



2017

**Internal Rules of
Procedure of the Board
of Regents of Eastern
Visayas State University**

(2017-EVSU BOR IRP)

MANUAL

Approved per Board Resolution
No. 25, s. 2018 on March 21, 2018
by the EVSU Board of Regents.



**2017 Internal Rules of Procedure of the Board of Regents
of Eastern Visayas University Manual
(2017-EVSU BOR Internal Rules of Procedure)**

ISBN: 978-621-8102-03-3
(Approved BOR Reso. No. 25, s. 2018)

Preface

This 2017 Internal Rules of Procedure of the Board of Regents of Eastern Visayas State University (2017-EVSU BOR Internal Rules of Procedure) Manual is comprehensively crafted with the ultimate goal of making it consistent with and contributory to the proper, effective and efficient discharge of the duties, powers or functions of the EVSU BOR under Republic Act No. 8292 and its IRR, Republic Act No. 9311, Batas Pambansa Blg. 68, and related laws, rules and regulations promulgated by the President of the Philippines, Congress of the Philippines, Department of Budget and Management, Commission on Higher Education, Commission on Audit and such government agencies concerned including the jurisprudence or doctrines enunciated by the Supreme Court of the Philippines.

The 2017-EVSU BOR Internal Rules of Procedure Manual is organized according to the relevance and similarity of the provisions for easy and proper reference and guidance of the Chairperson, Vice Chairperson, Members and Secretary of the EVSU BOR. It is comprised of 48 Rules and 232 Sections embodying the essential elements of relevant and responsive Internal Rules of Procedure of the EVSU BOR as a deliberative, consultative and decision-making governing board.

This Manual clearly sets the standards, procedures, norms and proper decorum during meetings and functions of the EVSU BOR and of the University such that all actions of the EVSU BOR shall ultimately and continuingly provide meaningful and true flesh of the mandates and four-fold functions, vision, mission, objectives, and goals of the University. In addition, this Manual gives each Regent useful reference and guidance as the primary source of settling issues and questions arising during Board Meetings/Sessions and promotes professionalism and meaningful interaction among Regents for them become the role models and exemplar public officials in upholding highest integrity, accountability, and transparency in governing and administering the University.

Further, it is stressed that this Manual is the first of its kind in the University's history exemplifying the continuing maturity, development and progress of the policy-making processes 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. 25

Series of 2018

**RESOLUTION APPROVING/ADOPTING THE INTERNAL RULES OF
PROCEDURE OF THE BOARD OF REGENTS OF EASTERN VISAYAS STATE
UNIVERSITY MANUAL OR THE 2017-IRP OF EVSU BOR MANUAL (COPY
HERETO ATTACHED AS INTEGRAL PART HEREOF), SUBJECT TO APPLICABLE
LAWS, RULES AND REGULATIONS**

Adopted this 21st day of March 2018 pursuant to Board Resolution No. 25, 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

Represented by:

FRANCES ANN BASILIO PETILLA

EDGARDO M. ESPERANCILLA, CESO II

Regional Director, DOST-Region VIII

Member

ROGELIO D. BASAS

*President, Federation of EVSU Faculty
Association, Inc.*

Member

RAUL S. SOLIVA

*President, Federation of Alumni Associations
of EVSU, Inc.*

Member

DANIEL A. ARIASO SR., CESO II

Private Sector Representative

Member

ANN K. HOFER

*Chair, Committee on Higher & Technical Education
House of Representatives*

Member

Represented by:

FLORENCIO "BEM" GABRIEL NOEL

BONIFACIO G. UY, CESO IV

Regional Director, NEDA-Region VIII

Member

MICHAEL L. MUZONES

*President, Federation of Supreme Student
Governments of EVSU*

Member

PACIENTE A. CORDERO, JR., D.Sc.

Private Sector Representative

Member

Certified Correct:

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

=====

The Board Committee on Finance, to which the **2017 Internal Rules of Procedure of the Board of Regents of Eastern Visayas State University Manual** or the **2017-EVSU IRP of EVSU BOR 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 **2017-EVSU IRP of EVSU BOR Manual** were found to be consistent and compliant to applicable laws, rules and regulations; and
2. The Committee strongly recommends for the immediate approval/adoption and implementation of the said **2017-EVSU IRP of EVSU BOR Manual**.

