect the right of its Faculty Members and Non-Teaching Personnel to self-organization³⁵⁹ 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 abridged³⁶⁰.
- 254.3. *Non-Discrimination Due to Membership in Employee's Organization or Association.* – The University's 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 organization. Their employment shall not be subject to the condition that they shall not join or shall relinquish their membership in the employees' organizations³⁶¹.
- 254.4. *Non-Interference by the University to the Establishment, Functioning and Administration of Employees' Organizations or Associations.* – The University authorities shall not interfere in the establishment, functioning or administration of the University's employees'

³⁵⁷ Providing Guidelines for the Exercise of the Right to Organize of Government Employees, Creating a Public Sector Labor-Management Council, and For Other Purposes."

³⁵⁸ Created pursuant to Section 1V, Item V of Executive Order No. 180.

³⁵⁹ Section 3, para. 2, Article XIII of the 1987 Philippine Constitution.

³⁶⁰ Section 16, Article XIII of the 1987 Philippine Constitution.

³⁶¹ Section 5, Item II of Executive Order No. 180 dated June 1, 1987.

organizations through acts designed to place such organizations under the control of the University³⁶².

- 254.5. *Superiority of the Constitutional Right to Self-Organization Doctrine.*
– The University shall respect and observe the superior constitutional right to self-organization doctrine as enunciated in **PLM v. CSC**³⁶³ in which the Supreme Court held:

"xxxxxxxxxx, must yield to the superior constitutional right of employees, permanent or temporary, to self-organization. While, a temporary employment may be ended with or without cause, it certainly may not, however, be terminated for an *illegal* cause.

Xxxxxxxxxx

However, the concept of the government employees' right of self-organization differs significantly from that of employees in the private sector. The latter's right of self-organization, i.e., "to form, join or assist labor organizations *for purposes of collective bargaining*," admittedly includes the right to deal and negotiate with their respective employers in order to fix the terms and conditions of employment and also, to engage in concerted activities for the attainment of their objectives, such as strikes, picketing, boycotts. But the right of government employees to "form, join or assist employees organizations of their own choosing" under Executive Order No. 180 is not regarded as existing or available for "purposes of collective bargaining," but simply "for the furtherance and protection of their interests."

In other words, the right of Government employees to deal and negotiate with their respective employers is not quite as extensive as that of private employees. Excluded from negotiation by government employees are the "terms and conditions of employment ... *that are fixed by law*," it being only those terms and conditions not otherwise fixed by law that "may be subject of negotiation between the duly recognized employees' organizations and appropriate government authorities," And while EO No. 180 concedes to government employees, like their counterparts in the private sector, the right to engage in concerted activities, *including the right to strike*, the executive order is quick to add that those activities must be exercised *in accordance with law*, i.e. are subject both to "Civil Service Law and rules" and "any legislation that may be enacted by Congress," that "the resolution of complaints, grievances and cases involving government employees" is not ordinarily left to collective bargaining or other related concerted activities, but to "Civil Service Law and labor laws and

³⁶² Section 5, Item II of Executive Order No. 180 dated June 1, 1987.

³⁶³ **Pamantasan Ng Lungsod Ng Maynila (PLM) v. Civil Service Commission (CSC)**, G.R. No. 107590 February 21, 1995.

procedures whenever applicable;" and that in case "any dispute remains unresolved after exhausting all available remedies under existing laws and procedures, the parties may jointly refer the dispute to the (Public Sector Labor-Management) Council for appropriate action." What is more, the Rules and Regulations implementing Executive Order No. 180 explicitly provide that since the "terms and conditions of employment in the government, including any political subdivision or instrumentality thereof and government-owned and controlled corporations with original charters are governed by law, the employees therein *shall not strike* for the purpose of securing changes thereof.

On the matter of limitations on membership in labor unions of government employees, Executive Order No. 180 declares that "high level employees whose functions are normally considered as policy making or managerial, or whose duties are of a highly confidential nature shall not be eligible to join the organization of rank-and-file government employees. A "high level employee" is one "whose functions are normally considered policy determining, managerial or one whose duties are highly confidential in nature. A managerial function refers to the exercise of powers such as: 1. To effectively recommend such managerial actions; 2. To formulate or execute management policies and decisions; or 3. To hire, transfer, suspend, lay off, recall, dismiss, assign or discipline employees."

- 254.6. *Prohibition Against Holding Concerted Mass Actions or Activities.* – Officials and employees of the University shall be prohibited from organizing, leading, holding and participating from concerted mass actions or activities within the University as mandated under CSC Resolution No. 021316 promulgated on October 11, 2002³⁶⁴ and in ***GSIS v. KMG***³⁶⁵ in which the Supreme Court pronounced:

"For instance, in *Alliance of Government Workers v. Minister of Labor and Employment*, a case decided under the aegis of the 1973 Constitution, an *en banc* Court declared that it would be unfair to allow employees of government corporations to resort to concerted activity with the ever present threat of a strike to wring benefits from Government. Then came the 1987 Constitution expressly guaranteeing, for the first time, the right of government personnel to self-organization to complement the provision according workers

³⁶⁴ Civil Service Resolution No. 021316 dated October 11, 2002 entitled, "Omnibus Rules on Prohibited Concerted Mass Actions in the Public Sector."

³⁶⁵ ***Government Service Insurance System (GSIS) v. Kapisanan Ng Mga Manggagawa Sa GSIS***, G.R. No. 170132, December 6, 2006 citing No. L-60403, August 3, 1983, 124 SCRA 1.; G.R. No. 124678, July 31, 1997, 276 SCRA 619; G.R. Nos. 123562-65, November 25, 2004, 444 SCRA 51; Bernas, THE CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES A COMMENTARY, 337 (1st ed, 1988); and CSC Res. No. 021316, Sec. 5; Supra note 17.

the right to engage in *peaceful concerted activities, including the right to strike in accordance with law.*

It was against the backdrop of the aforesaid provisions of the 1987 Constitution that the Court resolved *Bangalisan v. Court of Appeals*. In it, we held, citing *MPSTA v. Laguio, Jr.*, that employees in the public service may not engage in strikes or in concerted and unauthorized stoppage of work; that the right of government employees to organize is limited to the formation of unions or associations, without including the right to strike.

Jacinto v. Court of Appeals came next and there we explained

Specifically, the right of civil servants to organize themselves was positively recognized in *Association of Court of Appeals Employees vs. Ferrer-Caleja*. But, as in the exercise of the rights of free expression and of assembly, **there are standards for allowable limitations** such as the legitimacy of the purpose of the association, [and] the overriding considerations of national security . .

As regards the right to strike, the Constitution itself qualifies its exercise with the provision in accordance with law. This is a clear manifestation that the state may, by law, regulate the use of this right, or even deny certain sectors such right. Executive Order 180 which provides guidelines for the exercise of the right of government workers to organize, for instance, implicitly endorsed an earlier CSC circular which enjoins under pain of administrative sanctions, all government officers and employees from staging strikes, demonstrations, mass leaves, walkouts and other forms of mass action which will result in temporary stoppage or disruption of public service by stating that the Civil Service law and rules governing concerted activities and strikes in government service shall be observed. (Emphasis and words in bracket added; citations omitted)

And in the fairly recent case of *Gesite v. Court of Appeals*, the Court defined the limits of the right of government employees to organize in the following wise:

It is relevant to state at this point that the settled rule in this jurisdiction is that employees in the public service may not engage in strikes, mass leaves, walkouts, and other forms of mass action that will lead in the temporary stoppage or disruption of public service. The right of government employees to organize is limited to the formation of unions or associations only, without including the right to strike,

adding that public employees going on disruptive unauthorized absences to join concerted mass actions may be held liable for conduct prejudicial to the best interest of the service.

Significantly, 1986 Constitutional Commission member Eulogio Lerum, answering in the negative the poser of whether or not the right of government employees to self-organization also includes the right to strike, stated:

When we proposed this amendment providing for self organization of government employees, it does not mean that because they have the right to organize, they have also the right to strike. That is a different matter. xxx

Xxxxxxxxxx The phrase *prohibited concerted activity* refers to any collective activity undertaken by government employees, by themselves or through their employees organization, with the intent of effecting work stoppage or service disruption in order to realize their demands or force concessions, economic or otherwise; it includes **mass leaves**, walkouts, **pickets** and acts of similar nature.

Relatedly, the Supreme Court in **Jacinto, et al v. Court of Appeals, et al.**³⁶⁶ clearly declared:

“Specifically, the right of civil servants to organize themselves was positively recognized in *Association of Court of Appeals Employees (ACAE) vs. Ferrer-Calleja*. But, as in the exercise of the rights of free expression and of assembly, there are standards for allowable limitations such as the legitimacy of the purposes of the association, the overriding considerations of national security and the preservation of democratic institutions.

As regards the right to strike, the Constitution itself qualifies its exercise with the proviso in accordance with law. This is a clear manifestation that the state may, by law, regulate the use of this right, or even deny certain sectors such right. Executive Order 180 which provides guidelines for the exercise of the right of government workers to organize, for instance, implicitly endorsed an earlier CSC circular which enjoins under pain of administrative sanctions, all government officers and employees from staging strikes, demonstrations, mass leaves, walkouts and other forms of mass action which will result in

³⁶⁶ **Merlinda Jacinto, et al. v. Court of Appeals, et al.**, .R. No. 124540. November 14, 1997 citing 203 SCRA 596, November 15, 1991, per Gutierrez Jr., J., *People vs. Ferrer*, 48 SCRA 382, December 27, 1972; 124 SCRA 1, August 3, 1983; 175 SCRA 686, July 28, 1989; *Lapanday Workers Union vs. National Labor Relations Commission*, 248 SCRA 95, September 7, 1995; and *Gold City Integrated Port Service, Inc. vs. National Labor Relations Commission*, 245 SCRA 627, July 6, 1995.

temporary stoppage or disruption of public service, by stating that the Civil Service law and rules governing concerted activities and strikes in the government service shall be observed.

It is also settled in jurisprudence that, in general, workers in the public sector do not enjoy the right to strike. *Alliance of Government Workers vs. Minister of Labor and Employment* rationalized the proscription thus:

The general rule in the past and up to the present is that the terms and conditions of employment in the Government, including any political subdivision or instrumentality thereof are governed by law. x x x. Since the terms and conditions of government employment *are fixed by law*, government workers cannot use the same weapons employed by the workers in the private sector to secure concessions from their employers. The principle behind labor unionism in private industry is that industrial peace cannot be secured through compulsion by law. Relations between private employers and their employees rest on an essentially voluntary basis. Subject to the minimum requirements of wage laws and other labor and welfare legislation, the terms and conditions of employment in the unionized private sector are settled through the process of collective bargaining. In government employment, however, it is the legislature and, where properly given delegated power, the administrative heads of government which fix the terms and conditions of employment. And this is effected through statutes or administrative circulars, rules, and regulations, not through collective bargaining agreements.

After delving into the intent of the framers of the Constitution, the Court affirmed the above rule in *Social Security System Employees Association (SSSEA) vs. Court of Appeals* and explained:

Government employees may, therefore, through their unions or associations, either petition the Congress for the betterment of the terms and conditions of employment which are within the ambit of legislation or negotiate with the appropriate government agencies for the improvement of those which are not fixed by law. If there be any unresolved grievances, the dispute may be referred to the Public Sector Labor-Management Council for appropriate action. But employees in the civil service may not resort to strikes, walkouts and other temporary work stoppages, like workers in the private sector, to pressure the Government to accede to their

demands. As now provided under Sec. 4, Rule III of the Rules and Regulations to Govern the Exercise of the Right of Government Employees to Self-Organization, which took effect after the instant dispute arose, [t]he terms and conditions of employment in the government, including any political subdivision or instrumentality thereof and government-owned and controlled corporations with original charters are governed by law and employees therein shall not strike for the purpose of securing changes [thereto].

XXXXXXXXXX

Strike, as defined by law, means *any* temporary stoppage of work by the concerted action of employees as a result of an industrial or labor dispute. A labor dispute includes any controversy or matter concerning terms and conditions of employment; or the association or representation of persons in negotiating, fixing, maintaining, changing or arranging the terms and conditions of employment, regardless of whether the disputants stand in the proximate relation of employers and employees."

Section 255. **Faculty Association of University Campuses and the Federation Thereof.** – Each University Campus shall have a duly organized Faculty to be composed of faculty members and instructional staff.

Provided, that the duly recognized Faculty Associations shall be organized into a federation to be known as the Federation of Faculty Associations of the University.

Provided, further, that the Faculty Associations of the University Campuses and the Federation thereof shall operate and be governed by their respective Constitution and By-laws of the bonafide members thereof subject to the provisions of existing laws, rules and regulations.

Section 256. **Association of Non-Teaching Personnel of University Campuses.** – Each University Campus shall have a duly organized Association of Non-Teaching Personnel (ANTP) to be composed of all administrative staff of the Campus. *Provided*, that membership of the Job Orders shall be voluntary.

Provided, that the duly recognized ANTPs shall be organized into a federation to be known as the Federation of Non-teaching Personnel Associations of the University.

Provided, further, that the ANTPs and the federation thereof shall operate and be governed by their respective Constitution and By-laws of the bonafide members thereof subject to the provisions of existing laws, rules and regulations.

Article 62
Collective Negotiations Agreement

Section 257. **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 objectives³⁶⁷.

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 delivery³⁶⁸.

Section 258. **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 employees³⁶⁹. The following employees of the University shall not be eligible to form, join or assist any employees’ organization for purposes of collective negotiations³⁷⁰:

258.1. *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 employee³⁷¹.

258.2. 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 259. **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 employees³⁷².

Section 260. **Voluntary Recognition.** – A duly registered employees’ organization shall be accorded voluntary recognition upon showing that no other employees’ organization is registered or is seeking registration, based on records of

³⁶⁷ Section 2, Item I of Executive Order No. 180 dated June 1, 1987, and Section 38, Chapter 6, Subtitle A, Title 1, Book V of Executive Order No. 292.”

³⁶⁸ 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).

³⁶⁹ 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.

³⁷⁰ Section 2, Rule II of PSLMC Resolution No. 2, s. 2004 dated September 28, 2004.

³⁷¹ Section 1(aa), Rule I of PSLMC Resolution No. 2, s. 2004 dated September 28, 2004.

³⁷²Section 10, item IV of Executive Order No. 180.

the Bureau of Labor Relations, and that the said organization has the majority support of the rank-and-file employees in the organizational unit³⁷³.

Section 261. **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 unit³⁷⁴.

Section 262. **Subject of Negotiation.** – Terms and conditions of employment or improvements thereof, except those that are fixed by law, may be the subject of negotiation³⁷⁵.

Section 263. **Negotiable Matters.**³⁷⁶ – The following concerns may be the subject of negotiation between the management and the accredited employees' organization:

- 263.1. Schedule of vacation and other leaves;
- 263.2. Personnel growth and development;
- 263.3. Communication system – internal (lateral and vertical), external;
- 263.4. Work assignment/reassignment/detail/transfer;
- 263.5. Distribution of work load;
- 263.6. Provision for protection and safety;
- 263.7. Provision for facilities for handicapped personnel;
- 263.8. Provision for first aid medical services and supplies;
- 263.9. Physical fitness program;
- 263.10. Provision for family planning services for married women;
- 263.11. Annual medical/physical examination;
- 263.12. Recreational, social, athletic and cultural activities and facilities;
- 263.13. 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-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

³⁷³ Section 11, item IV of Executive Order No. 180.

³⁷⁴ Section 12, item IV of Executive Order No. 180.

³⁷⁵ Section 1, Rule XII of PSLMC Resolution No. 2, s. 2004 dated September 28, 2004.

³⁷⁶ Section 2, Rule XII of PSLMC Resolution No. 2, s. 2004 dated September 28, 2004.

viable operations through cost-cutting measures and systems improvement, such CNA incentive shall be provided for under the annual General Appropriations Act xxx.³⁷⁷; and

263.14. Such other concerns which are not prohibited by law and CSC rules and regulations.

Section 264. **Compensation Matters.** – Increase in salary, allowances, travel expenses, and other benefits that are specifically provided by law are not negotiable³⁷⁸.

Section 265. **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 unit³⁷⁹.

Section 266. **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 employment³⁸⁰.

Section 267. **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 insofar as duly adopted or approved by the EVSU Board of Regents upon the recommendations by the parties of the CNA.

Chapter XXII **GENDER AND DEVELOPMENT**

Article 63 **Policy and Guidelines**

Section 268. **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. 9710³⁸¹, among others, to wit:

268.1. **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

³⁷⁷ 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.”

³⁷⁸ Section 3, Rule XII of PSLMC Resolution No. 2, s. 2004 dated September 28, 2004.

³⁷⁹ Section 4, Rule XII of PSLMC Resolution No. 2, s. 2004 dated September 28, 2004.

³⁸⁰ Section 5, Rule XII of PSLMC Resolution No. 2, s. 2004 dated September 28, 2004.

³⁸¹ “An Act Providing for the Magna Carta for Women.”

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.

- 268.2. *Application of Republic Act No. 9710 and Its Implementing Rules and Regulations (IRR)*³⁸². 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 269. ***Equal Access and Elimination of Discrimination in Education, Scholarships, and Training***³⁸³. – The University shall strictly observe the following:

- 269.1. The University shall ensure that gender stereotypes and images in the educational materials and curricula 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.
- 269.2. Enrollment of women in nontraditional skills training in vocational and tertiary levels in the University shall be encouraged.
- 269.3. Expulsion and non-readmission³⁸⁴ 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 University³⁸⁴.

- 269.4. No female student shall be turn down or refused admission to the University solely on the account of her having contracted pregnancy outside of marriage during her term in the University.

³⁸² 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."

³⁸³ Section 13, Chapter IV of Republic Act No. 9710 otherwise known as the "Magna Carta for Women."

³⁸⁴ Section 16 (C-1), Rule IV of Board Resolution No. 1, Series of 2010 entitled, "Approving and Adopting the IRR of R.A. No. 9710 otherwise known as the "Magna Carta for Women."

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 staff³⁸⁵.

- 269.5. 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 270. **Women in Sports**³⁸⁶. – 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-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 271. **Special Leave Benefits for Women**³⁸⁷. – 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 conditions³⁸⁸, to wit:

- 271.1. She has rendered at least six (6) months continuous aggregate employment service for the last twelve (12) months prior to surgery;
- 271.2. In the event that an extended leave is necessary, the female employee may use her earned leave credits; and

³⁸⁵ Section 16 (C-2), Rule IV of Board Resolution No. 1, Series of 2010 entitled, "Approving and Adopting the IRR of R.A. No. 9710 otherwise known as the "Magna Carta for Women."

³⁸⁶ Section 14, Chapter IV of Republic Act No. 9710 otherwise known as the "Magna Carta for Women."

³⁸⁷ Section 18, Chapter IV of Republic Act No. 9710 otherwise known as the "Magna Carta for Women."

³⁸⁸ Section 21(A), Rule IV of Board Resolution No. 1, Series of 2010 entitled, "Approving and Adopting the IRR of R.A. No. 9710 otherwise known as the "Magna Carta for Women."

271.3. 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 272. **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:

- 272.1. Enrollment;
- 272.2. Payment of fees;
- 272.3. Grade sheets;
- 272.4. Entry and exit of participants during public functions;
- 272.5. Comfort rooms; and
- 272.6. Reportorial requirements of agencies concerned.