Adopted this 3rd day of December 2017 during the Committee Meeting held at the Office of the 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 Internal Rules of Procedure of the Board of Regents of Eastern Visayas State University Manual** or the **2017-EVSU IRP of EVSU BOR 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 **2017-EVSU IRP of EVSU BOR Manual** were found to be consistent and compliant to applicable laws, rules and regulations; and
2. The Committee strongly recommends for the immediate approval/adoption and implementation of the said **2017-EVSU IRP of EVSU BOR Manual**.

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

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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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. 10, 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 Internal Rules of Procedure of the Board of Regents of Eastern Visayas State University Manual** or the **2017-EVSU IRP of EVSU BOR 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 **2017-EVSU IRP of EVSU BOR 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 **2017-EVSU IRP of EVSU BOR Manual** was submitted to the Commission on Higher Education-Legal Office, Quezon City and to the Civil Service Commission, Regional Office No. VIII, Candahug, Palo, Leyte;
3. The draft of the **2017-EVSU IRP of EVSU BOR Manual** was published in the EVSU website for wide dissemination to and solicitation 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 **2017-EVSU IRP of EVSU BOR Manual**, whether in whole or in part/s; and
8. The comments and inputs provided by the Commission on Higher Education 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 **2017-EVSU IRP of EVSU BOR 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*

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

ADMINISTRATIVE COUNCIL

Resolution No. _____
Series of 2017

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

After 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 the **2017 Internal Rules
of Procedure of the Board of Regents of Eastern Visayas State University
Manual** or the **2017-EVSU IRP of EVSU BOR 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 INTERNAL RULES OF PROCEDURE OF THE BOARD OF REGENTS OF
EASTERN VISAYAS STATE UNIVERSITY MANUAL OR THE 2017-IRP OF
EVSU BOR MANUAL (COPY HERETO ATTACHED AS INTEGRAL PART
HEREOF), SUBJECT TO APPLICABLE LAWS, RULES AND REGULATIONS**

After thorough discussion by the Members, the EVSU-Academic Council, on motion of _____, duly seconded by _____, hereby recommends EVSU Board of Regents, through the University President, for Approval/Adoption of the **2017 Internal Rules of Procedure of the Board of Regents of Eastern Visayas State University Manual** or the **2017-EVSU IRP of EVSU BOR 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-Academic 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:

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-EVSU IRP of EVSU BOR Manual.

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 the first ever 2017-EVSU IRP of EVSU BOR 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.

We also would like to express our thanks to all 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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Rule 1
PRELIMINARY PROVISIONS

Section 1. **Short Title.** – This shall be known as the 2017 Internal Rules of Procedure of the Board of Regents of the Eastern Visayas State University Manual, hereinafter referred to, as the 2017-EVSU BOR Internal Rules of Procedure, or 2017-EVSU BOR IPR Manual, *for brevity*.

Section 2. **Legal Bases of Promulgation.** – This 2017-EVSU BOR Internal Rules of Procedure 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 36⁸, Title IV of Batas Pambansa Blg. 68⁹ promulgated on May 1, 1980, Section 687.43¹⁰, Article 163, Chapter LVIII of the 2017 Revised University Code, Section 31¹¹, Article VII of the Manual of

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;

Xxxxxxxxxx

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

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;

xxxxxxxxxx

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

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.

⁸ "SEC. 36. *Corporate powers and capacity.* – Every corporation xxxxxxxxx has the power and capacity:

Xxxxxxxxxx

5. To adopt by-laws, not contrary to law, morals, or public policy, and to amend or repeal the same in accordance with this Code;

Xxxxxxxxxx

11. To exercise such other powers as may be essential or necessary to carry out its purpose or purposes xxxxxxxx.

⁹ "The Corporation Code of the Philippines."