Provided, that a dedicated express lane shall be provided to the Persons with Disabilities (PWD)³⁸⁹, pregnant, and senior citizens.

Section 273. **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 following³⁹⁰:

- 273.1. A separate GAD fund to support GAD-focused programs, projects, and activities of the University;
- 273.2. As fund to support integrating gender-perspectives in regular/flagship programs and projects of the University; and
- 273.3. 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.

³⁸⁹ CSC MC No. 20, s. 2017 dated June 23, 2017 entitled, "Requiring Government Agencies to Provide Lanes for Persons with Disabilities."

³⁹⁰ Section 37(A.1), Rule VI of Board Resolution No. 1, Series of 2010 entitled, "Approving and Adopting the IRR of R.A. No. 9710 otherwise known as the "Magna Carta for Women."

Chapter XXIII
**MANDATORY SKILLS ENHANCEMENT TRAININGS
OF THE UNIVERSITY**

Article 64

Disaster Risk Reduction and Crisis Management of the University

Section 274. ***Declaration of Policies.*** – The University shall adhere to the declared policies of the State under Section 3 of Republic Act No. 10121³⁹¹, among others, to wit:

- 274.1. 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.
- 274.2. 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;
- 274.3. 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;
- 274.4. 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
- 274.5. 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 275. ***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 DRRCU 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

³⁹¹ 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.”

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 276. ***Duties and Functions of the Disaster Risk Reduction Management Council of the University (DRRMCU)***. – The DRRMCU shall perform the following duties and functions:

- 276.1. Designs, program, and coordinates disaster risk reduction and management activities consistent with the National Council's standards and guidelines;
- 276.2. Facilitates and supports risk assessments and contingency planning activities at the University;
- 276.3. Consolidates the Campuses disaster risk information which includes natural hazards, vulnerabilities, and climate change risks, and maintain a local risk map;
- 276.4. Organizes and conducts training, orientation, and knowledge management activities on disaster risk reduction and management at the University;
- 276.5. Operates 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;
- 276.6. Formulates and implements 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);
- 276.7. Prepares and submits 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;
- 276.8. Conducts 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;
- 276.9. Identifies, assesses and manages the hazards, vulnerabilities and risks that may occur in the University;
- 276.10. Disseminates information and raise public awareness about those hazards, vulnerabilities and risks, their nature, effects, early warning signs and counter-measures;
- 276.11. Identifies and implements cost-effective risk reduction measures/strategies;
- 276.12. Maintains a database of human resource, equipment, directories, and location of critical infrastructures and their capacities such as hospitals and evacuation centers;
- 276.13. Takes 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;
- 276.14. Develops, strengthen and operationalize mechanisms for partnership or networking with private sector, CSOs, and volunteer groups;
- 276.15. Organizes, trains, equips and supervises 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;
- 276.16. Responds to and manages 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;
- 276.17. Coordinates other disaster risk reduction and management activities;
- 276.18. Within the University, promotes and raises public awareness of and compliance with this R.A. No. 10121 and its IRR;
- 276.19. Establishes linkage/network with other Universities and LGUs for disaster risk reduction and emergency response purposes;
- 276.20. Recommends to the EVSU Board of Regents policies consistent with the requirements of R.A. No. 10121 and its IRR;

- 276.21. Implements 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;
- 276.22. Prepares and submits, 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
- 276.23. Acts on other matters that be authorized by the NDRRMC, RDRRMC, LDRRMC and/or competent authorities.

Section 277. **Accreditation, Mobilization and Protection of Disaster Volunteers and National Service Reserve Corps of the University**³⁹². – 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 278. **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 ACDVs³⁹³.

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.

Section 279. **Mandatory Training for the University Officials or Officers, Faculty Members, Non-teaching Personnel or Employees**³⁹⁴. –The University shall organize and participate in disaster risk reduction and crisis management activities, such as organizing quick response groups, particularly in identified disaster-prone areas. *Provided, further*, that all officials or officers, faculty

³⁹² Section 13 of Republic Act No. 10121 otherwise known as the “Philippine Disaster Risk Reduction and Management Act of 2010.”

³⁹³ Section 5, Rule IX of the Implementing Rules and Regulations of Republic Act No. 10121.

³⁹⁴ Section 14 of Republic Act No. 10121 otherwise known as the “Philippine Disaster Risk Reduction and Management Act of 2010.”

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 280. **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 insofar as expressly authorized by the EVSU Board of Regents upon the recommendation by the University President.

Section 281. **Suppletory Application of Republic Act No. 10121 and its Implementing Rules and Regulations (IRR).** – The provisions of Republic Act No. 10121 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 insofar expressly authorized by the EVSU Board of Regents upon the recommendation by the University President.

Article 65

Environmental Awareness

Section 282. **Declaration of Policy.** – The University shall conform to the declared State policy under Republic Act No. 9512³⁹⁵ and its 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 283. **Suppletory 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 insofar expressly authorized by the EVSU Board of Regents upon the recommendation by the University President.

Article 66

Magna Carta for Disabled Persons

Section 284. **Declaration of Policy.** – The University shall adhere to the policy policies of the State declared under Republic Act No. 7277³⁹⁶, to wit:

³⁹⁵ “An Act to Promote Environmental Awareness Through Environmental Education And For Other Purposes.”

“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 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 285. ***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 person³⁹⁷.

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 employment³⁹⁸.

Section 286. ***Adoption, 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. 344³⁹⁹ and its IRR and subsequent issuances thereof, and as mandated under CHED Memorandum Order No. 36, s. 1999 dated November 15, 1999⁴⁰⁰ which are duly adopted by the EVSU BOR. Towards this end, the University shall strictly observe, among others, the following:

286.1. ***Basic Physical Planning Requirements***⁴⁰¹. – 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:

³⁹⁶ “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.”

³⁹⁷ Section 5, Chapter I, Title II of Republic Act No. 7277.”

³⁹⁸ Section 7, Chapter I, Title II of Republic Act No. 7277.”

³⁹⁹ “An Act to Enhance the Mobility of Disabled Persons by Requiring Certain Buildings, Institutions, Establishments and Public Utilities to install Facilities and Other Devices.”

⁴⁰⁰ “Observance of the Provisions of Batas Pambansa Bilang 344 “Accessibility Law”.

⁴⁰¹ Item 1.3, Rule II of IRR of Batas Pambansa No. 344.

- 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.
- 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

286.2. *Application of Barrier-Free Facilities and Features*⁴⁰². – 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.

⁴⁰² Item 9, Rule III of IRR of Batas Pambansa No. 344.

- 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 287. **Supplementary Application of Republic Act No. 7277 and Republic Act No. 10754 and Their Implementing Rules and Regulations (IRR).** – The provisions of Republic Act No. 7277 and its IRR and Republic Act No. 10754⁴⁰³ and its IRR shall be applied suppletorily and serve as the governing guidelines of this Article.

Article 67 **Anti-Sexual Harassment**

Section 288. **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. 7877⁴⁰⁴ and its IRR⁴⁰⁵, as follows:

- 288.1. *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.
- 288.2. *Application of Republic Act No. 7877 and its Implementing Rules and Regulations (IRR), CSC Resolution No. 1701077 Promulgated on July 3, 2017, and Code of Conduct and Rules on Administrative Disciplinary Cases of the Officials and Employees of the University Approved by the EVSU Board of Regents and Applicable Laws, Rules and Regulations.* – The provisions of R.A. No. 7877 and its IRR, CSC Resolution No. 1701077 Promulgated on July 3, 2017, and Code of Conduct and Rules on Administrative Disciplinary Cases of the Officials and Employees of the University approved by the EVSU

⁴⁰³ "An Act Expanding the Benefits and Privileges of Persons with Disability."

⁴⁰⁴ "An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment, and for Other Purposes."

⁴⁰⁵ 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."

Board of Regents and applicable laws, rules and regulations shall apply suppletorily to this Article and serve as the governing guidelines hereof.

Section 289. **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 290. **Work-related Sexual Harassment.** – Work-related sexual harassment is committed under the following circumstances:

- 290.1. 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
- 290.2. 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
- 290.3. 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 291. **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:

- 291.1. 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;
- 291.2. 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
- 291.3. 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 292. **Forms of Sexual Harassment.** – The following are illustrative forms of sexual harassment:

- 292.1. Physical;
- 292.2. Malicious Touching;
- 292.3. Overt sexual advances;
- 292.4. Gestures with lewd insinuation;
- 292.5. Verbal such as but not limited to, requests or demands for sexual favors, and lurid remarks;
- 292.6. Use of objects, pictures or graphics, letters or written notes with sexual underpinnings; and
- 292.7. Other forms analogous to the foregoing.

Section 293. **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:

- 293.1. Receives complaints of sexual harassment;
- 293.2. Investigates sexual harassment complaints in accordance with the prescribed procedures;
- 293.3. Submits a report of its findings with the corresponding recommendation to the disciplining authority for decision; and
- 293.4. Leads 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.

Article 68 **Anti-Bullying**

Section 294. **Adoption and Application of Republic Act No. 10627⁴⁰⁶ and its 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 2017 Revised University Students' Handbook, 2016 Revised

⁴⁰⁶ An Act Requiring All Elementary and Secondary Schools to Adopt Policies to Prevent and Address the Acts of Bullying in their Institutions."

University Code, and such guidelines as the Board may determine upon the recommendation by the University President.

Section 295. **Acts of Bullying**⁴⁰⁷. – 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:

- 295.1. 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;
- 295.2. Any act that causes damage to a victim’s psyche and/or emotional well-being;
- 295.3. 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
- 295.4. Cyber-bullying or any bullying done through the use of technology or any electronic means.

Section 296. **Prohibited Acts**⁴⁰⁸. - Consistent with Section 3 of the Republic Act No. 10627, the anti-bullying policy of the University shall prohibit:

- 296.1. 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;

⁴⁰⁷ Section 2 of Republic Act No. 10627 otherwise known as the “Anti-Bullying Act of 2013.”

⁴⁰⁸ Section 5, Rule IV of the Implementing Rules and Regulations of Republic Act No. 10627 otherwise known as the “Anti-Bullying Act of 2013.”

- 296.2. Bullying through the use of technology or an electronic device or other forms of media owned, leased or used by a University.
- 296.3. 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
- 296.4. 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 297. ***Composition and Duties and Functions of the Anti-bullying Committee of the University.*** – The following guidelines shall be strictly implemented:

- 297.1. *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.

- 297.2. *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.
- 297.3. *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. Conducts awareness-raising programs with school stakeholders in preventing and addressing bullying;
 - b. Monitors 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. Ensures that the provisions of this Article and such anti-bullying policies adopted by the University is implemented; and
- d. Makes the necessary referrals to appropriate agencies, offices or persons, as may be required by the circumstances.

Article 69

National Greening Program

Section 298. ***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. 2011⁴⁰⁹ as amended by Executive Order No. 193 s. 2015⁴¹⁰, to wit:

- 298.1. *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.
- 298.2. *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 299. ***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:

- 299.1. *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 Initiative⁴¹¹ and/or as may identified by the DENR.
 - a. The University shall undertake the following:
 1. Student mobilization;
 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.

⁴⁰⁹ "National Greening Program."

⁴¹⁰ "Expanding the Coverage of the National Greening Program."

⁴¹¹ Section 3.1 of Executive Order No. 26, s. 2011.

- 299.2. *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.
- 299.3. *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 300. ***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. 10176⁴¹² 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 and subsequent issuances thereof. *Provided, further,* that they shall plant at least ten (10) trees each.

Article 70 **Anti-illegal Drugs**

Section 301. ***Declaration of Policy.*** – The University shall adhere to the policies declared by the State under Section 2 of Republic Act No. 9165⁴¹³ and its IRR, to wit:

“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 302. ***Drug Testing For Students***⁴¹⁴. – 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,

⁴¹² “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.”

⁴¹³ “The Comprehensive Dangerous Drugs Act of 2002.”

⁴¹⁴ Section 36 (C), Article III of the IRR of Republic Act No. 9165.

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. 2003⁴¹⁵ 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 303. ***Drug Testing for the Employees of the University.*** – Pursuant to CSC Resolution No. 1700653 promulgated on March 15, 2017 circularized through MC No. 13, s. 2017 dated April 19, 2017, R.A. No.9165⁴¹⁶ and its IRR, Memorandum Circular No. 9 dated December 17, 2015,⁴¹⁷ and jurisprudence, the following shall strictly be observed:

- 303.1. *Drug Testing for Applicants.* – All applicants to any vacant administrative or non-teaching positions in the University Campuses shall take and submit their respective drug test with negative result which shall remain a requirement for initial entry for appointive officials and employees of the University. Any applicant found positive for drug use shall be denied entry to the University.
- 303.2. *Drug Testing the Incumbent Officials and Employees.* – All incumbent officials and employees, regardless of rank, status and salary, shall

⁴¹⁵ "Providing for the General Guidelines for the Implementation of Random Drug Testing for Secondary and Tertiary Students."

⁴¹⁶ "Comprehensive Dangerous Drugs Act of 2002."

⁴¹⁷ "Implementation and Institutionalization of the National Anti-Drug Plan of Action."

be subjected to and undergo mandatory drug test as condition for continuous employment in the University.

Section 304. **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. 2004⁴¹⁸, CSC Memorandum Circular No. 13, s. 2010⁴¹⁹, 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 305. **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) insofar 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:

305.1. *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
- Members: Director for Student Affairs and Services
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)

305.2. *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

⁴¹⁸ “Guidelines for the Formulation and Implementation of a Drug-Free Workplace Program.”

⁴¹⁹ “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)

Section 306. ***Adoption and Suppletory Application of CSC Resolution No. 1700653 Promulgated on March 15, 2017 Circularized Through MC No. 13, s. 2017 Dated April 19, 2017, R.A. No.9165 and Its IRR, Memorandum Circular No. 9 Dated December 17, 2015, Dangerous Drugs Board Regulation No. 2, s. 2004 CSC Memorandum Circular No. 13, s. 2010 and Applicable Laws, Rules, Regulations and Jurisprudence.*** – Pertinent provisions of CSC Resolution No. 1700653 promulgated on March 15, 2017 circularized through MC No. 13, s. 2017 dated April 19, 2017, R.A. No.9165 and its IRR, Memorandum Circular No. 9 dated December 17, 2015, Dangerous Drugs Board Regulation No. 2, s. 2004 CSC Memorandum Circular No. 13, s. 2010 and applicable laws, rules, regulations and jurisprudence are hereby adopted and shall be applied suppletorily and serve as governing guidelines hereof.

Chapter XXIV

POLICIES ON TRAVELS AND ENTITLEMENT OF TRAVELLING ALLOWANCES, AND PARTICIPATION IN CONFERENCES, SEMINARS, CONVENTIONS, SYMPOSIA AND SIMILAR NON-TRAINING GATHERINGS

Article 71

General Policies

Section 307. ***Nature of Travel.*** – Travels of the University Officials (Regents, University President, Executive Officials, Academic and Administrative Officers) and employees of the University shall be subject to the following:

307.1. *For Local Travels.* – Travels and assignments shall cover only those which are urgent and extremely necessary, will involve the minimum expenditure and are beneficial to the University and/or the country⁴²⁰.

307.2. *For Travels Abroad.* – Travels and assignments shall cover only those which are urgent and extremely necessary, will involve the minimum expenditure and are expected to bring immediate benefit to the country, and shall refer only to those under the category of

⁴²⁰ Section 2 of Executive Order No. 248 dated May 29, 1995 entitled, "Prescribing the Rules and Regulations and New Rates for Official Local and Foreign Travels of Government Personnel."

conferences, special missions, and other non-study trips such as those undertaken for the following purposes⁴²¹:

- 307.2.1. To attend conferences or seminars sponsored by foreign governments or international government organizations to which the Philippine Government is committed or invited to send representatives or participants;
- 307.2.2. To attend conferences or seminars sponsored by private organizations, whether international or not, invitations to which have been sent through their respective governments to the Philippine Government;
- 307.2.3. To conduct examinations or investigations of Philippine Government agencies or affairs; and
- 307.2.4. To undertake any other official mission which cannot be assigned to any other Philippine government official or officials already abroad.

Provided, that the measures as directed and provided for under the Memorandum from the Executive Secretary dated January 3, 2018⁴²² as, among others, reproduced hereunder:

- "1) No official foreign travel of government officials and personnel shall be allowed unless it satisfies all the following minimum criteria: (a) the purpose of the trip is strictly within the mandate of the requesting government official or personnel; (b) the projected expenses for the trip are not excessive; and (c) the trip is expected to bring substantial benefit to the country.
- 2) No government official or personnel shall be allowed to depart for any travel abroad, even if such is for a personnel or private purpose without cost to the government, unless such official or personnel obtained the appropriate travel authorization from his/her agency, has duly accomplished the requisite leave forms, and his/her absence shall not hamper the operational efficiency of said agency.
- 3) All heads of agencies authorized to approve travels abroad shall, at the end of every quarter, submit a list to the Office of the President, thru the Executive Secretary, of all travel authorities they have issued for the official and personal foreign trips of their respective officials and personnel, including those in the attached agencies,

⁴²¹ Executive Order No. 248-A dated August 14, 1995 entitled, "Amending Executive Order No. 248, dated 29 May 1995 which Prescribed Rules and Regulations and New Rates of Allowances for Official and Foreign Travels of Government Personnel."

⁴²² "Directives Applying to Foreign Travels of All Government Officials and Personnel in the Executive Department."

GOCCs and GFIs, indicating therein the names of the concerned official or employee, destination, duration of the trip, nature and purpose of the travel, total cost of travel for official trips, and a brief statement explaining how each official trip complies with the minimum criteria enumerated in sub-paragraph 1 above.

The requirement to submit quarterly lists of travel authorities issued shall also be observe by the Department of the Interior and Local government with regard to foreign travels of local government officials.

- 4) All heads of agencies are directed to strictly enforce the requirement on submission of reports with appropriate recommendations, if any, on the conference or seminar attended, examination or investigation conducted, or mission undertaken by a government official or personnel to the head of agency within thirty (30) days after his/her return to official station. In case of participation in an international conference or convention abroad in which the Philippines is represented by a delegation, report of the delegation shall be submitted to the President thru the Secretary of Foreign Affairs thirty (30) days after the closing of the conference or convention. Any member of the delegation may submit a supplementary report."

Section 308. **Issuance of Authority to Travel.** – The issuance of the authority to travel of the Officials and employees of the University, regardless of length of the travel and the number of delegates, shall be as follows:

308.1. *Authority to Travel of the Regents:*

308.1.1. *For Travel Abroad.* – The authority to travel of Regents from the government such as, CHED, NEDA, DOST and Congress of the Philippines shall be issued and signed by their respective heads of agencies while the Regents from the Students, Faculty and Alumni Sectors shall be issued by the University President and/or Chairperson of the EVSU Board of Regents⁴²³.

308.1.2. *For Local Travel.* – The authority to travel of the Regents for local travels shall be issued and signed by the University President.

Provided, that the EVSU Board of Regents, by a resolution duly adopted by majority of its members, there being a quorum, can issue travel authority to any Regent/s either for travels abroad or local

⁴²³ Section 2, 1st para. of Executive Order No. 459 dated September 1, 2005 entitled, "Streamlining the Procedure in the Disposition of Requests of Government Officials and Employees for Authority to Travel Abroad."

travels. Such Resolution may also be used in the issuance of the travel authorities as prescribed in the immediate preceding provisions.

308.2. *Authority to Travel of the University Officials or Employees:*

308.2.1. *For Travel Abroad.* – The authority to travel of the University President shall be issued and signed by the Chairperson of the Commission on Higher Education while those other University officials and employees shall be signed by the University President⁴²⁴.

308.2.2. *For Local Travel.* – The authority to travel of the University President, other officials and employees shall be issued and signed by the University President.

308.3. *Securing Authority to Travel from the Office of the President of the Philippines.* – The foregoing authority shall not preclude the Office of the President of the Philippines from requiring any official and employee to secure authority to travel abroad from the Office of the President of the Philippines⁴²⁵.

Section 184. ***Judicious and Prudent Use of the Government Funds and Adoption of Existing Laws, Rules and Policies Thereof.*** – Notwithstanding the repeal of AO No. 103, existing laws, rules and regulations mandating the judicious and prudent use of government funds shall remain in full force and effect⁴²⁶ as identified and instructively reiterated under DBM Circular No. 2017-5 dated December 11, 2017⁴²⁷ as well pertinent provisions of Memorandum Circular No. 35 dated November 22, 2017⁴²⁸, and subsequent issuances thereof which are adopted as governing guidelines hereof.

Article 72

**Allowable Travel Expenses, Entitlements and Chargeability
of the Expenses/Funding Sources**

Section 310. ***Allowable Travel Expenses for Local Travels***⁴²⁹. – The guidelines shall strictly be observed:

310.1. *Allowable Expenses.*- The allowable travel expenses of the University officials and personnel or employees regardless of rank and

⁴²⁴ Section 2, 4th para. of Executive Order No. 459 dated September 1, 2005.

⁴²⁵ Section 2, 6th (last) para. of Executive Order No. 459 dated September 1, 2005.

⁴²⁶ Section 1, para. 2 of Administrative Order No. 6 issued on September 19, 2017 entitled, "Repealing Administrative Order 103 (S. 2004) and For Other Purposes."

⁴²⁷ "Reiterating the Existing Laws, Rules and Regulations and Other Issuances Relative to the Judicious and Prudent Use of Government Funds in Line with the Issuance of Administrative Order (AO) No. 6, s. 2017."

⁴²⁸ "Clarifying and Reinforcing Existing Rules and Regulations on Foreign Travel Authorities, Travel Entitlements, and Travel Tax Exemptions, Which Require the Approval of the Office of the President."

⁴²⁹ Section 4 of Executive Order No. 298 dated March 23, 2004 entitled, "Amending Further Executive Order No. 248 dated May 29, 1995 as Amended by Executive Order No. 248-A dated August 14, 1995, which Prescribes Rules and Regulations and New Rates for Official Local and Foreign Travels of Government Personnel."

destination shall be in the amount of Eight Hundred Pesos (Php800.00) per day which shall be apportioned as follows:

310.1.1. Fifty Percent (50%) for hotel/lodging;

310.1.2. Thirty Percent (30%) for meals; and

310.1.3. Twenty Percent (20%) for incidental expenses.

310.2. *Claims for Actual Travel Expenses.* – Claims for reimbursement of actual travel expenses in excess of the travel expenses authorized herein may be allowed upon certification by the University President as absolutely necessary in the performance of an assignment and presentation of bills and receipts. Provided, that, certification or affidavit of loss shall not be considered as appropriate replacement for the required hotel/lodging bills and receipts.

310.3. *Percentage Distribution of Allowable Expenses.* – Entitlement to travel expenses shall start only upon arrival at the place of destination and shall cease upon departure therefrom at the following percentage:

Particulars	Percentage	To Cover
Arrival not later than 12:00NN	100%	Hotel/lodging (50%); meals (30%); and incidental expenses (20%)
Arrival after 12:00NN	80%	Hotel/lodging (50%); meals (10%); and incidental expenses (20%)
Departure before later than 12:00NN	30%	Breakfast (10%); and incidental expenses (20%)
Departure at 12:00NN and later	40%	Breakfast (10%); lunch (10%); and incidental expenses (20%)

Section 311. ***Allowable Travel Expenses for Travels Abroad.*** – The guidelines shall strictly be observed:

311.1. *Pre-Departure Expenses.* – University Officials and employees authorized to revel abroad shall be entitled to One Thousand Five Hundred Pesos (Php1,500.00) commutable pre-departure allowance to cover miscellaneous/incidental expenses, such as taxi fare, passport photographs, immunization, visa fees, tips, portorage, and airport terminal fees⁴³⁰.

Reimbursement of the payment of the airport terminal fee at the point of embarkation to go back to the Philippines upon completion of the official trip abroad is likewise authorized⁴³¹.

⁴³⁰ Section 9 of Executive Order No. 248 dated May 29, 1995.

⁴³¹ Section 6 of Executive Order No. 298 dated March 23, 2004.

- 311.2. *Transportation.* – In case the University officials and employees authorized to travel abroad are not provided with transportation by the host country or sponsoring organization or agency, they shall be allowed official transportation which shall be of the restricted economy class unless otherwise specified in the travel authority and approved by the President of the Philippines⁴³².
- 311.3. *Clothing Allowance.* – University officials and employees authorized to travel abroad shall be granted clothing allowance equivalent to Four Hundred United States Dollars (US400). Clothing allowance shall not be granted oftener than once in every twenty-four (24) months and a certification shall be submitted to the effect that no clothing allowance had been received during the next preceding twenty-four (24) months⁴³³.
- 311.4. *Allowable Travel Expenses.* – The following shall strictly be enforced:
- 311.4.1. *Daily subsistence Allowance (DSA)*⁴³⁴. – University Officials and employees who travel abroad shall be entitled to the Daily Subsistence Allowance (DSA) as provided under the United Nations Development Program (UNDP) Index, which can be secured from the Department of Foreign Affairs. The DSA shall be apportioned as follow:
- 311.4.2. *Claims for Reimbursements in Excess of the Daily subsistence Allowance (DSA)*⁴³⁵. – Subject to the approval of the President of the Philippines, claims for reimbursement of actual travel expenses in excess of the DSA authorized herein may be allowed upon certification by the University President as absolutely necessary in the performance of an assignment and presentation of hotel room bill with official receipts. Certification or affidavit of loss shall not be considered as appropriate replacement for the required hotel room/lodging bills and receipts.
- 311.4.3. *Percentage Distribution of the Daily subsistence Allowance (DSA).* – Entitlement to DSA shall start only upon arrival at the country of destination and shall cease upon departure therefrom at the following percentage⁴³⁶:

Particulars	Percentage	To Cover
Arrival not later than 12:00NN	100%	Hotel/lodging (50%); meals (30%); and incidental expenses (20%)
Arrival after	80%	Hotel/lodging (50%);

⁴³² Section 7 of Executive Order No. 298 dated March 23, 2004.

⁴³³ Section 11 of Executive Order No. 248 dated May 29, 1995.

⁴³⁴ Section 8 of Executive Order No. 298 dated March 23, 2004.

⁴³⁵ Section 9 of Executive Order No. 298 dated March 23, 2004.

⁴³⁶ Section 10 of Executive Order No. 298 dated March 23, 2004.

12:00NN		meals (10%); and incidental expenses (20%)
Departure before later than 12:00NN	30%	Breakfast (10%); and incidental expenses (20%)
Departure at 12:00NN and later	40%	Breakfast (10%); lunch (10%); and incidental expenses (20%)

311.4.4. *Equivalency of the Daily subsistence Allowance (DSA).* – The Daily Subsistence Allowance authored herein shall be deemed equivalent to the per diems authorized under Section 95 of RA No. 7157, otherwise known as the Foreign Service Act of 1991⁴³⁷.

311.5. *Representation Expenses*⁴³⁸. – University delegations to international conferences, convention or special missions, as well as individuals travelling on official business may, upon prior approval of the President of the Philippines, be allowed non-commutable representation expenses not exceeding One Hundred United States Dollars (US100.00), duly supported by bills or receipts, as shall be absolutely necessary to enable them to uphold the prestige of the University and/or Republic of the Philippines, to present the country with dignity and distinction, and to carry out their functions and objectives more effectively.

Representation expenses may be incurred for necessary entertainment, contributions, flowers, wreaths, and the like, when justified by circumstances and in conformity with the generally accepted customs, usages, and practices.

311.6. *Payment of Allowance Differential.* – Where the University official or employee travelling abroad is provided by the host government or institution with per diem, or allowance lower than that prescribed in E.O. No. 248, he shall be entitled to the difference only⁴³⁹.

Section 312. ***Participation of the University Officials and Employees in Conventions, Seminars, Conferences, Symposia and Similar Non-Training Gatherings Sponsored by Non-Government Organizations and Private Institutions.*** – Pursuant to the provisions of DBM-National Budget Circular No. 563 dated April 22, 2016⁴⁴⁰, the following guidelines shall be enforced:

⁴³⁷ Section 11 of Executive Order No. 298 dated March 23, 2004.

⁴³⁸ Section 13 of Executive Order No. 248 dated May 29, 1995.

⁴³⁹ Section 15 of Executive Order No. 248 dated May 29, 1995.

⁴⁴⁰ "Guidelines on Participation of the University Officials and Employees in Conventions, Seminars, Conferences, Symposia and Similar Non-Training Gatherings Sponsored by Non-Government Organizations and Private Institutions."

- 312.1. University officials and employees may be authorized to participate in conventions, seminars, conferences, symposia and such other activities conducted by non-government organizations or private institutions for a fee, as part of the human resource development program of the University or government chargeable against government funds.
- 312.2. The registration or participation fee in said convention, seminar, etc. shall not exceed Two Thousand Pesos (Php2,000.00) per day for each participant.
- 312.3. In cases where the convention is held out-of-town, authorized participants may be entitled to travel expenses and allowances as authorized under this Manual and/or existing rules and regulations.
- 312.4. Membership and similar fees paid for personal or individual membership in private organization shall be for the account of the member concerned and shall not be charged to the University funds. On the other hand, institutional membership fees, i.e., University membership may be charged to the University funds.
- 312.5. As far as practicable, University officials and employees should avail of the early registration rates to avail of reduced costs of participation in conventions, seminars, conferences and the like.
- 312.6. All expenditures for the purpose shall be subject to the usual budgetary and accounting rules and regulations.

Section 313. **Insurance.** – Any University official or employee on travel shall be allowed reimbursement of premium for accidental insurance coverage, not exceeding Two Hundred Thousand Pesos (Php200,000.00) for the duration of his official travel. Under no circumstances, shall premiums on insurance of personal or household effects belonging to any official or employee on official travel be charged to government funds⁴⁴¹.

Section 314. **Reimbursement of Expenses Not Requiring Official Receipts**⁴⁴². – In view of the reduced purchasing power of the peso, expenses incurred by the University officials and employees in the discharge of their official functions amounting to Three Hundred Pesos (Php300.00) or less need not be supported by official receipts, except for the following:

- 314.1. Payment of fares in public utility vehicles issuing receipts such as bus, train, vessel/ship; and
- 314.2. Purchases in business establishments issuing receipts.

Provided, that the official/employee concerned shall be required to submit a certification of expenses Php300.00 or less as supporting document.

⁴⁴¹ Section 19 of Executive Order No. 248 dated May 29, 1995.

⁴⁴² COA Circular No. 2017-001 dated June 19, 2017 entitled, "Reimbursement of Expenses Not requiring Official Receipts."

Section 315. **Automatic Adjustments of the Daily Subsistence Allowance (DSA) of Travels Abroad and Allowable Expenses for Local Travels.** - Daily Subsistence Allowance (DSA) of travels abroad and allowable expenses for local travels shall automatically be adjusted based on the DSA rates on a real time basis and as may be authorized by existing policies promulgated by competent authority/ies, as the case may be.

Section 316. **Chargeability of the Expenses/Funding Sources.** - All expenses necessary to support the travelling and allowable expenses of the University Officials and employees shall be charged from the appropriations or income and/or such appropriate fund/s of the University subject to the provisions of Executive Order No. 248 dated May 29, 1995, Executive Order No. 298 dated March 23, 2004, Executive Order No. 459 dated September 1, 2005 DBM-National Budget Circular No. 563 dated April 22, 2016, DBM Circular No. 2017-5 dated December 11, 2017, Memorandum Circular No. 35 dated November 22, 2017, Memorandum from the Executive Secretary dated January 3, 2018, CHED Memorandum Order No. 20, s. 2011 dated August 4, 2011⁴⁴³ duly adopted by the EVSU Board of Regents per Board Resolution No. 93 s., 2016 and such applicable laws, rules and regulations.

Section 317. **Inclusion of the Travelling Expenses in the Annual Budget and Supplemental Budgets of the University.** - The travelling expenses of the University officials and employees shall be included in the annual budget and if necessary, in the supplemental budgets of the University subject to applicable laws, rules and regulations.

Section 318. **Requirements in the Processing of Cash Advances for Travelling Allowances or Expenses and Assistance Charged from the Fiduciary Fund/s or Trust Funds.** - The following requirements shall be submitted for the processing of cash advances of travelling allowances or expenses and assistance charged from the fiduciary fund/s or trust funds:

- 318.1. Resolution adopted by at least majority of the officers of the council/board/association approving the disbursement of funds;
- 318.2. Approval by the University President indicating in the Resolution provided in the immediate preceding Section and/or in an appropriate issuance; and
- 318.3. Annual Program of Expenditures indicating the budget or item allocation for the expenses or assistance adopted by at least majority of the officers of the council/board/association approving the disbursement of funds.

Article 73

Mandatory Rendition of Account on Cash Advances or Liquidation, and Submission of Reports

⁴⁴³ "Policies and Guidelines for the Use of Income, Special Trust Fund and Programs of Receipts and Expenditures of the State Universities and Colleges (SUCs)."

Section 319. **Rendition of Account on Cash Advances on Liquidation.** – Within sixty (60) days after his return to the Philippines, in case of official travel abroad, or within thirty (30) days of his return to his permanent official station in the case of official local travel, every official or employee shall render an account of the cash advance received by him in accordance with existing applicable rules and regulations and/or such rules and regulations as may be promulgated by the Commission on Audit for the purpose. Refund of excess cash advance may be made either in U.S. dollars by the University or in Philippine currency computed at the prevailing bank rate at the day of refund. In case of the latter, a bank certification or newspaper clipping on the bank rate should be submitted. Payment of the salary of any official or employee who fails to comply with the provisions of this Section shall be suspended until he complies therewith⁴⁴⁴.

Section 320. **Measures Relative to Failure to Render Account on Cash Advances or Liquidation.** – In addition to as provided in the immediate preceding Section, the following measures shall be strictly observed relative to failure to render account on or liquidate cash advance/s:

- 320.1. The processing of the cash advance of any official or employee under or in favor to his/her name shall be suspended or deferred until submission of the appropriate reports on the account or liquidation of previous cash advance/s;
- 320.2. In case the travel is urgent, incidental to the major functions and programs and and beneficial to the University, the University President may authorize any official or employee to undertake such cash advance/s of other official or employee with pending liquidation of previous cash advance/s subject to the submission of undertaking that should the latter fails to account on such cash advance shall be to his/her sole responsibility;
- 320.3. Payment of the benefits and honorarium of any official or employee who fails to comply with the provisions of Section 320 above shall be suspended until he complies therewith; and
- 320.4. The University President and other Executive Officials shall execute such measures prescribed under existing laws, rules and regulations to ensure compliance by the official or employees concerned on timely and proper rendition of account on cash advances or liquidation.

Section 321. **Submission of Report.** – Every official or employee assigned or authorized to travel shall, within thirty (30) days after his return to his permanent official station, submit a report with his recommendations, if any, on the conference or seminar attended, examination or investigation conducted, or mission undertaken, to the University President and/or EVSU Board of Regents, as the case may be. In case of participation in an international conference or convention abroad in which the Philippines is represented by a delegation, a report

⁴⁴⁴ Section 14 of Executive Order No. 298 dated March 23, 2004.

of the delegation shall be submitted to the President of the Philippines through the department head concerned copy furnished the DFA not later than thirty (30) days after the closing of the conference or convention. Any member of the delegation may also submit a supplementary report⁴⁴⁵.

Section 322. **Submission of Quarterly Reports.** – Submission of quarterly reports on travels shall be subject to the following:

322.1. *For Travels Abroad.* – The University President shall submit a quarterly report to the Office of the President of the Philippines of all approved and authorized travels abroad of the University Regents, Officials and employees, indicating therein the names of the travelers, their destinations, the duration, the nature and purpose of the travel, and the costs of travel⁴⁴⁶.

322.2. *For Local Travels.* – The Executive Officials of the University shall submit a quarterly report to the Office of the University President of all approved and authorized travels abroad of the University Regents, Officials and employees, indicating therein the names of the travelers, their destinations, the duration, the nature and purpose of the travel, and the costs of travel.

Section 323. **Publication/Posting of Quarterly Reports.** – The quarterly reports provided in the immediate preceding Section shall be posted in the Transparency and Freedom of Information Bulletin Boards of the University as a matter of transparency and accountability.

Section 324. **Liability of the Official or Employee.** – Violation of the provisions of Section 18 of E.O. No. 248 and/or Section 321 or such provisions of this Chapter shall subject the official or employee concerned to disciplinary action⁴⁴⁷ and/or failure to comply the directives provided for under Memorandum from the Executive Secretary dated January 3, 2018 “may result in the filing of administrative actions for misconduct, insubordination and other related offenses under the Civil Service Commission Revised Rules on Administrative Cases in the Civil Service and/or relevant laws, rules and regulations against travelling official/personnel, as well as the official who unduly endorsed or approved his/her travel authority or who failed to submit the list required herein⁴⁴⁸.”

Chapter XXV

PROPERTY OF THE UNIVERSITY

Article 74

Assets, Liabilities and Personnel, Buildings and Structures of the University

⁴⁴⁵ Section 16 of Executive Order No. 298 dated March 23, 2004

⁴⁴⁶ Section 4 of Executive Order No. 459 dated September 1, 2005 entitled, “Streamlining the Procedure in the Disposition of Requests of Government Officials and Employees for Authority to Travel Abroad.

⁴⁴⁷ Section 18, para. 2 of Executive Order No. 248 dated May 29, 1995.

⁴⁴⁸ 2nd para. of Memorandum from the Executive Secretary dated January 3, 2018.

Section 325. **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. 04-42⁴⁴⁹ approved on January 20, 2004 and duly ratified on March 2, 2004 per Resolution No. 04-104⁴⁵⁰, 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 326. **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, Research, Extension Services and Employees Welfare, 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.

⁴⁴⁹ “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.”

⁴⁵⁰ 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.”

Section 327. **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 328. **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 329. **Ways of Acquiring Properties.** – The University acquires supplies, materials, equipment, and other properties by any of the following ways:

- 329.1. Procurement/purchase;
- 329.2. Construction;
- 329.3. Production/Manufacture;
- 329.4. Transfer; and
- 329.5. Contribution or Donation.

Section 330. **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 331. **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 332. **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 333. **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 334. **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 335. **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 336. **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 337. **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 338. **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.