¹⁰ "Section 687. *Classifications of the Services' Manuals of the University.* – The University shall have the following services' manuals:

xxxxxxxxxx

687.43. Internal Rules of Procedures of the EVSU Board of Regents;"

¹¹ "Section 31. Governing Board. Xxxxxxxxxx, make rules and regulations and establish practices that are not inconsistent with law and the policies and rules of the Commission."

Regulations for Private Higher Education of 2008¹² which was made applicable to State Universities and Colleges pursuant to CHED Memorandum Order No. 30, series of 2009 dated September 9, 2009 pursuant to CHED Commission En Banc (CEB) Resolution No. 347-2009 adopted on September 9, 2009¹³, Section 13¹⁴ of Batas Pambansa No. 232¹⁵, pertinent laws, rules and regulations promulgated by competent authority/ies.

Further, this 2017-EVSU BOR Internal Rules of Procedure 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 EVSU¹⁶.

Section 3. **Coverage.** – This 2017-EVSU BOR Internal Rules of Procedure shall govern the internal operations of the EVSU Board of Regents and guide its exercise of the powers, duties, mandates or authorities, official functions and activities.

Section 4. **Construction and Interpretation of the 2017-EVSU BOR Internal Rules of Procedure.** – This 2017-EVSU BOR Internal Rules of Procedure shall be interpreted in accordance with the powers, duties, mandates or authorities under Republic Act No. 8292 and its IRR, Republic Act No. 9311, 2017 Revised University Code, Batas Pambansa Blg. 68, applicable laws, rules and regulations to ensure participative decision-making and transparency and achieve highest level of effectiveness and efficiency in the exercise thereof.

The interpretation of these rules shall adhere to the relevant doctrines enunciated in various jurisprudence, among others:

a. In **CSC v. CA, et al.**¹⁷ of which the Supreme Court held:

“The general rule in construing words and phrases used in a statute is that in the absence of legislative intent to the contrary, they should be given their plain, ordinary, and common usage meaning. However, a literal interpretation of a statute is to be rejected if it will

¹² Approved per CHED Commission En Banc Resolution No. 398-2008 promulgated on July 28, 2008 and circularized per CHED Memorandum Order No. 40, s. 2008 dated July 31, 2008.

¹³ “Applicability of the Manual of Regulations for Private Higher Education (MORPHE) of 2008 to State Universities and Colleges (SUCs) and Local Universities and Colleges (LUCs)

¹⁴ “Section 13. *Rights of Schools* - In addition to other rights provided for by law, schools shall enjoy the following:

1. The right of their governing boards or lawful authorities to provide for the proper governance of the school and to adopt and enforce administrative or management systems.
2. The right for institutions of higher learning to determine on academic grounds who shall be admitted to study, who may teach, and what shall be subjects of the study and research.”

¹⁵ “An Act Providing for the Establishment and Maintenance of an Integrated System of Education”.

¹⁶ PSLMC Resolution No. 02, s. 2009 dated June 11, 2009.

¹⁷ **Civil Service Commission v. Court of Appeals**, G.R. No. 176162 and *Atty. Honesto L. Cueva v. Court of Appeals, et al.*, G.R. No. 178845, October 9, 2012 citing *Secretary of Justice v. Koruga*, G.R. No. 166199, April 24, 2009, 586 SCRA 513; *Valencia v. Court of Appeals*, 449 Phil. 711, 726 (2003) and *Dreamwork Construction, Inc. v. Janiola*, G.R. 184861, June 30, 2009, 591 SCRA 466, 474; and *Valera v. Tuason, Jr.*, 80 Phil. 823, 827 (1948).

operate unjustly, lead to absurd results, or contract the evident meaning of the statute taken as a whole. After all, statutes should receive a sensible construction, such as it will give effect to the legislative intention and so as to avoid an unjust or an absurd conclusion. Indeed, courts are not to give words meanings that would lead to absurd or unreasonable consequences.

Basic is the principle in statutory construction that interpreting and harmonizing laws is the best method of interpretation in order to form a uniform, complete, coherent, and intelligible system of jurisprudence, in accordance with the legal maxim *interpretare et concordare leges legibus est optimus interpretandi modus*. Simply because a later statute relates to a similar subject matter as that of an earlier statute does not result in an implied repeal of the latter.”

b. In ***Serana v. Sandiganbayan***¹⁸ of which the Supreme Court ruled:

“Every section, provision or clause of the statute must be expounded by reference to each other in order to arrive at the effect contemplated by the legislature. The intention of the legislator must be ascertained from the whole text of the law and every part of the act is to be taken into view. In other words, petitioners interpretation lies in direct opposition to the rule that a statute must be interpreted as a whole under the principle that the best interpreter of a statute is the statute itself. *Optima statuti interpretatrix est ipsum statutum*. Ang isang batas ay marapat na bigyan ng kahulugan sa kanyang kabuuan sa ilalim ng prinsipyo na ang pinakamainam na interpretasyon ay ang mismong batas.”

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 University President, Vice President for Academic Affairs, Deans of Colleges, Principal, Department Head, Director, and their Heads or Chairpersons or Coordinators of various academic departments or units.
- 5.2. *Administrative Services* – refer to the functions of the University which directly relates to the supervision and control of administration of the University other than academic in nature.
- 5.3. *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.

¹⁸ ***Hannah Eunice D. Serana v. Sandiganbayan***, G.R. No. 162059, January 22, 2008 citing *Commissioner of Internal Revenue v. TMX Sales*, G.R. No. 83736, January 15, 1992, 205 SCRA 184; *Aboitiz Shipping Corporation v. City of Cebu*, G.R. No. L-14526, March 31, 1965, 13 SCRA 449; *Lopez v. El Hogar Filipino*, 47 Phil. 249 (1925); *Chartered Bank v. Imperial*, 48 Phil. 931 (1921); and *Loyola Grand Villas Homeowners (South) v. Court of Appeals*, G.R. No. 117188, August 7, 1997, 276 SCRA 681.”

- 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 nature¹⁹.
- 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* – refer 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 an Extension 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.
- 5.12. *Collegiality of the EVSU BOR and Board Committees* – refers to the character of the EVSU BOR and the duly constituted Board Committee/s that shall require at least a majority vote of the Regents to make a board action or committee action duly adopted and reflective of the decision of the Board *en banc* or Board Committee *en banc*, as the case may be. The doctrines in ***Gutierrez v. The House of Representatives Committee on Justice, et al.***²⁰ and ***Jamsani-Rodriguez v. Ong, et al.***²¹

¹⁹ ***Tapispisan v. Court of Appeals***, G.R. No. 157950, June 8, 2005.

²⁰ ***Ma. Mercedes N. Gutierrez v. The House of Representatives Committee on Justice, et al.***, G.R. No. 193459, February 15, 2011 citing G.R. No. 126496, April 30, 1997, 271 SCRA 790, the Supreme Court univocally held:

- 5.13. *Community Laboratory* – refers to a community adopted by the University as part of its extension program where research and civic services are conducted by its students and/or faculty.
- 5.14. *Community Satellite Campus* – refers to a Campus established and funded by a Local Government Unit (LGU) and the responsibility of the University is limited to academic administration and management services only.
- 5.15. *Congress of the Philippines* – refers to the legislative branch of the Republic of the Philippines created under Article X of the 1987 Philippine Constitution.
- 5.16. *CSC*– refers to Civil Service Commission created pursuant to Article IX-B of the 1987 Philippine Constitution hereinafter referred to as the CSC Commission Proper.
- 5.17. *DBM* – refers to Department of Budget and Management created pursuant to Executive Order No. 25 dated April 25, 1936, as amended.
- 5.18. *Designation* – is an imposition by law of additional duties of an incumbent official. It is essentially a legislative in nature. It may also be loosely defined as an appointment because it, likewise, involves the naming of a particular person to a specified public office. That is the common understanding of the term. However, where the person is merely designated and not appointed, the implication is that he shall hold the office only in a temporary capacity and may be replaced at will by the appointing authority. In this sense, the designation is considered only an acting or temporary appointment, which does not confer security of tenure on the person named²².