Article 75 **Acquisition and Use of University Motor Vehicles**

Section 339. **General Policy.** – The University shall adhere to the provisions and requirements of DBM Budget Circular No. 2017-1 dated April 26, 2017⁴⁵¹ and subsequent issuances thereof, to wit:

- 339.1. *On the Typology of the University's Motor Vehicle.* – The typology of the motor vehicles of the University shall be consistent with the Typology of Government Motor Vehicles identified and provided under Annex A of DBM Budget Circular No. 2007-1 dated April 26, 2017; and
- 339.2. *On the University's Motor Vehicle Classification and Specifications.* – The typology of the motor vehicles of the University shall be consistent with the Motor Vehicle Classification and Specifications Guide identified and provided under Annex B of DBM Budget Circular No. 2007-1 dated April 26, 2017.

Section 340. **Requirements in the Acquisition of Motor Vehicles of the University.** – All acquisitions of motor vehicles of the University shall be subject to the provisions of the R.A. No. 9184 and its IRR and as provided under DBM Budget Circular No. 2007-1 dated April 26, 2017 and its subsequent issuances.

Section 341. **Policy on the Use of Motor Vehicles of the University.** – The University President shall issue such policy governing the use of motor vehicles of the University taking into considerations the provisions of this Manual, the 2017 Revised University Code and applicable laws, rules and regulations.

Article 76 **Divestment, Disposal and Computation of Depreciation of the Property of the University**

Section 342. **General Policies.** – The condemnation, sale, divestment and disposal of equipment or any property of the University shall be subject to applicable laws, rules and regulations, among others, to wit:

- 342.1. *On the Disposal of the Property of the University.* – The disposal of any property of the University shall be in accordance with the provisions of Executive Order No. 888 dated March 18, 1983⁴⁵², Executive Order No. 285 dated July 25, 1987, COA Circular No. 89-296 dated January 27, 1989⁴⁵³, National Budget Circular No. 425 dated January 28, 1992⁴⁵⁴ and applicable laws, rules and regulations.
- 342.2. *On the Computation of the Depreciation of the Property of the University.* – The computation of the property of the depreciation of

⁴⁵¹ "Amending Budget Circular (BC) No. 2016-05 entitled, "Revised Guidelines on the Acquisition and Use of Government Motor Vehicles" Dated August 22, 2016."

⁴⁵² "Authorizing Ministers and Heads of Ministries/Agencies to Dispose Of, Their Respective Unserviceable Equipment and Disposable Property."

⁴⁵³ "Audit Guidelines on the Divestment or Disposal of Property and Other Assets of National Government Agencies and Instrumentalities, Local Government Units and Government-Owned or Controlled Corporations and their Subsidiaries."

⁴⁵⁴ "Manual on the Disposal of Government Property."

any property of the University shall be consistent with the provisions of COA Circular No. 2003-007 dated December 11, 2003⁴⁵⁵ and such applicable laws, rules and regulations.

- 342.3. *Destruction or Sale of Unserviceable Property.* – The University shall observe Section 79 of P.D. No. 1445 promulgated on June 11, 1978⁴⁵⁶, to wit:

“SECTION 79. Destruction or sale of unserviceable property. - When government property has become unserviceable for any cause, or is no longer needed, it shall, upon application of the officer accountable therefore, be inspected by the head of the agency or his duly authorized representative in the presence of the auditor concerned and, if found to be valueless or unsalable, it may be destroyed in their presence. If found to be valuable, it may be sold at public auction to the highest bidder under the supervision of the proper committee on award or similar body in the presence of the auditor concerned or other duly authorized representative of the Commission, after advertising by printed notice in the Official Gazette, or for not less than three consecutive days in any newspaper of general circulation, or where the value of the property does not warrant the expense of publication, by notices posted for a like period in at least three public places in the locality where the property is to be sold. In the event that the public auction fails, the property may be sold at a private sale at such price as may be fixed by the same committee or body concerned and approved by the Commission.”

Section 343. ***Determination of Disposable Property***⁴⁵⁷. – Any or all of the following conditions shall constitute disposable property:

- 343.1. Property which can no longer be repaired or reconditioned:
- 343.2. Property whose maintenance costs/costs of repair more than outweighs the benefits and services that will be derived from its continued use;
- 343.3. Property that has become obsolete or outmoded because of changes in technology;
- 343.4. Serviceable property that has been rendered unnecessary due to change in the University’s functions or mandate;
- 343.5. Unused supplies, materials and spare parts that were procured in excess of requirements; and

⁴⁵⁵ “Revised Estimated Useful Life in Computing Depreciation For Government Property, Plant and Equipment.

⁴⁵⁶ “Ordaining and Instituting a Government Auditing Code of the Philippines.”

⁴⁵⁷ Part II (B) of the Manual on Disposal of Government Property.

- 343.6. Unused supplied and materials that has become dangerous to use because of long storage or use of which is determined to be hazardous.

Section 344. **The University Property Disposal Committee**⁴⁵⁸. – There is hereby created a University Property Disposal Committee hereinafter referred to as the UPDC to be constituted by the University President⁴⁵⁹, subject to the following rules:

- 344.1. *Composition.* – Pursuant to Executive Order No. 309 dated March 8, 1996⁴⁶⁰ specifically Section 1⁴⁶¹ thereof, the UPDC shall be composed of the following:

- (1) University President or his/her authorized representative with a rank not lower than Vice President, *Chairperson*;
- (2) Vice President for Administration and Finance, *Member*; and
- (3) Director of Administrative Services, *Member*.

- 344.2. *Functions.* – The UPDC shall perform the following functions:

- 344.2.1. Inspect or authorize the University's Campuses or offices or departments to inspect the unserviceable equipment and property to verify justification for disposal;
- 344.2.2. Set the final appraised value of all disposable property considering obsolescence, market demand, physical condition and result of previous biddings for similar property;
- 344.2.3. Recommend to the EVSU Board of Regents for approval, the manner of disposal; and
- 344.2.4. Conduct public biddings for the sale of disposable property on an "as is, where is" basis and to recommend corresponding award.

⁴⁵⁸ Part II (B) of the Manual on Disposal of Government Property.

⁴⁵⁹ COA Circular No. 89-296 dated January 27, 1989, among others, provides:

"IV. AUTHORITY OR RESPONSIBILITY FOR PROPERTY DISPOSAL/DIVESTMENT

Pursuant to existing laws on the matter, the full and sole authority and responsibility for the divestment or disposal of property and other assets owned by national government agencies or instrumentalities, local government units, and government-owned and/or controlled corporations and their subsidiaries shall be lodged in the heads of the departments, bureaus, and offices of the national government, the local government units, and the governing bodies or managing heads of government-owned or controlled corporations and their subsidiaries conformably to their respective corporate charters or articles of incorporation, who shall constitute the appropriate committee or body to undertake the same."

⁴⁶⁰ "Reconstituting the Disposal Committee Created Under E.O. No. 285."

⁴⁶¹ "SECTION 1. Reconstitution of Disposal Committee. Pursuant to R.A. No. 8174, the Disposal Committees created under E.O. No. 888 as amended by E.O. No. 285 dated July 25, 1987 in each Department, bureau, office or agency are hereby reconstituted as follows:

Chairman- A senior official with a rank not lower than the level of an Assistant secretary for a department /bureau/agency or department manager for a GOCC.

Member- Head of the Department's administrative service or head of the agency's administrative division equivalent organizational unit.

Member- Head of the Property Unit.

344.3. *Chairperson and Members of the Committee.* – The UPDC Chairperson calls the meeting of the Committee and initiates the activities in the disposal process. In cases of conflicts or differences among the Committee members especially regarding varying appraised values, the Chairperson shall make the final decision as to which recommendation shall be submitted to the EVSU Board of Regents through the University President for approval.

The members are clothed with the authority to make decisions in behalf of their respective of their respective offices during the various committee deliberations. The members are expected to undertake inspection, appraisal and valuation activities as a group or individually, and participate in the bidding and awarding activities.

344.4. *Secretariat.* – A Secretariat and technical staff to be manned from the existing personnel of the University shall be formed to handle all the Committee’s technical and administrative matters as well as the safekeeping and systematic filing of the Committee documents and records. For this purpose, the Head of the Supply and Property Management Office shall serve as the Secretariat of the UPDC.

344.5. *Designation of the DBM representative.* – The DBM representative to the UPDC shall be designated by an authorized DBM official upon submission of the University President of a letter requesting such designation.

Section 345. ***Formulation of the University Property Disposal Manual.***

– The University President shall constitute a Committee responsible of the formulation of the University Property Disposal Manual subject to review and approval by the EVSU Board of Regents and consistent with pertinent provisions of the 2017 Revised University Code and taking into considerations the provisions of Executive Order No. 888 dated March 18, 1983, Executive Order No. 285 dated July 25, 1987, COA Circular No. 89-296 dated January 27, 1989, National Budget Circular No. 425 dated January 28, 1992, COA Circular No. 2003-007 dated December 11, 2003, and applicable laws, rules and regulations.

Provided, that the absence of the said Manual shall not stop or shall not prevent or delay the effectivity and implementation of this foregoing laws, rules and regulations and/or of this Manual.

Chapter XXVI
**WATER AND ENERGY MANAGEMENT PROGRAM
OF THE UNIVERSITY**

Article 77
General Policies

Section 346. ***General Policies.*** – The University shall adhere to the following declared energy policies of the State which are hereby adopted as integral parts and governing guidelines hereof:

346.1. *On Water Management:*

1. Republic Act No. 9275 enacted on March 22, 2004⁴⁶² and Its Implementing Rules and Regulations (IRR)⁴⁶³:

"SECTION 2. Declaration of Policy. - The State shall pursue a policy of economic growth in a manner consistent with the protection, preservation and revival of the quality of our fresh, brackish and marine waters. To achieve this end, the framework for sustainable development shall be pursued. As such, it shall be the policy of the State:

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- e) To promote commercial and industrial processes and products that are environment friendly and energy efficient;
- f) To encourage cooperation and self-regulation among citizens and industries through the application of incentives and market-based instruments and to promote the role of private industrial enterprises in shaping its regulatory profile within the acceptable boundaries of public health and environment;
- g) To provide for a comprehensive management program for water pollution focusing on pollution prevention;
- h) To promote public information and education and to encourage the participation of an informed and active public in water quality management and monitoring;
- i) To formulate and enforce a system of accountability for short and long-term adverse environmental impact of a project, program or activity; and
- j) To encourage civil society and other sectors, particularly labor, the academe and business undertaking environment-related activities in their efforts to organize, educate and motivate the people in addressing pertinent environmental issues and problems at the local and national levels.

The foregoing provisions were also integrated and provided under Section 1, Article 1, Chapter I of the IRR of R.A. No. 9275.

2. Proclamation No. 2023 issued on March 15, 2010⁴⁶⁴:

⁴⁶² "An Act Providing for a Comprehensive Water Quality Management and for Other Purposes" or the "Philippine Clean Water Act of 2004."

⁴⁶³ DENR Administrative Order No. 2005-10 promulgated on May 16, 2005 by the Secretary of the Department of Environment and Natural Resources (DENR) pursuant to Section 32 of R.A. No. 9275 and Executive Order No. 192 (1987).

⁴⁶⁴ "Declaring March 22 to 28, 2010 as "Clean Water and energy Week for a Healthy World."

“**WHEREAS**, the country is now experiencing the impacts of climate change, particularly a water crisis that threatens agricultural productivity, and energy crisis affecting hydro-powered energy sources that leads to power outages;

WHEREAS, there is an urgent need to conserve water, a scarce resource which sustains life on Earth, because our quality of life and the health of our ecosystems – main’s life-support systems – depends on water, which is now being threatened by climate change, over-extraction, pollution and wasteful use;”

346.2. *On Energy Management:*

1. Under Republic Act No. 7638⁴⁶⁵:

“SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State: (a) to ensure a continuous, adequate, and economic supply of energy with the end in view of ultimately achieving self-reliance in the country’s energy requirements through the integrated and intensive exploration, production, management, and development of the country’s indigenous energy resources, and through the judicious conservation, renewal and efficient utilization of energy to keep pace with the country’s growth and economic development and taking into consideration the active participation of the private sector in the various areas of energy resource development; and (b) to rationalize, integrate, and coordinate the various programs of the Government towards self-sufficiency and enhanced productivity in power and energy without sacrificing ecological concerns.”

2. Under Republic Act No. 9513⁴⁶⁶:

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“(a) Accelerate the exploration and development of renewable energy resources such as, but not limited to, biomass, solar, wind, hydro, geothermal and ocean energy sources, including hybrid systems, to achieve energy self-reliance, through the adoption of sustainable energy development strategies to reduce the country’s dependence on fossil fuels and thereby minimize the country’s exposure to price fluctuations in the international markets, the effects of which spiral down to almost all sectors of the economy;

Xxxxxxxxxxx

⁴⁶⁵ “Department of energy Act of 1992” enacted into law on December 9, 1992.

⁴⁶⁶ “An Act Promotion the Development, Utilization and Commercialization of Renewable Energy Resources and for Other Purposes,” otherwise known as the “Renewable Energy Act of 2008.”

- (c) Encourage the development and utilization of renewable energy resources as tools to effectively prevent or reduce harmful emissions and thereby balance the goals of economic growth and development in the protection of health and the environment;"
3. Under Administrative Order No. 110 issued on October 25, 2004⁴⁶⁷:
- "1.1 GEMP Goal
- The Government shall aim to reduce its monthly consumption of electricity (in kilowatt-hours) and petroleum products (in liters) by at least ten percent (10%) through the implementation of the GEMP for a minimum period of three (3) years starting January 2005."
4. Administrative Order No. 126 issued on August 13, 2005⁴⁶⁸:
- "**WHEREAS**, to cushion the effects of increasing oil prices on the domestic economy, there is a need for the government to exert efforts to promote the judicious use of our energy resources through intensified conservation effort and efficient utilization thereof;"
5. Administrative Order No. 183 issued on July 9, 2007⁴⁶⁹:
- "**WHEREAS**, the conservation and efficient utilization of energy is one of the major strategies of the Government to realize energy self-sufficiency and reduce environmental impacts of energy generation and utilization as instituted in the Philippine Energy Plan (PEP) and the National Energy Efficiency and Conservation Program (NEECP);
- WHEREAS**, Administrative Order Nos. 103, 110 and 126 mandate a ten percent (10%) reduction in energy consumption in all government offices, including the designation of an Energy Conservation Officer;"
6. Administrative Order (A.O.) No. 228 issued on June 2, 2008⁴⁷⁰ and implemented through DBM Circular Letter No. 2008-9 dated November 26, 2008⁴⁷¹. DBM Circular Letter No. 2008-9 stresses, among others, that "*Energy efficiency and conservation has been*

⁴⁶⁷ "Directing the Institutionalization of a Government Energy Management Program (GEMP).

⁴⁶⁸ "Strengthening Measures to Address the Extraordinary Increase in World Oil Prices, Directing The Enhanced Implementation of the Government's Energy Conservation Program, and for Other Purposes."

⁴⁶⁹ "Directing the Use of Energy-Efficient Lighting/Lighting Systems (EELs) in Government Facilities (*Palit-Ilaw Program*)."

⁴⁷⁰ "Addressing the Rising Cost of Energy."

⁴⁷¹ "Guidelines Implementing Administrative Order (AO) No. 228 and the President's Directive Dated May 31, 2008."

an on-going effort of the Government, thru the implementation of the government Energy Management Program (GEMP)."

Article 78

**Implementing Mechanisms of the Water and Energy
Program of the University**

Section 347. **Committee on Water and Energy Management Program of the University.** – There is hereby created a Committee on Water and Energy Management Program of the University, hereinafter referred to as, CEMPU, under the direct supervision and control of the University President

347.1. Composition. – The CWEMPU shall composed of the following:

- (1) Vice President for Administration and Finance, *Chairperson*;
- (2) Vice President for Planning, Research and Extension Services, *Vice Chairperson*;
- (3) Vice President for Academic Affairs, *Member*;
- (4) Vice President for Internationalization and External Affairs, *Member*;
- (5) Campus Directors, *Members*;
- (6) Director for Administrative Services, *Member*;
- (7) Chief Administrative Officer for Administration, *Member*;
- (8) Director for Finance Management Office, *Member*;
- (9) Chief Administrative Officer of Finance Services, *Member*;
- (10) Director for Planning Services Office, *Member*;
- (11) Director for Quality Assurance and Accreditation Center, *Member*;
- (12) President of the Federation of Student Councils, *Member*;
- (13) President of the Federation of Faculty Associations, *Member*;
- (14) President of the Non-Teaching Personnel Association, *Member*;
- (15) Head of the Maintenance Division, *Member*; and
- (16) At least one (1) representative each from the Department of Energy (DOE) and Department of Environment and Natural Resources (DENR); *Members*.

347.2. *Duties and Functions.* – The CWEMPU shall be constituted by the University President with the following duties and functions:

347.2.1. To assist the University President for the full and continuing compliance of the University of the statutory requirements on water and energy such as, but not limited to, R.A. No. 9275 and its IRR, Proclamation No. 2023 dated March 15, 2010, R.A. No. 7638 and its IRR, R.A. 9513 and its IRR, A.O. No. 110, A.O. No. 100-A, A.O. No. 126, A.O. No. 183, A.O. No. 228 and DBM Circular No. 2008-9, and such applicable laws, rules and regulations;

347.2.2. To formulate or modify the Water and Energy Management Program of the University and recommend the same to the

University President for review and endorsement to the EVSU Board of Regents for approval and/or proper action;

- 347.2.3. To conduct energy audit at least twice a year or as may be directed by the University President and/or competent authority/ies;
 - 347.2.4. To assist the Board Committee on Water and Energy (BCWE) responsible in the conduct of water energy audit and related functions as may be authorized by the EVSU Board of Regents;
 - 347.2.5. To review all infrastructure projects of the University and issue an appropriate endorsement thereof as one of the requirements in the consideration or approval by the EVSU Board of Regents;
 - 347.2.6. To submit quarterly energy audit report to and/or such reports as may be required by the University President and/or EVSU Board of Regents. The quarterly energy audit report shall be an integral part of the University President's Report during Board Meetings, whether regular or special; and
 - 347.2.7. To perform such tasks as may be authorized by the University President and/or EVSU Board of Regents.
- 347.3. *Meetings.* – The duly constituted CEMPU shall meet at once every quarter or as often as its Chairperson and/or University President may direct.

Section 348. ***Designation and Functions of the Water and Energy Conservation Officer (WECO) of the University.*** – The University President shall designate an Water and Energy Conservation Officer (WECO) of the University from among the officials or faculty members of non-teaching personnel of the University subject to the provisions of this Manual and the 2017 Revised University Code. The WECO of the University shall perform the following duties and functions:

- 348.1. Assists the University President in the formulation of plans, programs, projects and activities to fully implement the Energy Management Program of the University;
- 348.2. Serves the secretary of the Committee on Energy Management Program of the University;
- 348.3. Leads in the conduct of periodic energy audit of the different University Campuses including its offices, departments or units;
- 348.4. Conducts periodic for a, capability trainings, and information and education communications (IECs) on energy conversation and proper utilization;

- 348.5. Provides technical and administrative support to the Board Committee on Water and Energy and such competent authority/ies;
- 348.6. Prepares quarterly energy audit report and such reports as may be required by the University President;
- 348.7. Recommends in the procurement and installation of equipment or facilities that shall reduce or ensure efficient energy use or utilization of the University;
- 348.8. Closely coordinate with the concerned government agencies, non-government organizations (NGOs), civil society organizations (CSOs) or people's organizations (POs) in the discharge of the foregoing duties and functions; and
- 348.9. Performs such related tasks as may be requested by the Committee on Water Energy Management Program of the University and/or University President.