“The act of the head of a collegial body cannot be considered as that of the entire body itself. So *GMCR, Inc. v. Bell Telecommunications Phils.* teaches:

First. We hereby declare that the NTC is a collegial body requiring a majority vote out of the three members of the commission in order to validly decide a case or any incident therein. Corollarily, the vote alone of the chairman of the commission, as in this case, the vote of Commissioner Kintanar, absent the required concurring vote coming from the rest of the membership of the commission to at least arrive at a majority decision, is not sufficient to legally render an NTC order, resolution or decision.

Simply put, Commissioner Kintanar is not the National Telecommunications Commission. He alone does not speak and in behalf of the NTC. The NTC acts through a three-man body x x x”

²¹ ***Assistant Special Prosecutor III Rohermia J. Jamsani-Rodriguez v. Justices Gregory S. Ong, Jose R. Hernandez, and Rodolfo A. Ponferrada***, A. M. No. 08-19-SB-J, April 12, 2011 citing *GMCR, Inc. v. Bell Telecommunication Philippines, Inc.*, G.R. No. 126496, April 30, 1997, 271 SCRA 790, the Supreme Court declared:

“In *GMCR, Inc. v. Bell Telecommunication Philippines, Inc.*, the Court delved on the nature of a collegial body, and how the act of a single member, though he may be its head, done without the participation of the others, cannot be considered the act of the collegial body itself. There, the question presented was whether Commissioner Simeon Kintanar, as chairman of the National Telecommunications Commission (NTC), could alone act in behalf of and bind the NTC, given that the NTC had two other commissioners as members. xxxxxxxxxx”

²² ***Tapispisan v. Court of Appeals*** (G.R. No. 157950, June 8, 2005), citing *Sevilla v. Court of Appeals*, G.R. No. 88498, 9 June 1992, 209 SCRA 637.

- 5.19. *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.
- 5.20. *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.
- 5.21. *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.
- 5.22. *Duly Recognized Federation of Alumni Associations* – is the federation of the duly recognized alumni associations in the different Campuses of the University which has been extended recognition by the EVSU-Board of Regents to be the legitimate and lawful organization of its alumni.
- 5.23. *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.
- 5.24. *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.
- 5.25. *Employee* – refers to any Official, faculty member or non-teaching personnel of the University, regardless of employment status.
- 5.26. *Board En Banc* – refers to the EVSU BOR acting or deciding as a collegial body either through Board *En Banc* meeting/session or via referendum.
- 5.27. *Board En Banc Meeting/Session* – refers to the usual physical and face-face meeting/session of the Regents held in one single gathering in one room or area having been called for in accordance with this Manual and/or applicable laws, rules and regulations.
- 5.28. *EVSU* –refers to the Eastern Visayas State University.
- 5.29. *EVSU-BOR* – refers to the Board of Regents of Eastern Visayas State University.

- 5.30. *Executive Officials* – refers to the University President, Vice Presidents and Campuses Directors whose primary duties and functions are to ensure proper, effective and efficient execution of policies and directions laid down by the Board and such competent authorities.
- 5.31. *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.
- 5.32. *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 of the 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. 10121²³ and its IRR and the provisions of this Code.

- 5.33. *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.
- 5.34. *Fiduciary Fund* – refers to funds of which collection of fees for a specific purpose shall accrue. This fund shall be solely for the purpose for which it was authorized to be collected. This includes athletic fee, cultural fee, computer fee, laboratory fee, shop fee, development fee, library fee, and the like. The listing of what is classified as fiduciary fund, as well as the campus, college, office or unit accountable for its utilization shall be stated in the report of collections which is submitted to the Board for approval²⁴.
- 5.35. *Floor* – refers the opportunity of a Regent to state his/her motion, opinion or comments after having been properly recognized by Chairperson or Presiding Officer.

²³ 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.

²⁴ 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.

- 5.36. *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 supervision²⁵.
- 5.37. *Governing Board* – refers to the EVSU Board of Regents.
- 5.38. *Head of the University* – refers to the President of the University or University President.
- 5.39. *Head of the Campus* – refers to the Campus Director who is authorized to manage the administrative operations of the Campus. He/She is also tasked to coordinate the plans, programs, projects and activities of the campus in accordance with the overall vision, mission, goals and objectives of the University²⁶.
- 5.40. *Head of the College* – refers to the Dean who is authorized to manage the administrative operations of the College. He/She is also tasked to coordinate the plans, programs, projects and activities of the campus in accordance with the overall vision, mission, goals and objectives of the University.
- 5.41. *Head of the Department, Unit or Section* – refers to the Director or head, chairperson or coordinator, as the case may be.
- 5.42. *Hold-over Capacity (Principle)* – refers to the preservation of continuity in the transaction of official business and prevents a hiatus in government or in any office of the University pending the assumption of a successor into office²⁷.
- 5.43. *Income* – refers to all revenue derived by the University from fees and charges authorized by existing laws, rules and regulations.
- 5.44. *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.
- 5.45. *IRR* – refers to the 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.

²⁵ Section 3(f), Article I of CHED Memorandum Order No. 20, s. 2011.

²⁶ Section 3(b), Article I of CHED Memorandum Order No. 20, s. 2011.

²⁷ **Adap, et al. v. Commission on Elections** (G.R. No. 161984, February 21, 2007), citing *Nueno, et al. v. 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. *Main Campus* – is the Campus located in Tacloban City where the administrative services of the University are located and/or where the University President holds office permanently.
- 5.47. *Personnel* – refers to executive officials, officers, faculty members, academic non-teaching staff, and administrative staff or non-teaching personnel of the University which they are also called as employees.
- 5.48. *Quorum* – is defined as that number of members of a body which, when legally assembled in their proper places, will enable the body to transact its proper business or that number which makes a lawful body and gives it power to pass upon a law or ordinance or do any valid act. Majority, when required to constitute a quorum, means the number greater than half or more than half of any total.²⁸
- 5.49. *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.
- 5.50. *Regent* – refers to the Chairperson or Vice Chairperson or any Member of the Board.
- 5.51. *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 process²⁹.
- 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.³⁰
- 5.52. *SUC* – refers to State Universities and Colleges.
- 5.53. *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 incumbent³¹.
- 5.54. *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

²⁸ **Manuel E. Zamora v. Governor Jose R. Caballero, et al.**, G.R. No. 147767, January 14, 2004, citing *Javellana v. Tayo*, 6 SCRA 1042, 1048-1049 (1962); and *Perez v. Dela Cruz*, 27 SCRA 587, 603 (1969).

²⁹ **The Provincial Government of Camarines Norte v. Beatriz O. Gonzales**, G.R. No. 185740, July 23, 2013.

³⁰ **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.

³¹ **Valle Verde Country Club, Inc. v. Africa** (G.R. No. 151969, September 4, 2009).

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 qualify³².

5.55. *University* – refers to Eastern Visayas State University or EVSU.

5.56. *Vacancy* – a condition or situation “when there is no person lawfully authorized to assume and exercise at present the duties of the office”³³.

Section 6. **Suppletory Application of Laws, Rules and Regulations.** – Notwithstanding as explicitly adopted or provided under this 2017 Internal Rules of Procedure of the EVSU BOR or 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, 2017 Revised University Code and such services manuals duly approved by the EVSU BOR shall apply suppletorily and serve as governing guidelines to this 2017 Internal Rules of Procedure of the EVSU BOR or Manual, in so far as expressly determined and duly adopted by the EVSU Board of Regents.

Rule 2 DECLARATION OF ACCOUNTABILITY OF THE REGENTS OF THE UNIVERSITY

Section 7. **Accountability³⁴ of the Regents 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.³⁵ These constitutionally-enshrined principles, oft-repeated in our case law, are not mere rhetorical flourishes or idealistic sentiments. They should be taken as working

³² **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.

³³ 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.”

³⁴ **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.”

³⁵ Section 1, Article XI of the 1987 Philippine Constitution.

standards by all in the public service³⁶. Public office therefore is given utmost regard, and the highest standards of service are expected from it³⁷.