Section 349. **Board Committee on Water and Energy (BCWE).** – There is hereby a Board Committee on Water and Energy (BCWE) of the EVSU Board of Regents composed a Chairperson, Vice Chairperson and a Member duly designated by the EVSU BOR from among its Regents or Members. The University President shall automatically serves as the Vice chairperson while the University/Board Secretary shall be its Committee Secretary.

The duly constituted BCWE shall have the oversight power on water and energy program of the University and it shall review all plans, policies, budgetary requirements and related matters subject to review and approval by the EVSU Board of Regents.

The BCWE shall meet at least once every quarter or as often as its Chairperson may determine and/or as the University President may recommend.

Section 350. **Internal Rules of Procedures.** – The duly constituted Committee on Water and Energy Management Program of the University (CWEMPU), and Board Committee on Water and Energy (BCWE) may promulgated their respective internal rules of procedures subject to the approval by the University President and EVSU Board of Regents, respectively.

Section 351. **Water and Energy Conservation Week to Coincide with the International Year of Biodiversity.** – Pursuant to Proclamation No. 2023 and subsequent issuances thereof, the University shall participate in the observance of the Water and energy Conservation Week coinciding with the International year of Biodiversity⁴⁷².

⁴⁷² "NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby declare March 22 to 28, 2010 as "Clean Water and Energy Week for Healthy World," beginning this year to coincide with the International Year of Biodiversity;"

Article 79

Adoption of Renewable Energy Technologies, and Formulation of the Water and Energy Management Program Manual of the University

Section 352. ***Adoption of Renewable Energy Technologies in the Preparation of Structural Design and Program of Works, and Implementation of Infrastructure Projects and Development Plans of the University.*** – The renewable energy (RE) technologies, among others, solar rooftop or wind technology installation applications or such applicable RE technologies, shall be adopted or included in the preparation of structural design and program works, and implementation of infrastructure projects of the University.

In addition, the use of renewable energy technologies shall also be integrated in the development plans of the University.

Section 353. ***Formulation and Implementation of Energy Management Program Manual of the University.*** – The University shall formulate and implementation an Energy Management Program and Policy or such mechanisms in adherence to and fully contribute in the realization of the following energy policies of the State.

Chapter XXVII
PROCUREMENT

Article 80

Principles, Scope and Application and Competitive Bidding

Section 354. ***Governing Principles on Procurement of the University***⁴⁷³. All procurement of the University, shall, in all cases, be governed by these principles:

- 354.1. Transparency in the procurement process and in the implementation of procurement contracts.
- 354.2. Competitiveness by extending equal opportunity to enable private contracting parties who are eligible and qualified to participate in public bidding.
- 354.3. 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.
- 354.4. 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.

⁴⁷³ Section 3, Article I of Republic Act No. 9184 otherwise known as the Government Procurement Reform Act.”

- 354.5. 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 355. **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 Act No. 9184 to which the Philippine government is a signatory shall be observed⁴⁷⁴. Relatedly, the following shall strictly be observed:

- 355.1. *Procurement Arising from a Treaty or International or Executive Agreement.* – Any Treaty or International or Executive Agreement to which the GoP⁴⁷⁵ 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 prevail⁴⁷⁶.

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 discussion⁴⁷⁷.

- 355.2. *Activities Excluded from the Application of the IRR of Republic Act No. 9184*⁴⁷⁸. – This Manual, the 2017 Revised University 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

⁴⁷⁴ Section 4, Article I of Republic Act No. 9184.

⁴⁷⁵ GoP- refers to Government of the Philippines.

⁴⁷⁶ 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.

⁴⁷⁷ Section 4.3. Rule I of the 2016 Revised Implementing Rules and Regulations of R.A. No. 9184.

⁴⁷⁸ Section 4.4., Rule I of the 2016 Revised Implementing Rules and Regulations of R.A. No. 9184.

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
- 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.

355.3. *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 IRR⁴⁷⁹ and the 2017 University Code, in this Manual and such service manuals duly approved by the EVSU Board of Regents upon the recommendation by the University President:

- 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 356. **Competitive Bidding**⁴⁸⁰. – All procurement of the University shall be done through Competitive Bidding, except and provided for in Article XVI of Republic Act No. 9184.

⁴⁷⁹ Section 4.5., Rule I of the 2016 Revised Implementing Rules and Regulations of R.A. No. 9184.

⁴⁸⁰ Section 10, Article IV of Republic Act No. 9184.

Article 81
Procurement Planning

Section 357. **Procurement Planning and Budgeting Linkage.** – Procurement Planning and Budget Linkage of the University shall be subject to the following, among others:

- 357.1. 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 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 costs⁴⁸¹.
- 357.2. 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 HoPE⁴⁸² or second-ranking official designated by the HoPE to act on his or her behalf⁴⁸³.
- 357.3. The APP shall be formulated and revised only in accordance with the following guidelines⁴⁸⁴:
 - 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:

⁴⁸¹ Section 7.1, Rule I of the 2016 Revised Implementing Rules and Regulations of R.A. No. 9184.

⁴⁸² 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 insofar as expressly authorized and subject to the limitations and delegated authority by the EVSU-Board of Regents.

⁴⁸³ Section 7.2, Rule I of the 2016 Revised Implementing Rules and Regulations of R.A. No. 9184.

⁴⁸⁴ Section 7.3. Rule I of the 2016 Revised Implementing Rules and Regulations of R.A. No. 9184.

1. information on whether PAPs will be contracted out, implemented by administration in accordance with the guidelines issued by the GPPB⁴⁸⁵, or consigned;
 2. the type and objective of contract to be employed;
 3. the extent/size of contract scopes/packages;
 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;

⁴⁸⁵ GPPB refers to Government Procurement Policy Board created under Section 63 of Republic Act No. 9184.

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 revise 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.

- 357.4. 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.

- 357.5. 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 MYOA⁴⁸⁶ 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 358. **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 82

Procurement by Electronic Means and the Philippines Electronic Procurement System (PhilGEPS)

Section 359. **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 procurement⁴⁸⁷.

Section 360. **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 requirements⁴⁸⁸:

⁴⁸⁶ MYOA- refers to Multi-Year Obligational 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 Obligational Authority or MYOA."

⁴⁸⁷ Section 8.1.1., Rule III of the 2016 Revised Implementing Rules and Regulations of R.A. No. 9184.

⁴⁸⁸ Section 8.1.2. Rule III of the 2016 Revised Implementing Rules and Regulations of R.A. No. 9184.

- 360.1. Comply with the provisions of R.A. No. 9184 and its IRR, and R.A. 8792, otherwise known as the "Electronic Commerce Act;"
- 360.2. Linked to the PhilGEPS, particularly with regard to the posting of all bid opportunities and awards;
- 360.3. Allow parallel manual submission of bids to the University;
- 360.4. Must have sufficient redundant back-up facilities;
- 360.5. 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;
- 360.6. 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;
- 360.7. Must provide for the use of electronic signatures and other current electronic authentication devices;
- 360.8. 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
- 360.9. Electronic payment facilities if used, shall comply with all laws, rules and regulations issued by the Government.

Section 361. **Electronic Bulletin Board**⁴⁸⁹. – 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 362. **Use of the PhilGEPS**⁴⁹⁰. – 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 363. **Responsibilities of the University President.** – The University President, or his duly authorized representative, shall have the following responsibilities in the procurement process:

⁴⁸⁹ Section 8.2.1, Rule III of the 2016 Revised Implementing Rules and Regulations of R.A. No. 9184.

⁴⁹⁰ Section 8.3.1. Rule III of the 2016 Revised Implementing Rules and Regulations of R.A. No. 9184.

- 363.1. 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 External Affairs. He/she must ensure that all procurements are in line with the APP;
- 363.2. 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;
- 363.3. 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;
- 363.4. 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;
- 363.5. 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;
- 363.6. 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
- 363.7. He/she must ensure that the members of the BAC and the TWG shall receive their incentives.

Article 83

Structure, Composition, Term of Office, Hold-over, and Functions of the Bids and Awards Committee (BAC)

Section 364. **University BAC Structure.** – The Structure of the BAC of the University shall be as follows:

- 364.1. *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 Services⁴⁹¹.

- 364.2. *Separate BACs.* – To expedite the procurement process for practical intents and purposes, the EVSU Board of Regents, upon 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 to⁴⁹²:
- 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 365. ***BAC Composition***⁴⁹³. – 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:

365.1. *Regular Members:*

- a. Chairperson, who is at least a third (3rd) ranking permanent official of the University. For this purpose, third (3rd) 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 (5th) 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 (3rd) ranking permanent personnel or if not available, an officer of the next lower rank;
- c. An officer, who is at least a fifth (5th) 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 (3rd) ranking permanent personnel or if not available, an officer of the next lower rank;

⁴⁹¹ Section 11.1.1 , Rule I of 2016 Revised Implementing Rules and Regulations of R.A. No. 9184.

⁴⁹² Section 11.1.2 , Rule I of the 2016 Revised Implementing Rules and Regulations of R.A. No. 9184.

⁴⁹³ Section 11.2, Rule I of the 2016 Revised Implementing Rules and Regulations of R.A. No. 9184.

365.2. *Provisional Members:*

- 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.

365.3. *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 366. **Coverage of Permanent Position.** – For purposes of this provisions and the IRR of R.A. No. 9184, permanent shall refer to a *plantilla* position within the University⁴⁹⁴.

Section 367. **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 the 2017 Revised University Code and this Manual.

Section 368. **Disqualified Officials to Become Members of the BAC.** – The following officers of the University are disqualified from membership in the BAC:

- 368.1. The University President;
- 368.2. The official who approves procurement transactions such as, but not limited to, Members of the EVSU Board of Regents; and
- 368.3. The Chief Accountant/Head of the Accounting Department and his/her staff⁴⁹⁵, unless the Accounting Department is the end-user unit, in which case the Chief Accountant, Head of the Accounting Department or his/her staff maybe designated as the end-user member.

⁴⁹⁴ 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.

⁴⁹⁵ 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.

Section 369. **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 (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 Regents⁴⁹⁶.

Section 370. **Functions of the BAC**⁴⁹⁷. – The BAC shall have the following functions:

- 370.1. Advertise and/or post the invitation to bid/request for expressions of interest;
- 370.2. Conduct pre-procurement and pre-bid conferences;
- 370.3. Determine the eligibility of prospective bidders;
- 370.4. Receive bids and open bids⁴⁹⁸;
- 370.5. Conduct the evaluation of bids;
- 370.6. Undertake post-qualification proceedings;
- 370.7. Resolve requests for reconsideration⁴⁹⁹;
- 370.8. Recommend awards of contracts to the EVSU-BOR through the University President or his/her duly authorized representative;
- 370.9. Recommend the imposition of sanctions in accordance with Rule XXIII of the 2016 Revised IRR of R.A. No. 9184;
- 370.10. 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. 9184⁵⁰⁰;
- 370.11. Conduct any of the Alternative Methods of Procurement⁵⁰¹;
- 370.12. 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

⁴⁹⁶ Section 11.2.6, Rule I of the 2016 Revised Implementing Rules and Regulations of R.A. No. 9184.

⁴⁹⁷ Section 12, Article V of Republic Act No. 9184.

⁴⁹⁸ Section 12.1(d), Article V of 2016 Revised IRR of R.A. No. 9184.

⁴⁹⁹ Section 12.1(g), Article V of 2016 Revised IRR of R.A. No. 9184.

⁵⁰⁰ Section 12.1(j), Article V of 2016 Revised IRR of R.A. No. 9184.

⁵⁰¹ Section 12.1(k), Article V of 2016 Revised IRR of R.A. No. 9184.

- 370.13. 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 amended⁵⁰².

Article 84

Quorum, Meetings and Internal Rules of Procedures

Section 371. **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 372. **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.

⁵⁰² Section 12.2, Article V of 2016 Revised IRR of R.A. No. 9184.

Section 373. **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)⁵⁰³ subject to the review and approval by the Board upon the recommendation by the University President.

Article 85
Secretariat and Technical Working Group (TWG)

Section 374. **BAC Secretariat**⁵⁰⁴. – 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 375. **Functions and Responsibilities of the BAC Secretariat.** – The BAC Secretariat shall have the following functions and responsibilities:

- 375.1. Provide administrative support to the BAC;
- 375.2. Organize and make all necessary arrangements for BAC meetings and conferences;
- 375.3. Prepare minutes of meetings and resolutions of the BAC;
- 375.4. Take custody of procurement documents and other records;
- 375.5. Manage the sale and distribution of bidding documents to interested bidders;
- 375.6. Advertise and/or post bidding opportunities, including bidding documents, and notices of awards;
- 375.7. Assist in managing the procurement processes;
- 375.8. Monitor procurement activities and milestones for proper reporting to relevant agencies when required;
- 375.9. Consolidate Project Procurement Management Plan (PPMP) from various units of the procuring entity to make them available for review; and
- 375.10. Act as the central channel of communications for the BAC with end users, other government agencies, providers of goods,

⁵⁰³ 2016 Revised Implementing Rules and Regulations which took effect on November 2016.

⁵⁰⁴ Section 14, Article V of Republic Act No. 9184.

infrastructure projects, and consulting services, observers, and the general public.

Section 376. **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.

- 376.1. In creating the TWG, the BAC shall consider the expertise required based on the nature of the procurement.
- 376.2. 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:
- 376.3. 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.;
- 376.4. TWG for ICT projects, whose membership shall include experts in ICT like a computer engineer, as systems analyst, a programmer, etc.; and
- 376.5. 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 86

BAC Honorarium and Sources of Funds

Section 377. **Honoraria of BAC Members**⁵⁰⁵. – The grant of honorarium to the Members of the EVSU-BAC shall be consistent to DBM Budget Circular No. 2004-5A dated October 7, 2005⁵⁰⁶ and its subsequent issuances.

Section 378. **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 87

Observers

Section 379. **Observers**⁵⁰⁷. – 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:

⁵⁰⁵ Section 15, Article V of Republic Act No. 9184.

⁵⁰⁶ "Guidelines on the Grant of Honoraria to Government Personnel Involved in Government Procurement."

⁵⁰⁷ Section 13, Article V of Republic Act No. 9184.

- 379.1. 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
- 379.2. The other observer shall come from a Non-Government Organization (NGO).

Section 380. **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:

- 380.1. Knowledge, experience or expertise in procurement or in the subject matter or the contract to be bid;
- 380.2. Absence of actual or potential conflict of interest in the contract to be bid; and
- 380.3. Any other relevant criteria that may be determined by the BAC.

Section 381. **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 382. **Duties and Responsibilities of the Observers.** – The observers shall have the following responsibilities:

- 382.1. 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;

- 382.2. 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
- 382.3. To immediately inhibit and notify in writing the procuring entity concerned of any actual or potential interest in the contract to be bid.

Section 383. **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.

Chapter XXVIII **DATA PRIVACY AND PROTECTION**

Article 88 **Declaration of Policies and Scope**

Section 384. **Declaration of Policy.** – The University shall conform to the declared State policies under Section 2 of Republic Act No. 10173⁵⁰⁸, 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 385. **Scope**⁵⁰⁹. – 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 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.

⁵⁰⁸ 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.”

⁵⁰⁹ Section 4 of Republic Act No. 10173 otherwise known as the Data Privacy Act of 2012.”

This Article, per R.A. No. 10173, does not apply to the following:

- 385.1. 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.
- 385.2. 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.
- 385.3. 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;
- 385.4. Personal information processed for journalistic, artistic, literary or research purposes;
- 385.5. 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);
- 385.6. 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 Anti-Money Laundering Act and other applicable laws; and
- 385.7. 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 89

Rights of the Data Subject and Non-Applicability

Section 386. ***Rights of the Data Subject***⁵¹⁰. – The data subject⁵¹¹ is entitled to:

- 386.1. Be informed whether personal information pertaining to him or her shall be, are being or have been processed;
- 386.2. 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 Commission⁵¹².

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

⁵¹⁰ Section 16, Chapter IV of Republic Act No. 10173, otherwise known as the "Data Privacy Act of 2012."

⁵¹¹ 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.

⁵¹² 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."

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;

- 386.3. 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.
- 386.4. 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;
- 386.5. 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;
- 386.6. Be indemnified for any damages sustained due to such inaccurate, incomplete, outdated, false, unlawfully obtained or unauthorized use of personal information.

Section 387. **Right to Data Portability**⁵¹³. – 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 388. **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 90 Data Privacy Principles⁵¹⁴

Section 389. **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 390. **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.

390.1. *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 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.

390.2. *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.

390.3. *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.

⁵¹³ Section 18 of Republic Act No. 10173 otherwise known as the Data Privacy Act of 2012.

⁵¹⁴ Rule IV of the Implementing Rules and Regulations of Republic Act No. 10173.

Section 391. **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:

- 391.1. 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.
- 391.2. 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.
- 391.3. 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.
- 391.4. 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.
- 391.5. 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 392. **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:

- 392.1. 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.
- 392.2. 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.
- 392.3. 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.
- 392.4. 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 91

Management of the Data Privacy and Protection Office (DPPO) of the University

Section 393. **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 394. **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 92

Board of Visitors, and Treasurer of the University

Section 395. **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 396. **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 397. **Treasurer of the University.** – The Treasurer of the Philippines shall be the ex-officio Treasurer of the University⁵¹⁵.

Chapter XXIX

ORGANIZATIONAL STRUCTURE OF THE DIFFERENT ADMINISTRATIVE BRANCHES OF THE UNIVERSITY

Article 93

Organizational Structure of the Board, University and Executive Offices or Major Branches of the University

Section 398. **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 the 2017 Revised University Code.

Section 399. **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 the 2017 Revised University Code and in relevant services' manuals insofar as expressly authorized by the EVSU Board of Regents.

Section 400. **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 insofar 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

⁵¹⁵ Section 8 of Republic Act No. 9311.

for review and approval especially when the same involves the creation of new and/or merging or offices, units or sections as provided under the of the 2017 Revised University Code.

Section 401. **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 94

Organizational Structure of Campuses, and Administrative Departments, Offices, Units or Sections

Section 402. **Organizational Structure of Campuses, 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 Manual, 2017 Revised University Code, and in relevant services' manual insofar 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 Manual and 2017 Revised University Code.

Section 403. **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 Transparency and Freedom of Information 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 XXIX

CLEARANCES OF EMPLOYEES AND STUDENTS

Article 95

Designs and Signatories of Clearances

Section 404. **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 in such form and design as provided in **Annex F** which is made as integral part hereof.

Provided, any adjustment to the design of the clearance shall be determined by the University President after proper consultation with the Faculty Associations and Non-Teaching Personnel Associations of the University.

Section 405. **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:

- 405.1. *Alternate Signing Officers.* – The signing officers 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.
- 405.2. *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.
- 405.3. *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.
- 405.4. *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.
- 405.5. *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 the 2017 Revised University 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.

Section 406. **Deletion of Names of Officials or Employees from the Payroll on the Ground of Delayed/Late or Non-Submission of Clearance and Other Requirements and Processing Via Voucher of the Salary and Contributions Upon Submission Thereof.** – The HRMD Office may recommend to the University President the deletion of name/s of officials or employees on the ground of delayed/late or non-submission of the clearance and other requirements for the processing of a particular salary and mandatory contributions along with decision in **Ombudsman v. Caberoy**⁵¹⁶ in which the Supreme Court held:

“xxxxxxxxxx Moreover, as correctly pointed out by the CA, “[t]he certifications issued by Acting Book keeper xxxxxxxxxxxx will show that it was not only [Tuares] who was not included in the June 2002 payrolls; there were other teachers who were not included because they failed to submit the required year-end clearance. x x x Evidently, [Tuares] was not singled out or discriminated against as insisted by her and respondent Ombudsman.”