Further, the University shall adhere to the policies laid down under Republic Act No. 9485³⁸ and its IRR³⁹ and subsequent issuances thereof. Relatedly, all Offices, Centers, Units and Sections of the University Campuses shall strictly observe the "no noon break" policy and ensure that frontline services must at all times be complemented with adequate staff by adopting mechanisms such as rotation system among office personnel, sliding flexi-time, reliever system especially in peak times of the transaction, or providing skeletal personnel during lunch and snack time⁴⁰.

Section 8. **Norms of Conduct of the Regents of the University.** – Pursuant to Section 4 of R.A. No. 6713⁴¹ and its IRR, every Regent 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 Regents 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 Regents 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 Regents 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

³⁶ *GSIS v. Mayordom*, G.R. No. 191218, May 31, 2011.

³⁷ *Palepec 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.

³⁸ "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."

³⁹ Implementing Rules and Regulations of Republic Act No. 9485.

⁴⁰ Section 3, Rule VI of CSC MC No. 12, s. 2008.

⁴¹ "An Act Establishing a Code of Conduct and Ethical 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."

strictly confidential or as members of their personal staff whose terms are coterminous with theirs.

- 8.4. *Political neutrality.* – University Regents shall provide service to everyone without unfair discrimination and regardless of party affiliation or preference.
- 8.5. *Responsiveness to the public.* – University Regents 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 Regents 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 Regents 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 Regents 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 Regents of the University.*** – In the performance of their duties and subject to applicable University policies, rules and such laws and regulations promulgated by competent authority/ies, all Regents of the University are under obligation to:

- 9.1. *Act promptly on letters and requests.* – All University Regents shall, within fifteen (15) working days from receipt thereof, respond to letters, telegrams, emails 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 Regents 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 Regents 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.

Rule 3

PROHIBITION AND EXEMPTION AGAINST MULTIPLE OFFICES AND COMPATIBILITY OF HOLDING POSITIONS OF THE UNIVERSITY REGENTS IN OTHER GOVERNMENT AGENCIES

Section 10. ***Application of the Prohibition Against Multiple Offices and Compatibility of Holding Positions of the University Regents in Other Government Agencies.*** – University Regents shall strictly observe and enforce the following rules:

- 10.1. 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.”

- 10.2. Section 3(a), Article III of Presidential Decree No. 907⁴², provides:

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

(a) **Agency** means any bureau, office, commission, administration, **board**,

⁴² “Providing for the Organization of the Civil Service Commission in Accordance with Provisions of the Constitution, Prescribing its Powers and Functions and for Other Purposes”

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**).

- 10.3. In **Public Interest Center, Inc. et al v. Elma**⁴³, 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”

- 10.4. In **Sangguniang Bayan of San Andres v. CA**⁴⁴, 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

⁴³ **Public Interest Center, Inc. et al. v. Elma**, G.R. No. 138965, June 30, 2006, citing *Quimson vs. Ozatea*, 98 Phil. 705 and *People v. Green*, 13 Sickels 295, 58 N.Y.295, 1874WL 11282 (N.Y.).

⁴⁴ **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 . . .”

Section 11. **Exemptions.** – University Regents who are expressly authorized by law/s or by the primary functions of his or position⁴⁵ to hold office other than as Chairperson, Vice Chairperson or Members of the EVSU Board of Regents shall be exempted from the prohibition of holding multiple offices.

Rule 4

DECLARATION OF PRINCIPLES OF THE UNIVERSITY

Section 12. **Principles.** – The Eastern Visayas State University hereby declares the following basic principles:

- 12.1. 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.
- 12.2. 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.
- 12.3. 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.

⁴⁵ Section 7, par. 2, Article IX-B of the 1987 Constitution.

- 12.4. 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.
- 12.5. 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.
- 12.6. EVSU is a chartered non-sectarian, non-profit, state owned institution of higher learning.