Provided, that the HRMD Officer and/or authorized personnel shall issue appropriate notice to the official/s or employee/s concerned. *Provided, further*, that the salary and contributions shall be processed via voucher upon submission of the clearance and other requirements by the concerned official/s or employee/s.

Provided, furthermore, that failure to submit the clearance and other requirements for two (2) or more on or before the time shall be a ground of disciplinary action in accordance with the 2017 Revised RACCS and/or Code of Conduct and Rules on Administrative and Disciplinary Cases of the Officials and Employees of the University and such policies approved by the EVSU Board of Regents and other applicable laws, rules and regulations.

Chapter XXX MISCELLANEOUS PROVISIONS

Article 96

Parity Clause and Prohibition Against Diminution and Elimination

Section 407. **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 408. **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

⁵¹⁶ **Office of the Ombudsman v. Chynthia E. Caberoy**, G.R. No. 188066, October 22, 2014

employees and students of the University at the time of the effectivity of this 2017 Administrative Services Manual.

Section 409. **Change of Names of Offices, Departments or Units.** – The name of the offices or departments or units which are affected by pertinent provisions of the 2017 Revised University Code, this Manual and such service Manuals shall be changed accordingly.

Section 410. **Uniform Design and Proper Installation of the Signages of the University Campuses.** – There shall be a uniform design of the signages of the University Campuses and these shall be installed properly to provide adequate awareness to and direction of the stakeholders and clients of the University. These signages shall continually be maintained to help the marketing efforts of the University.

Section 411. **Retroactive⁵¹⁷ Application of Existing Laws, Rules and Regulations.** – The following guidelines shall strictly be implemented:

411.1. **Retroactive Application of Relevant Laws, Rules and Regulations.** – The application of existing laws, rules and regulations as cited in the pertinent provisions hereof shall be applied retroactively on the date of effectivity thereof and shall not be affected with the actual effectivity of this Manual as provided in Section 264 hereof.

411.2. **Retroactive Application of the University "SALAMAT-PAALAM" Programs.** – Considering that the "SALAMAT-PAALAM" Program has been authorized by the CSC effective March 13, 1998 per CSC Resolution No. 980474 promulgated on March 5, 1998 and circularized through MC No. 7, s. 1998⁵¹⁸, the conduct of the Salamat-Paalam Program, grant of the Send-off Token and conferment of awards shall be applied retroactively two (2) years upon the effectivity of Republic Act No. 9311 which signed into law on June 6, 1997 and thereafter. *Provided*, that the retiree-grantee shall still be alive and compliant to the requirements as provided hereof.

⁵¹⁷ Retroactive application of laws, rules and jurisprudence is authorized, among others:

a. Article 4, Chapter I of Republic Act No. 386 otherwise known as the " Civil Code of the Philippines provides as follows:

"Article 4. Laws shall have no retroactive effect, unless the contrary is provided."

b. In **Severo Aguillon v. The Director of Lands**, G.R. No. L-5448, December 16, 1910, the Supreme Court ruled:

"And moreover the law only related to the procedure — to the character of the evidence which the petitioner must present in support of his claim. It is a doctrine well established that the procedure of the court may be changed at any time and become effective at once, so long as it does not affect or change vested rights."

c. In **Monica Bona v. Hospicio Briones, et al.**, G.R. No. L-10806, July 6, 1918, the Supreme Court held:

"It is well-known that the principle that a new law shall not have retroactive effect only governs the rights arising from acts done under the rule of the former law; but if the right be declared for the first time by a subsequent law it shall take effect from that time even though it has arisen from acts subject to the former laws, provided that it does not prejudice another acquired right of the same origin."

⁵¹⁸ Adoption of "SALAMAT-PAALAM" Program in Honor of Retiring Officials and Employees in the Civil Service."

Therefore, within sixty days upon the approval of this Manual, the Committee on Salamat-Paalam Program and Send-off Token (CSPPSTK) recommend to the EVSU BOR, upon the recommendation of the University President, the conduct of the Salamat-Paalam Program *en masse* to all retirees from Fiscal Year 1999 to 2017. *Provided*, that the grant of Send-off Token shall be determined by the Committee on Salamat-Paalam Program and Send-off Token (CSPPSTK) subject to the approval by the EVSU BOR upon recommendation by the University President and compliant to the provisions of Section 243, Article 51 hereof.

Hereafter, "SALAMAT-PAALAM" Programs may be conducted quarterly or as often as may be deemed necessary as the Committee on Salamat-Paalam Program and Send-off Token (CSPPSTK) may determine subject to the approval by the EVSU BOR upon recommendation by the University President.

Article 97

Transitory Provisions and Implementing Guidelines

Section 412. **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 2017 Administrative Services Manual:

- 412.1. The revised forms prescribed herein shall be used in submitting appointments starting January 2, 2018⁵¹⁹.
- 412.2. Appointments issued using the old forms starting January 2, 2018 shall be returned for resubmission in the new prescribed form within fifteen (15) days from receipt thereof; otherwise, said appointment/s shall be disapproved/invalidated⁵²⁰.
- 412.3. The scholarship contracts or agreements of 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.
- 412.4. The vision, mission, goals and objectives (VMGO) 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 2017 Administrative Services Manual and the 2017 Revised University Code. The Draft Writing and Review of Policies and Rules (PWRPR) Committee formerly the Committee on Review of Policies, Fees and Incentives and Financial Assistance of the University duly

⁵¹⁹ Section 141, Rule XIV of CSC Resolution No. 1701009 promulgated on June 16, 2017 and circularized pursuant to MC No. 24, s. 2017 dated August 24, 2017.

⁵²⁰ Section 142, Rule XIV of CSC Resolution No. 1701009 promulgated on June 16, 2017 and circularized pursuant to MC No. 24, s. 2017 dated August 24, 2017.

constituted by the EVSU BOR shall conduct consultations on the review and revision of the VMGO statements of the University and its Campuses, Colleges, Centers, Offices, Departments and Sections or Units within fifteen (15) days from the approval of this Manual and submit its recommendations to the Board Committees and EVSU BOR for further review and approval upon proper consultations with the Academic Council, and Administrative Council and endorsements by the University President.

- 412.5. The forms of the different Offices, Centers, Departments, Units or Sections shall be revised in accordance with the provisions of this 2017 Administrative Services Manual.
- 412.6. Within sixty (60) days all names of offices, departments or units as well as the signages of the University Campuses shall be changed or replaced in accordance with the provisions of the 2017 Revised University Code and under this Manual and such service manuals duly approved by the EVSU Board of Regents.
- 412.7. This 2017 Administrative Services Manual 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 2017 Administrative Services Manual.

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.

- 412.8. Within fifteen (15) days upon approval of this Manual, the Committee on Salamat-Paalam Program and Send-off Token (CSPPSTK) of the University shall be constituted by the University President and immediately conduct its organizational meeting and promulgate such measures and plans to implement the provisions Section 232, Article 51 and sub-Section 412.2, Article 96 hereof.

Furthermore, the duly constituted CSPPSTK of the University shall secure appropriate opinion and support from the CSC, DBM and COA on the grant of Send-off Token to retirees as provided under sub-Section 412.2, Article 96 hereof and endorse the same to the EVSU BOR for review and approval upon the recommendation of the University President.

Section 413. **Rule-Making Authority.** – The University President shall, upon recommendation by the EVSU-Administrative Council, formulate such implementing guidelines deemed necessary and incidental to ensure proper, effective and efficient implementation or execution of the provisions of this 2017 Administrative Services Manual. *Provided*, that the failure of the University President and/or EVSU Board of Regents to promulgate the guidelines shall not prevent or delay the effectivity and implementation of this Manual in accordance with effectivity date provided under Section 421 hereof.

Section 414. **Review and Ratification of Implementing Guidelines.** – The implementing guidelines of any and/or all of the provisions of this 2017 Administrative Services Manual shall be submitted to the Board for review and ratification.

Article 98

Penal, Amendment and Revision

Section 415. **Penal Provisions.** – Violation/s of any of the provisions of this 2017 Administrative Services of the University Manual shall be dealt with and proper penalties be imposed accordingly as provided under existing laws, rules and regulations, and jurisprudence.

Section 416. **Amendment.** – Any provision/s or part/s of this 2017 Administrative Services of the University Manual 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 417. **Revision.** – This 2017 Administrative Services of the University Manual 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 418. **Updating and Review of the 2017 Administrative Services of the University Manual.** – It shall be the responsibility of the University President with the assistance of the University/Board Secretary to ensure periodic updating of this 2017 Administrative Services of the University Manual taking into account the subsequent policies approved by the EVSU Board of Regents and such rules and regulations promulgated by competent authorities insofar as expressly adopted or authorized by the Board. *Provided*, that any and/or all provisions of this 2017 Administrative Services of the University Manual shall be reviewed by the EVSU Board of Regents every three (3) years after its approval based on the rules it may promulgate.

Article 99

Repealing, Separability and Effectivity

Section 419. **Repealing, Supplementary, Clarificatory and Modification Clause.** – Pertinent provisions of this 2017 Administrative Services of the

University Manual shall supplement to, clarify or amend or modify pertinent provisions of the 2017 Revised University Code approved per Board Resolution No. 115, s. 2017 and such previous policies, as the case may be. In case of conflict, the pertinent provisions of this 2017 Administrative Services of the University Manual shall prevail over the pertinent provisions of previous policies or issuances as enunciated under **Mecano v. COA**⁵²¹.

Further, the existing Administrative Services of the University Manual, and all Board Resolutions, manuals, orders, issuances, rules and regulations and policies of the University, or parts thereof, inconsistent with the provisions of this 2017 Administrative Services of the University Manual are hereby amended or repealed accordingly.

Section 420. **Separability Clause.** – The provisions of this 2017 Administrative Services of the University Manual 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 421. **Effectivity.** – This 2017 Administrative Services of the University Manual shall take effect immediately upon approval by the Board of Regents of the Eastern Visayas State University.

Provided, that the retroactive effectivity of Section 414 shall be as specifically stated therein subject to applicable laws, rules, regulations and jurisprudence.

Adopted/Approved this 21st day of March 2018 pursuant to Board Resolution No. 31, s. 2018 approved during the 74th Regular Board Meeting (First Quarter, CY 2018) held at the at the Commission on Higher Education, Conference Room, 4th Floor, Higher Education Development Center Building, C.P. Garcia Ave., UP Campus, Diliman, Quezon City.

⁵²¹ **Antonio A. Mecano v. Commission on Audit**, G.R. No. G.R. No. 103982 December 11, 1992 citing *Posadas vs. National City Bank*, 296 U.S. 497, 80 L. Ed. 351 (1935); *Maceda vs. Macaraig*, 197 SCRA 771 (1991); and *Villegas vs. Subido*, 41 SCRA 190 (1971) , the Supreme Court clearly rules:

“Repeal by implication proceeds on the premise that where a statute of later date clearly reveals an intention on the part of the legislature to abrogate a prior act on the subject, that intention must be given effect.⁷ Hence, before there can be a repeal, there must be a clear showing on the part of the lawmaker that the intent in enacting the new law was to abrogate the old one. The intention to repeal must be clear and manifest; otherwise, at least, as a general rule, the later act is to be construed as a continuation of, and not a substitute for, the first act and will continue so far as the two acts are the same from the time of the first enactment.

There are two categories of repeal by implication. The first is where provisions in the two acts on the same subject matter are in an irreconcilable conflict, the later act to the extent of the conflict constitutes an implied repeal of the earlier one. The second is if the later act covers the whole subject of the earlier one and is clearly intended as a substitute, it will operate to repeal the earlier law.

Implied repeal by irreconcilable inconsistency takes place when the two statutes cover the same subject matter; they are so clearly inconsistent and incompatible with each other that they cannot be reconciled or harmonized; and both cannot be given effect, that is, that one law cannot be enforced without nullifying the other.

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

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Chair, Committee on Education
Senate of the Philippines
Member

Represented by:

ANN K. HOFER
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Member

BONIFACIO G. UY, CESO IV
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Association, Inc.
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President, Federation of Student
Governments of EVSU
Member

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

PACIENTE A. CORDERO, JR., D.Sc.
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. 31, s. 2018 as duly adopted by unanimous/affirmative vote by the EVSU Board of Regents during the 74th Regular Board Meeting (First Quarter, CY 2018) held on March 21, 2018, as indicated above.

Certified Correct:

ANALYN C. ESPAÑO, M.A.
Associate Professor II
Board/University Secretary

COMMITMENT

I hereby commit to implement and abide by the provisions of this 2017 Administrative Services of Eastern Visayas State University Manual approved per Board Resolution No. 31, s. 2018 and its subsequent issuances thereof.

DOMINADOR O. AGUIRRE, JR., D.M.
University President III

(Date)

Annex A

RESPONSIBILITIES OF THE HUMAN RESOURCE MANAGEMENT DEVELOPMENT (HRMD) OFFICER OF THE UNIVERSITY

*(pursuant to Section 139, Rule XIII of CSC Resolution No. 1701009
promulgated on June 16, 2017 and circularized pursuant to
MC No. 24, s. 2017 dated August 24, 2017)*

Regulated Agencies	Accredited/Deregulated Agencies
b. Submit to the CSC field Office within the first quarter of the year the University's updated Personal Services Itemization/Plantilla of Personnel.	a. Submit to the CSC field Office within the first quarter of the year the University's updated Personal Services Itemization/Plantilla of Personnel.
c. Review thoroughly and check the veracity, authenticity and completeness and supporting papers ⁵²² in connection with all cases of appointments before submitting the same to the Commission.	b. Review thoroughly and check the veracity, authenticity and completeness and supporting papers in connection with all cases of appointments before submitting the same to the Commission.
d. Sign the following certifications at the back of the appointment: <ol style="list-style-type: none"> 1) Certification as to completeness and authenticity of requirements; and 2) Certification that the vacant position to be filled has been published, posted and submitted to the Commission for publication in the CSC Bulletin of Vacant Positions in accordance with RA No. 7041, and deliberation was done by the HRMPSB ten (10) days after publication. 	c. Sign the following certifications at the back of the appointment: <ol style="list-style-type: none"> i. Certification as to completeness and authenticity of requirements; and ii. Certification that the vacant position to be filled has been published, posted and submitted to the Commission for publication in the CSC Bulletin of Vacant Positions in accordance with RA No. 7041, and deliberation was done by the HRMPSB ten (10) days after publication.
e. Ensure that the Chairperson of the HRMPSB has signed the certification at the back of the appointment, whenever applicable.	d. Ensure that the Chairperson of the HRMPSB has signed the certification at the back of the appointment, whenever applicable.

⁵²² Common requirements, additional requirements for specific cases and documents to be retained in the University as enumerated in Sections 4, 5, and 6 of Rule II of the CSC MC No. 24, s. 2017 dated August 24, 2017 and Sections _____, _____, and _____, Article ____ hereof.

<p>The Human Resource Management Development Officer or the duly authorized employee directly responsible for recruitment, selection and placement shall be a regular member of the HRMPSB.</p>	<p>The Human Resource Management Development Officer or the duly authorized employee directly responsible for recruitment, selection and placement shall be a regular member of the HRMPSB.</p>
<p>f. Ensure that the Personal Data Sheet (CS Form No. 212, Revised 2017) of the appointee is updated and accomplished properly and completely.</p>	<p>e. Ensure that the Personal Data Sheet (CS Form No. 212, Revised 2017) of the appointee is updated and accomplished properly and completely. To monitor any change in the employee's profile, the PDS shall be updated on an annual basis.</p>
<p>g. Request authentication from the CSC or authorized agencies of the original copy of certificate of eligibility/licenses of selected candidate/s prior to issuance of original appointment, transfer, reappointment renewal or reemployment unless previous authentication has been issued for the same eligibility/license.</p>	<p>f. Request authentication from the CSC or authorized agencies of the original copy of certificate of eligibility/licenses of selected candidate/s prior to issuance of original appointment, transfer, reappointment renewal or reemployment unless previous authentication has been issued for the same eligibility/license.</p>
<p>h. Furnish appointee with a photocopy of the appointment (appointee's copy) for submission to the Commission, ensuring that the appointee signs on the acknowledgment portion of the appointment.</p>	<p>g. Furnish appointee with a photocopy of the appointment (appointee's copy) for submission to the Commission, ensuring that the appointee signs on the acknowledgment portion of the appointment</p>
<p>i. Submit appointments (CSC, University, and appointee's copy) with supporting documents in the prescribed Appointment Transmittal and Action Form (CS Form No. 1, Revised 2017) indicating the names of the appointees, their position, status and nature of appointment and the corresponding date of issuance within thirty (30) calendar days from issuance thereof.</p>	<p>h. Submit RAI (CS Form No. 2, Revised 2017), original copy of appointments (CSC copy) with supporting documents on or before the 30th day of the succeeding month.</p>
<p>j. Transmit to the appointee the original copy of his/her appointment acted upon by the Commission.</p>	<p>i. Transmit to the appointee a copy of the RAI indicating the action of the CSC Field Office on the appointment.</p> <p>Record the action of the CSC Field Office at the Natation portion of the</p>

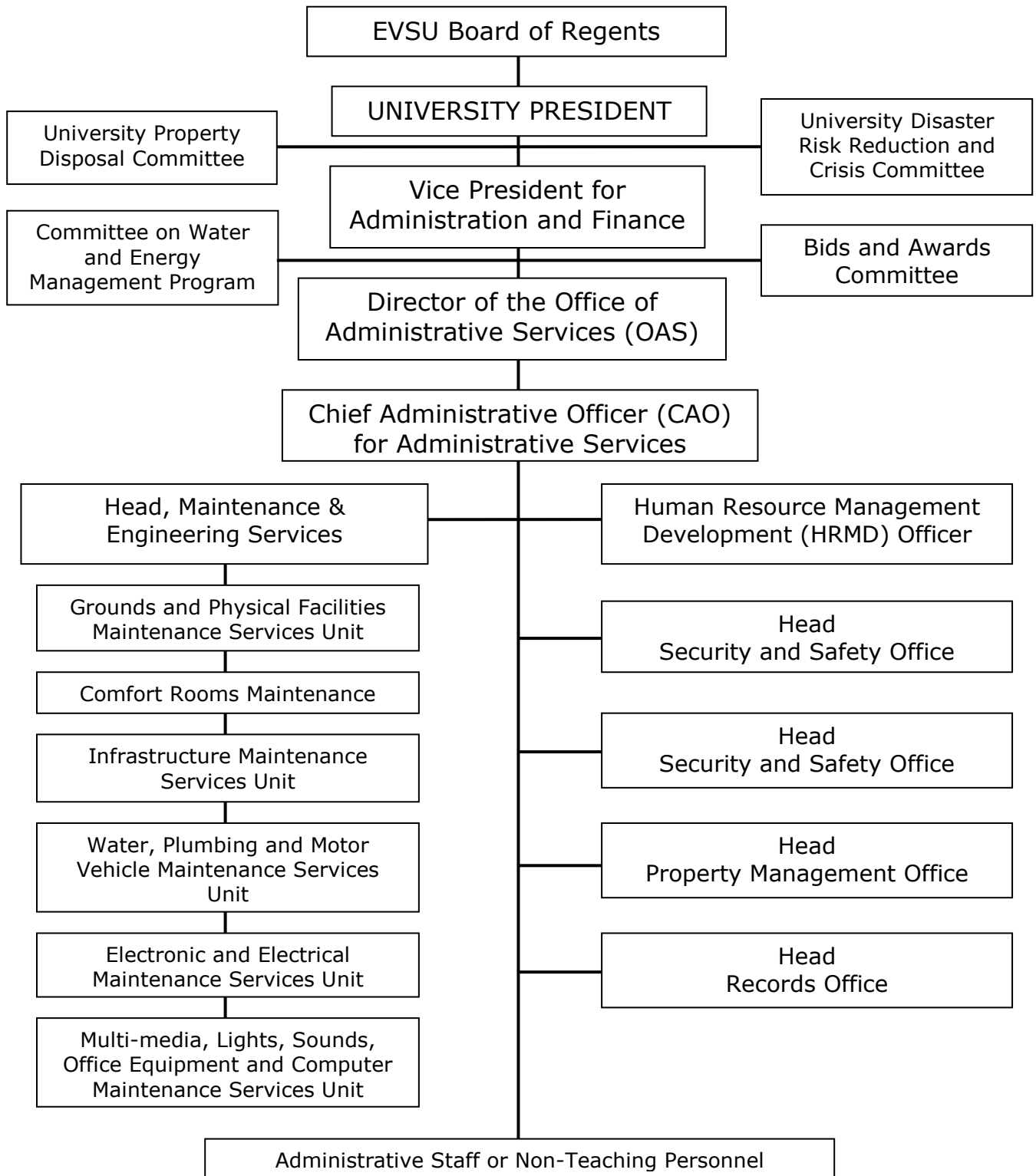
	University and Appointee's copy of appointment.
k. Submit to the Commission, through the CSC Filed Office within the prescribed period, the required reports (electronic and hard copy) such as DIBAR (CS Form No. 8, Revised 2017), summary list of employees' performance rating, and such other reports as may be required by the Commission.	j. Submit to the Commission, through the CSC Filed Office within the prescribed period, the required reports (electronic and hard copy) such as DIBAR (CS Form No. 8, Revised 2017), summary list of employees' performance rating, and such other reports as may be required by the Commission.
l. Post in three (3) conspicuous places in the University a notice announcing the appointment of an employee a day after the issuance of appointment for at least fifteen (15) calendar days.	k. Post in three (3) conspicuous places in the University a notice announcing the appointment of an employee a day after the issuance of appointment for at least fifteen (15) calendar days.
m. Ensure the oath taking and conduct of orientation program to new employees and continuous human resource interventions for existing employees.	l. Ensure the oath taking and conduct of orientation program to new employees and continuous human resource interventions for existing employees.
n. Submit to the CS Field Office a copy of the Oath of Office (CS Form No. 32, Revised 2017) within thirty (30) days form the date of assumption of the appointee.	m. Submit to the CS Field Office a copy of the Oath of Office (CS Form No. 32, Revised 2017) within thirty (30) days form the date of assumption of the appointee.
o. Submit to the CSC Field Office a copy of the Certification of assumption to Duty (CS Form No. 4, Series of 2017) within thirty (30) days from the date of assumption of the appointee.	n. Submit to the CSC Field Office a copy of the Certification of assumption to Duty (CS Form No. 4, Series of 2017) within thirty (30) days from the date of assumption of the appointee.
p. Ensure the conduct of orientation and workshop of the HRMPSB members including alternate representatives on the University selection/promotion process and CSC policies on appointments.	o. Ensure the conduct of orientation and workshop of the HRMPSB members including alternate representatives on the University selection/promotion process and CSC policies on appointments.
q. Ensure the orientation of officials and employees on the recruitment, selection and placement process.	p. Ensure the orientation of officials and employees on the recruitment, selection and placement process.
r. Ensure the establishment and maintenance of the University Human Resource Management Database which will be the basis of all the reports to be submitted by the University to the Commission.	q. Ensure the establishment and maintenance of the University Human Resource Management Database which will be the basis of all the reports to be submitted by the University to the Commission.
s. Ensure the establishment and	r. Ensure the establishment and

maintenance and disposal of University's employees 201/120 files pursuant to the guidelines of CSC MC No. 8, s. 2007 and CSC MC No. 1, s. 2011.	maintenance and disposal of University's employees 201/120 files pursuant to the guidelines of CSC MC No. 8, s. 2007 and CSC MC No. 1, s. 2011.
t. Perform all other functions as may be provided by law.	s. Perform all other functions as may be provided by law.

The University President shall issue, from time to time, an appropriate Special Order to operationalize the responsibilities of the Human Resource Management Development (HRMD) Officer of the University based on the actual category or classification of the University determined by the CSC.

Annex B

ORGANIZATIONAL STRUCTURE OF THE ADMINISTRATIVE SERVICES



Annex C

GUIDELINES AND DESIGN OF THE STATEMENT OF ASSETS, LIABILITIES AND NET WORTH FORM (SALN, REVISED 2015)

Guidelines in the Filling Out of the Statement of Assets, Liabilities and Net Worth Form (*Revised 2015*)⁵²³

I- OBJECTIVES

- To enjoin all public officers and employees to declare and submit annually a true, detailed and sworn statement of their assets, liabilities and net worth, including disclosure of business interests and financial connections, and to declare to the best of their knowledge their relatives who are in government service;
- To ensure that the assets, liabilities, net worth, financial connections and business interests of the declarant's spouse and unmarried children below eighteen (18) years of age living in declarant's household are also disclosed.

II- SCOPE

All officials and employees of the University shall be covered by these guidelines. Employees shall cover all faculty members or academic staff, academic non-teaching personnel, administrative staff or non-teaching personnel of the University.

III- RULES ON ACCOMPLISHING THE STATEMENT OF ASSETS, LIABILITIES AND NETWORTH (SALN) FORM

A. APPLICABLE LAW

For purposes of declaring one's assets, liabilities and net worth, the governing law shall be Republic Act No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees.

B. CONTENTS OF THE OF THE STATEMENT OF ASSETS, LIABILITIES AND NET WORTH FORM

1. BASIC INFORMATION

- a. Spouses who are both public officers and employees shall have the option to file their SALN either jointly or separately;

⁵²³ CSC Resolution No. 1300173 promulgated on January 24, 2013 circularized through MC No. 2, s. 2013 dated January 24, 2013 entitled, "Revised Statement of Assets, Liabilities and Net Worth (SALN) Form as amended by CSC Resolution No. 1500088 promulgated on January 23, 2015 circularized through MC No. 03, s. 2015 dated February 17, 2015.

- b. In case the declarant is single or married but whose spouse is not in the government service, he/she shall tick off the box marked as "Not Applicable";
- c. In case of joint filing, all real and personal properties shall be declared including their respective paraphernal and capital property, if there are any;
- d. The change of civil status of the declarant after December 31 of the preceding year shall not affect the nature of the properties declared;
- e. The declarant shall provide information on his/her address. However, whenever a third party requests for a copy of the SALN Form of the declarant, the agency has the option to shade the declarant's address for purposes of security; and
- f. Declarant must provide the information required for all his/her unmarried children below eighteen (18) years of age and living in his/her household, whether legitimate or illegitimate.

2. ASSETS, LIABILITIES AND NET WORTH

- u. The SALN shall contain a true and complete declaration of assets, liabilities and net worth, including a disclosure of business interests and financial connections of the declarant, his/her spouse and unmarried children below eighteen (18) years of age living in his/her household. It shall also contain a disclosure of the declarant's relatives within the fourth degree of consanguinity and affinity who are in government service.
- v. For purposes of convenience in the computation of net worth, where the declarant's spouse has capital or paraphernal properties or where the declarant's unmarried children below eighteen (18) years of age living in his/her household have their own properties, the declarant should declare the assets and liabilities of his/her spouse on a separate sheet attached to the SALN Form, see sample attached. For purposes of such declaration, the provisions in these guidelines shall likewise apply.
- w. Assets including those within or outside the Philippines, whether real or personal, and whether used in trade or business.
- x. Assets refer to declarant's real and personal properties, including those of his/her spouse and unmarried children below eighteen (18) years of age living in his/her household.

REAL PROPERTIES

- y. Declaration of real properties shall include its description, kind, exact location⁵²⁴, year and mode of acquisition, assessed value, fair market

⁵²⁴ Per CSC Resolution No. 1500088 promulgated on January 23, 2015 and MC No. 03, s. 2015 dated January 17, 2015.

- value, acquisition cost of land, building, *etc.* including improvements thereon.
- z. Real properties refer to properties which are immovable by nature. For purposes of SALN, the kind of real properties are classified according to their use, that is, residential, commercial, agricultural, industrial, or mixed use and the like.
 - aa. The declarant shall indicate a description of real properties, whether it is a land only or land with building, a house and lot, condominium unit, or an improvement such as extension or garage, and the like.
 - bb. Assessed value shall, for purposes of declaration in the SALN, refer to the amount indicated in the tax declaration of the real properties involved.
 - cc. Fair market value shall, for purposes of declaration in the SALN, refer to the amount indicated as market value in the tax declaration of the real properties concerned.
 - dd. Improvements refer to all works that are constructed or introduced to the land, or repairs or improvements made to the land or building after its initial acquisition.
 - ee. In declaring an improvement to the land, the declarant may opt to declare it separately or together with the land to which such improvement is attached.
 - ff. Acquisition cost is the amount of money paid to acquire or won something. This shall also refer to the amount of expenses incurred for improvements introduced on a real property. For purposes of computing the declarant's net worth, the acquisition cost shall be made the basis thereof.
 - gg. The declarant shall indicate those real properties which are already titled or registered under his/her name, the name of his/her spouse or under the name of his/her unmarried children below 18 years of age and living in the declarant's household. However, real properties already covered by a deed of sale, inherited or subject of an extra-judicial settlement of estate but not yet titled under declarant's name shall also be disclosed.
 - hh. In case of properties received gratuitously, e.g. donation or inheritance, no acquisition cost shall be declared. However, the fair market value and the assessed value of said properties as found in the tax declaration thereof must be declared.

PERSONAL PROPERTIES

- ii. Declaration of personal properties shall include mode, year and cost of acquisition, or the value or amount of said personal properties.

- jj. *Personal properties* refer to jewelry, appliances, furniture, motor vehicles and other tangible/movable properties. This shall also include investments or other assets, such as cash on hand or in bank, negotiable instruments, securities, stocks, bonds, and the like.
- kk. Personal properties collectively acquired or are of minimal value may be declared generally or collectively. In which case, the declarant may write/indicate "various years" under the column for Year Acquired.
- ll. Personal properties, such as cash on hand and in bank, as well as stocks and the like, denominated in foreign currency shall be converted into the corresponding Philippine currency equivalent, at the rate of exchange prevailing as of December 31 of the preceding calendar year.
- mm. The amount of money/cash in bank to be declared should be the last balance as of December 31 of the preceding year.
- nn. In case of properties which are co-owned with other individuals, the declarant shall disclose the proportionate amount of his share in the property.
- oo. With regard to properties subject to a contract to sell, the amount already paid shall be declared as personal property.
- pp. Properties which are subject of either a chattel or real estate mortgage shall be declared in the SALN Form. The acquisition cost to be declared shall be the actual purchase price, and the liability to be declared shall be the outstanding balance of the loans as of December 31 of the preceding year.

LIABILITIES

- qq. Under liabilities, the nature of liability, name of creditors and the outstanding balance shall be indicated. The outstanding balance shall refer to the amount of money that is still due as of December 31 of the preceding calendar year.
- rr. *Liability* refers to financial liability or anything that can result to a transfer or disposal of an asset. It includes not only those incurred by the declarant but also those of his/her spouse and unmarried children below eighteen (18) years of age living in his/her household.
- ss. Nature of liability refers to the type of loan obtained from banks, financial institutions, GSIS, PAG-IBIG and others, such as personal, multi-purpose, salary, calamity loan and the like.
- tt. Outstanding balance refers to the amount of money that one still owes on the loans as of December 31 of the preceding calendar year.

3. COMPUTATION OF NET WORTH

- a. Net worth is the sum of all assets (real and personal) less total liabilities.
- b. In the case of real properties, the acquisition cost shall be used in the computation of the net worth.
- c. In the case of personal properties, the acquisition cost or amount/value of money shall be used in the computation of the total net worth.
- d. Excluded from the computation of real and personal properties are the properties of unmarried children below 18 years of age living in the declarant's household.
- e. If the spouse of the declarant is not a public officer or employee, the latter's paraphernal or capital properties shall not be included in the computation of the declarant's net worth.
- f. Paraphernal property refers to the properties exclusively owned by the wife.
- g. Capital property refers to the properties exclusively owned by the husband.
- h. Community property refers to all the properties owned by the spouses at the time of the celebration of the marriage or acquired thereafter, subject to the exceptions provided for by law (Articles 91, Family Code of the Philippines). In the absence of any marriage settlement, the property relations of the spouses shall be governed by the rules on absolute community of property under the Family Code of the Philippines.

The following are excluded from the community property:

- (1) Property acquired during the marriage by gratuitous title by either spouse, and the fruits as well as the income thereof, if any unless it is expressly provided by the donor, testator or grantor that shall form part of the community property;
 - (2) Property for personal and exclusive use of ether spouse. However, jewelry shall form part of the community property; and
 - (3) Property acquired before the marriage by either spouse who has legitimate descendants by a former marriage, and the fruits as well as the income, if any, such property. (Article 2, Family Code of the Philippines).
- i. Conjugal property refers to all properties acquired during the marriage, whether the acquisition appears to have been made, contracted or registered in the name of one or both spouses, unless proven to be excluded (Article 116, Family Code of the Philippines). This applies when the spouses agreed to be governed by the rules on

the conjugal partnership of gains under the Family Code of the Philippines.

The following are conjugal partnership properties:

- (1) Those acquired by onerous title during the marriage at the expense of the common fund, whether the acquisition be for the partnership, or for only one of the spouse;
- (2) Those obtained from the labor, industry, work or profession of either or both of the spouses;
- (3) The fruits, natural, industrial, or civil, due or received during the marriage from the common property, as well as the net fruits from the exclusive property of each spouse;
- (4) The share of either spouse in the hidden treasure which the law awards to the finder or owner of the property where the treasure is found;
- (5) Those acquired through occupation such as fishing or hunting;
- (6) Livestock existing upon the dissolution of the partnership in excess of the number of each kind brought to the marriage by either spouse; and
- (7) Those which are acquired by chance, such as winnings from gambling or betting. However, losses therefrom shall borne exclusively by the loser-spouse. (Article 117, Family Code of the Philippines).

Prior to the enactment of the Family Code of the Philippines in 1987, when there is no marriage settlement between the spouses, their property relations are covered by the rules on conjugal partnership of gains.

- j. If the spouse of the declarant is a public officer or employee, but who chose to separately file his/her SALN, his/her paraphernal or capital properties shall not be included in the computation of the declarant's net worth.
- k. In case of joint filing, the total assets of the spouses shall include their respective paraphernal or capital properties.
- l. In case of joint filing, the declarant's total net worth and that of his/her spouse shall be the difference between the total assets (real and personal properties) less the total liabilities.

4. FINANCIAL CONNECTIONS AND BUSINESS INTERESTS

- a. The declarant including that of his/her spouse and unmarried children below eighteen (18) years of age living in declarant's household, shall declare their existing interest or connection in any business enterprise or entity, aside from income from government. They shall also indicate the business address, nature of business interest and/or financial connection, and date of acquisition of interest or connection.
- b. In case there are no existing business interests and financial connections in any business enterprise or entity, the declarant shall tick off the appropriate box in the form.
- c. Business connections refer to declarants existing connections with any business enterprise or entity, aside from his/her income from government, which shall include those of his/her spouse and unmarried children below eighteen (18) years of age living in his/her household.
- d. Financial connections refer to declarant's existing connections with any business enterprise or entity, whether as a consultant, adviser and the like, with an expectation of remuneration for services rendered, including those of his/her spouse and unmarried children below eighteen (18) years of age living in his/her household
- e. Nature of business interest and/or financial connection refers to existing interest or connection in any business enterprise, whether as proprietor, investor, promoter, partner, shareholder, officer, managing director, executive, creditor, lawyer, legal consultant or adviser, financial or business consultant, and the like.

5. RELATIVES IN THE GOVERNMENT

- a. The declarant shall disclose his/her relatives in the government within the 4th civil degree of relationship, either by consanguinity or affinity. The disclosure shall also state his/her relationship with the relative, the position of the relative as well as the name of office/agency and address.
- b. In case the declarant and his/her spouse jointly file their SALN, they shall indicate all their relatives within the fourth civil degree, either by consanguinity or affinity, and shall include the above-mentioned information.
- c. In case the declarant has no relatives in the government within the 4th civil degree of relationship, either by consanguinity or affinity, including *bilas*, *inso* and *balae*, the declarant shall tick off the appropriate box in the form.
- d. Affinity refers to the relationship of a husband to the blood relatives of his wife, or a wife to the blood relatives of her husband.
- e. Consanguinity refers to the relationship by blood from the same stock or common ancestor.

- f. Relatives in the government refer to the declarant's relatives up to the 4th civil degree of relationship either by consanguinity or affinity, including *bilas*, *inso* and *balae*.

Relatives in the first degree of consanguinity include the declarant's father, mother, son and daughter. Relatives in the first degree of affinity include the declarant's father-in-law and mother-in-law.

Relatives in the second degree of consanguinity include the declarant's brother, sister, grandmother, grandfather, grandson and granddaughter. Relatives in the second degree of affinity include the declarant's brother-in-law, sister-in-law, grandmother-in-law, grandfather-in-law, granddaughter-in-law and grandson-in-law.

Relatives in the third degree of consanguinity include the declarant's nephew, niece, uncle and aunt. Relatives in the third degree of affinity include declarant's nephew-in-law, niece-in-law, uncle-in-law, auntie-in-law.

Relatives in the fourth degree of consanguinity include the declarant's first cousin.

- g. *Balae* refers to a parent of the declarant's son-in-law or guather-in-law.
- h. *Bilas* refers to a declarant's brother-in-law's wife and sister-in-law's husband.
- i. *Inso* refers to the appellation for the wife of an elder brother or male cousin.

7. OTHER MATTERS

- a. In order to prevent unauthorized insertions or pulling out of pages, pagination shall read as page of number of pages, page 2 of number of pages, and so on.
- b. In case of joint filing, the declarant and his/her spouse shall sign in the spaces provided for just below the certification.
- c. If the spouse is not a public officer or employee, the declarant shall still cause him/her to sign the SALN.
- d. In case of non-compliance with the signature of the spouse, an explanation should be attached to the SALN Form for such non-compliance.
- e. The University President, insofar as expressly authorized or ratified by the EVSU Board of Regents, can delegate the authority to administer oath with regard to the SALN Form. The authority to administer oath must be in writing.

- f. The Head of Agency shall refer to the EVSU Board of Regents or the University President insofar as expressly authorized by the Board.
- g. The declarant is strictly required to fill all applicable information in the SALN form. Otherwise, such items should be marked with "N/A" or "not applicable."
- h. Filling up of the form may be handwritten, computerized or typewritten provided the signature of the declarant is original. The declarant is required to write legibly if he chose to fill up the form by handwriting.
- i. Additional sheets may be used, if necessary. The additional sheet shall indicate the name of the declarant, his/her position and the University, the year covered by the SALN, and which shall be signed on each page.
- j. No unnecessary markings shall be made on the form.

8. REVIEW AND COMPLIANCE

The Chief Administrative Officer (CAO) for Administrative Services or the Human Resource Management Development (HRMD) Officer of the University shall transmit all original copies of the SALNs received, on or before June of every year, to the Office of the President for the University President and to the Office of the Ombudsman for Visayas for other Officials and Employees of the University⁵²⁵.

9. SANCTION

1. **Public Officials and Employees.** – Any of the following acts shall constitute a violation of Section 8⁵²⁶ of R.A. No. 6713 or the Code

⁵²⁵ Per CSC Resolution No. 1500088 promulgated on January 23, 2015 and MC No. 03, s. 2015 dated January 17, 2015.

⁵²⁶ **Section 8. Statements and Disclosure.** - Public officials and employees have an obligation to accomplish and submit declarations under oath of, and the public has the right to know, their assets, liabilities, net worth and financial and business interests including those of their spouses and of unmarried children under eighteen (18) years of age living in their households.

(A) Statements of Assets and Liabilities and Financial Disclosure. - All public officials and employees, except those who serve in an honorary capacity, laborers and casual or temporary workers, shall file under oath their Statement of Assets, Liabilities and Net Worth and a Disclosure of Business Interests and Financial Connections and those of their spouses and unmarried children under eighteen (18) years of age living in their households.

The two documents shall contain information on the following:

- (a) real property, its improvements, acquisition costs, assessed value and current fair market value;
- (b) personal property and acquisition cost;
- (c) all other assets such as investments, cash on hand or in banks, stocks, bonds, and the like;
- (d) liabilities, and;
- (e) all business interests and financial connections.

The documents must be filed:

- (a) within thirty (30) days after assumption of office;
- (b) on or before April 30, of every year thereafter; and
- (c) within thirty (30) days after separation from the service.

All public officials and employees required under this section to file the aforesaid documents shall also execute, within thirty (30) days from the date of their assumption of office, the necessary authority in favor of the Ombudsman to obtain from all appropriate government agencies, including the Bureau of Internal Revenue, such documents as may

of Conduct and Ethical Standards for Public Officials and Employees, and shall be punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense, and dismissal from the service for the second offense:

1. Failure of an official or employee to submit his/her SALN; and
 2. Failure to disclose or misdeclaration of any asset, liability, business interest, financial connection, and relative in the government in his/her SALN.
2. **University President.** – The University President who shall fail to comply with CSC Memorandum Circular No. 10, s. 2006, in relation to the Review and Compliance Procedure in the Filing and Submission of the SALN For shall be liable for Simple Neglect of Duty, which shall be punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense, and dismissal from the service for the second offense.

10. REPEALING CLAUSE

All previous issuances pertaining to the SALN Form and its guidelines are hereby expressly repealed.

show their assets, liabilities, net worth, and also their business interests and financial connections in previous years, including, if possible, the year when they first assumed any office in the Government.

Husband and wife who are both public officials or employees may file the required statements jointly or separately.

The Statements of Assets, Liabilities and Net Worth and the Disclosure of Business Interests and Financial Connections shall be filed by:

- (1) Constitutional and national elective officials, with the national office of the Ombudsman;
 - (2) Senators and Congressmen, with the Secretaries of the Senate and the House of Representatives, respectively; Justices, with the Clerk of Court of the Supreme Court; Judges, with the Court Administrator; and all national executive officials with the Office of the President.
 - (3) Regional and local officials and employees, with the Deputy Ombudsman in their respective regions;
 - (4) Officers of the armed forces from the rank of colonel or naval captain, with the Office of the President, and those below said ranks, with the Deputy Ombudsman in their respective regions; and
 - (5) All other public officials and employees, defined in Republic Act No. 3019, as amended, with the Civil Service Commission.
- (B) Identification and disclosure of relatives. - It shall be the duty of every public official or employee to identify and disclose, to the best of his knowledge and information, his relatives in the Government in the form, manner and frequency prescribed by the Civil Service Commission.
- (C) Accessibility of documents. - (1) Any and all statements filed under this Act, shall be made available for inspection at reasonable hours.
- (2) Such statements shall be made available for copying or reproduction after ten (10) working days from the time they are filed as required by law.
- (3) Any person requesting a copy of a statement shall be required to pay a reasonable fee to cover the cost of reproduction and mailing of such statement, as well as the cost of certification.
- (4) Any statement filed under this Act shall be available to the public for a period of ten (10) years after receipt of the statement. After such period, the statement may be destroyed unless needed in an ongoing investigation.
- (D) Prohibited acts. - It shall be unlawful for any person to obtain or use any statement filed under this Act for:
- (a) any purpose contrary to morals or public policy; or
 - (b) any commercial purpose other than by news and communications media for dissemination to the general public.

CS Form No. 32
Revised 2017



Annex D OATH OF OFFICE

Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

OATH OF OFFICE

I, _____ (Name of the Appointee) _____ of
_____ (Address of the Appointee) _____ having been
appointed to the position of _____ (Position Title) _____ hereby
solemnly swear, that I will faithfully discharge to the best of my ability, the duties
of my present position and of all others that I may hereafter hold under the
Republic of the Philippines; that I will bear true faith and allegiance to the same;
that I will obey the laws, legal orders, and decrees promulgated by the duly
constituted authorities of the Republic of the Philippines; and that I impose this
obligation upon myself voluntarily, without mental reservation or purpose of
evasion.

SO HELP ME GOD.

(Signature over Printed Name
of the Appointee)

Government ID: _____
ID Number : _____
Date Issued : _____

Subscribed and sworn to before me this _____ day of _____,
20__ in _____, Philippines.

(Signature over Printed Name
of the Appointing Officer/
Authority/ Head of Office)

Annex E

GUIDE TO FILLING OUT THE PERSONAL DATA SHEET (PDS)

Warning:

Any misrepresentation made in the Personal Data Sheet and the Work Experience Sheet shall cause the filing of administrative/criminal case/s against the person concerned.

Please fill out each of the fields in the PDS when applicable.

Note:

- The PDS may be accomplished using the MS Word format or MS Excel format.
- In the MS Excel format, all the tick boxes will automatically be marked once clicked.
- The PDS must bear the signature of the employee and date of accomplishment at the bottom of every page.
- Entries in the PDS may be filled out through handwriting or via typewriter/computer. If handwritten, entries should be in block capital (e.g. PRINT) format using a pen.
- All information should be provided accurately.
- Do not leave blank entries. Put N/A if not applicable.
- For purposes of application to a vacant position, the additional sheet for work experience should be accomplished.

I. Personal Information

- Employee's name is to be filled out in the following format: surname, first name, name extension (if any), middle name. A space is allotted for each character or letter in the name.
- Dates are in numeric format: mm/dd/yyyy
- Specifics should be given to "Others" response in the civil status field.
- Agency employee number refers to employee ID number in the current agency.
- For holders of foreign/dual citizenship, please select from the dropdown list the foreign country where you were born/naturalized or type/write the same in the space provided therein.

II. Family Background

- Names of spouse and parents are to be filled out the following format: surname, first name, name extension (if any), middle name.
- Mother's name is her maiden name, or name when she was single or before marriage.
- List full names (first name and surname) of ALL your children.
- Date of birth is in numeric format: mm/dd/yyyy

III. Educational Background

- Indicate FULL name of schools. DO NOT ABBREVIATE.
- For Elementary Level, indicate PRIMARY EDUCATION if graduated

- For Secondary Level, indicate HIGH SCHOOL if graduated under the old curriculum; or JUNIOR HIGH SCHOOL or SENIOR HIGH SCHOOL if graduated under the K-12 curriculum.
- Indicate in FULL all courses taken in college (e.g. ASSOCIATE IN ARTS, AB ECONOMICS, BS PSYCHOLOGY, MA IN HISTORY).
- Indicate all masters or doctorate degrees taken.
- If graduated for every level, indicate year of graduation.
- If not graduated in any level, indicate the highest grade, level or units earned.
- Period of attendance are stated in school years (e.g. 1992-1996)
- Indicate any scholarship and/or academic honors received in each level.

IV. Civil Service Eligibility

- Indicate all civil service eligibilities earned with corresponding rating, date and place of examination/conferment.

Example:

Career Service Sub-Professional	EO132/790 – Veteran Preference Rating
Career Service Professional	PD 907 – Honor Graduate
Career Service Executive	RA 7883 – Barangay Health Worker
Stenographer	Barangay Official
PD 997 – Scientific and Technological Specialist	

- If earned eligibility entails a license (RA 1080), indicate the license number and its date of validity.

V. Work Experience

- Indicate all positions held both in the public and private employment starting from current work.
- Inclusive dates are indicated in numeric format: mm/dd/yyyy.
- Indicate FULL position titles and COMPLETE NAME of department/agency/office/company. DO NOT ABBREVIATE.
- Indicate monthly salary in figures (e.g. P21,877).
- Salary grade and salary step, if applicable, should be stated in the format "00-0" (e.g. **24-2**, 24 for salary grade, 2 for salary step)
- Indicate status of employment (e.g. permanent, temporary, casual, contractual)
- Indicate "yes" under government service if position held is in the public or government employment or "no" if held in the private employment.
- Additional sheet for work experience should be accomplished and submitted together with the PDS in case of application to a vacant position. This should be accomplished only for work experience relevant to the position being applied to.

VI. Voluntary Work or Involvement in Civic/Non-Government/ People/ Voluntary Organizations

- Indicate the FULL name and address of the organization where involved as voluntary worker.
- Inclusive dates, start (from) and end (to) should be in numeric format: mm/dd/yyyy.
- Indicate the number of hours of voluntary work rendered.
- Indicate the position/nature of voluntary work rendered.

VII. Learning and Development Interventions

- Indicate FULL titles of learning and development (L&D) interventions attended during employment. Indicate list from the most recent L&D.
- Inclusive dates of attendance, start (from) and end (to) should be in numeric format: mm/dd/yyyy.
- Indicate the number of hours attended for program.
- Indicate the type of L&D intervention (e.g. managerial, supervisory, technical).
- Indicate the FULL name of institution/agency that conducted or sponsored the program. DO NOT ABBREVIATE. (e.g. CSC should be Civil Service Commission).

VIII. Other Information

- Indicate special skills /hobbies.
- Indicate in FULL non-academic distinctions/recognition (awards received)
- Indicate membership in any professional association/organization by writing in FULL said association/organization.

34-40

- Indicate response to questions 34 to 40 on the right side of the sheet.
- Provide details or specifications for any yes response.

41

- Indicate the FULL name of references with the format FIRST NAME, MI, SURNAME, their addresses and respective telephone numbers.

42

- As agreement to and for completion of the PDS, the employee's signature and right thumb mark should be affixed in the boxes provided. Indicate also the government ID number and date of issuance in the boxes provided. Lastly, attach a RECENT PASSPORT SIZE (4.5 cm. x 3.5 cm.) picture with COMPLETE AND HANDWRITTEN NAME TAG and SIGNATURE OVER PRINTED NAME. Picture must be taken within the last six (6) months. Computer generated or photocopied picture is not acceptable.

Attachment to CSC Form No. 212

EXPERIENCE WORK SHEET
<p>Instructions: 1. Include only the work experiences relevant to the position being applied to.</p> <p>2. The duration should include start and finish dates, if known, month in abbreviated form, if known, and year in full. For the current position, use the word Present, e.g., 1998-Present. Work experience should be listed from most recent first.</p>
<p>Sample: If applying to Supervising Administrative Officer</p> <ul style="list-style-type: none">• Duration: February 11, 2011 – present• Position: Human Resource Management Officer III• Name of Office/Unit: Finance and Administrative Service• Immediate Supervisor: Maria Estrada• Name of Agency/Organization and Location: Department of Human Resources, Metro Manila• List of Accomplishments and Contributions (if any)<ul style="list-style-type: none">○ Developed recruitment plan○ Designed training program for retirees under EO 366• Summary of Actual Duties<ul style="list-style-type: none">○ Responsible for the management of the recruitment and selection process and the coordination of training activities of the Department; provides assistance in the management of the Division's programs and activities and performs other related functions.
<ul style="list-style-type: none">• Duration: January 2, 2002 – February 10, 2011• Position: Administrative Officer III• Name of Office/Unit: Finance and Administrative Division• Immediate Supervisor: Celia Romano• Name of Agency/Organization and Location: Department of Finance• List of Accomplishments and Contributions (if any)• Summary of Actual Duties<ul style="list-style-type: none">○ Responsible in performing administrative and technical tasks e.g., pre-screening of applicants, , preparation of monthly report on accession and separation, report of appointments issued, preparation of minutes of meetings of various HR committees and monitoring of trainings conducted; responds to queries and performs other related functions.

(Signature over Printed Name
of Employee/Applicant)

Date: _____

Annex F

CLEARANCE OF THE OFFICIALS AND EMPLOYEES

Annex G

ADMINISTRATIVE ISSUANCES OF THE UNIVERSITY PRESIDENT

RULES GOVERNING THE ADMINISTRATIVE ISSUANCES OF THE UNIVERSITY PRESIDENT

Rule 1. ***Classifications of Administrative Issuances by the University President.*** –

1.1. *General Classification of Issuances*⁵²⁷. - The administrative issuances of the University President shall be in the form of circulars or orders, as follows:

1.1.1. 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.

1.1.2. 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.

1.2. *Specific Classifications and Purposes; Sample.* – Below are the specific classification and purposes to ensure proper and uniform interpretation and appreciation of administrative issuances, to wit:

Specific Classifications	Purposes and Sample
1. Memorandum Circular (MC)	Issued pursuant to the purposes provided in Rule 1.1.1 above. Please refer to Annex G-1 for the sample of MC.
2. Memorandum Order (MO)	Issued specifically directing a major function (instruction, research, extension, production), or major branches (administration, academic or University Campus) to undertake or comply a specific duty, program, project or activity. Any decision of the University President on disciplinary or administrative case/s against any official or employee and students shall be issued in the form of a Memorandum Order.

⁵²⁷ Section 50 of Executive Order No. 292.

3. Special Order (SO)	Please refer to Annex G-2 for the sample of MO. Issued to effect or carry out "other human resource actions" such as, reassignment, detail, designation or detail of any official or employee to a particular position or office or Campus, whether in a regular status, acting capacity or as Officer-in-Charge (OIC). Please refer to Annex G-3 for the sample of SO.
4. Office Order (OO)	Issued specifically directing, among others, the constitution of committees or tribunals, and performance of specific task such as, but not limited to, submission or corrections of SALN, overtime services, and dropping from the roll. Please refer to Annex G-4 for the sample of OO.
5. Memorandum	Issued directing compliance of a particular or group of officials or employees e.g. on matters related to submission of submission of DTRs or proof of rendition of services, non-processing of salary and benefits or transfer or deletion of name from the payroll, and such matters not covered in the foregoing issuances in items 1-4 above.

Rule 2. **Numbering System of Issuances**⁵²⁸. – 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.

Rule 3. **Authority to Suspend, Rescind or Revoke Administrative Issuances Issued by the University President**. – The authority to issue an administrative issuance carries with it the authority to suspend, rescind or revoke. However, any administrative issuance by the University President shall be subordinate to any decision or resolution promulgated by the EVSU Board of Regents.

Rule 4. **Repealing, Supplementary, Clarificatory and Modification of Administrative Issuances**. – The University President shall issue the appropriate administrative issuance/s and/or the such act/s or decision/s by the EVSU Board of Regents in a form of resolution, *minute resolution* or proceedings of meetings, to supplement to, clarify or amend or modify existing circular or order or memorandum, as the case may be. In case of conflict, the pertinent administrative issuance and/or act/s or decision/s by the EVSU Board of Regents in a form of resolution, *minute resolution* or proceedings of meetings of a later date shall prevail over the administrative issuance/s by the University President as enunciated under

⁵²⁸ Section 51 of Executive Order No. 292.

Mecano v. COA⁵²⁹. The University President shall, within three (3) days from the promulgation of act/s or decision/s by the EVSU Board of Regents in a form of resolution, *minute resolution* or proceedings of meetings, issue an appropriate administrative issuance/s to carry out or implement such repeal, supplementation, clarifications or modification.

Rule 5. **Limitations of the Authority of the University President.** – The authority of the University President to issue administrative issuances shall be confined or limited to the implementation policies that are adopted by the EVSU Board of Regents as well as laws enacted by the Congress of the Philippines or President of the Philippines, or rules and regulations promulgated by competent government agencies e.g. CHED, CSC, COA, etc. insofar as duly adopted by the EVSU Board of Regents.

Rule 3. **Official Logbook**⁵³⁰. – 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.

Rule 4. **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.

⁵²⁹ **Antonio A. Mecano v. Commission on Audit**, G.R. No. G.R. No. 103982 December 11, 1992 citing *Posadas vs. National City Bank*, 296 U.S. 497, 80 L. Ed. 351 (1935); *Maceda vs. Macaraig*, 197 SCRA 771 (1991); and *Villegas vs. Subido*, 41 SCRA 190 (1971) , the Supreme Court clearly rules:

“Repeal by implication proceeds on the premise that where a statute of later date clearly reveals an intention on the part of the legislature to abrogate a prior act on the subject, that intention must be given effect.⁷ Hence, before there can be a repeal, there must be a clear showing on the part of the lawmaker that the intent in enacting the new law was to abrogate the old one. The intention to repeal must be clear and manifest;⁸ otherwise, at least, as a general rule, the later act is to be construed as a continuation of, and not a substitute for, the first act and will continue so far as the two acts are the same from the time of the first enactment.⁹

There are two categories of repeal by implication. The first is where provisions in the two acts on the same subject matter are in an irreconcilable conflict, the later act to the extent of the conflict constitutes an implied repeal of the earlier one. The second is if the later act covers the whole subject of the earlier one and is clearly intended as a substitute, it will operate to repeal the earlier law.¹⁰

Implied repeal by irreconcilable inconsistency takes place when the two statutes cover the same subject matter; they are so clearly inconsistent and incompatible with each other that they cannot be reconciled or harmonized; and both cannot be given effect, that is, that one law cannot be enforced without nullifying the other.¹¹

⁵³⁰ Section 52 of Executive Order No. 292.

Annex G-1
MEMORANDUM CIRCULAR



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

Office of the University President

Memorandum Circular No. ____
Series of 20____

Annex G-2
MEMORANDUM ORDER



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

Office of the University President

Memorandum Order No. ____
Series of 20____

Annex G-3
SPECIAL ORDER



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

Office of the University President

SPECIAL ORDER
No. ____, s. 20__

Annex G-4
OFFICE ORDER



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

Office of the University President

OFFICE ORDER
No. ____, s. 20__

Annex G-5
MEMORANDUM



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

Office of the University President

MEMORANDUM
No. ____, s. 20__

Annex H
**NOTICE OF DEFERMENT OF
PROCESSING OF SALARY**



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

Office of the University President

Annex I
**NOTICE OF DEFERMENT OF TRANSFER/DELETION
OF NAME IN THE PAYROLL**



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

Office of the University President

Annex J
NOTICE OF DROPPING FROM THE ROLLS



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

Office of the University President