Rule 5 **AUTONOMY AND ACADEMIC FREEDOM AND DUTY OF THE UNIVERSITY**

Section 13. ***Institutional Autonomy and Academic Freedom and Responsibility.*** – The University shall enjoy institutional and academic freedom as adverted to and 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 and relevant jurisprudence to wit:

"Academic Freedom accords the right of the University to decide for itself its aims and objectives and how best to attain them. Certainly, the wide sphere of autonomy given to universities in the exercise of academic freedom extends to the right to confer academic honors. Thus, exercise of academic freedom grants the University the exclusive discretion to determine to whom among its graduates it shall confer academic recognition, based on its established standards.⁴⁶

In addition, academic freedom encompasses freedom of the institution or the University to determine for itself, on academic grounds, who may teach, what may be taught, how it shall be taught, and who may be admitted to study⁴⁷.

Moreover, it includes, among others, the right of the University to decide for itself, its aims and objectives, and how best to attain them - free from outside coercion or interference save possibly when the overriding public welfare calls for some restraint. It has a wide sphere of autonomy certainly extending to the choice of students,⁴⁸ to set academic standards to determine under what circumstances failing grades suffice for the expulsion of students,⁴⁹ the power of a University to revoke a degree

⁴⁶ ***Morales v. The Board of Regents of the University of the Philippines***, G.R. No. 161172, December 13, 2004 citing *Garcia v. The Faculty Admission Committee, Loyola School of Theology*, G.R. No. L-40779, 28 November 1975, 68 SCRA 277, 284.

⁴⁷ ***Benguet State University v. Commission on Audit***, G.R. No. 169637, June 8, 2007 citing *Vide: Camacho v. Coresis*, G.R. No. 134372, August 22, 2002, 387 SCRA 628, 637.

⁴⁸ ***University of San Agustin, Inc., etal. v. Court of Appeals***, G.R. No. 100588, March 7, 1994, citing *Garcia v. The Faculty Admission Committee, etal. supra; Tangonan v. Pano, etal., supra*.

⁴⁹ ***Non, etal. v. Mabini Colleges, Inc.***, G.R. No. 89317, May 20, 1990 citing *Villar v. Technological Institute of the Philippines*, G.R. No. 69198, April 17, 1985, 135 SCRA 706.

or honor it has conferred to a student after it was found out that the student's graduation was obtained through fraud,⁵⁰ and to decide for itself the terms and conditions for hiring its teacher⁵¹."

However, 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 as provided for under **Alcuaz v. PSBA**⁵² of which the Supreme Court clearly illuminated and declared:

"Academic freedom in all its forms, demands the full display of discipline. To hold otherwise would be to subvert freedom into degenerate license."

Section 14. **Freedom of Information (FOI) of the University.** – The Freedom of Information (FOI) of the University shall be governed by Executive Order No. 02, s. 2016⁵³ and its IRR and its subsequent issuances and enabling law/s. Thus, the following guidelines shall strictly be observed:

- 14.1. *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.
- 14.2. *Exception.* – Access to information shall be denied when the information falls under any of the exceptions enshrined in the Constitutions, existing laws or jurisprudence.
- 14.3. *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.
- 14.4. *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

⁵⁰ **University of the Philippines v. Court of Appeals**, August 31, 1999, citing *The University of the Philippines v. Court of Appeals*, February 9, 1993, and *The University of the Philippines v. Hon. Ruben Ayson*, August 17, 1989.

⁵¹ **Mercado, et al. v. AMA Computer College-Paranaque City, Inc.**, G.R. No. 183572, April 13, 2010.

⁵² **Sophia Alcuaz, et al. v. Philippine School of Business Administration, et al.**, G.R. No. 76353 September 29, 1989.

⁵³ "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."

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.

14.5. *Application of the People's Freedom of Information (FOI) Manual of the University*⁵⁴. – The People's Freedom of Information (FOI) Manual of the University approved per Board Resolution No. 116, s. 2017 shall be applied suppletorily and serves as the governing guidelines under this Rules.

Rule 6

COMPOSITION/MEMBERSHIP, POWERS AND DUTIES OF THE EVSU BOARD OF REGENTS

Section 15. ***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:

- 15.1. The Chairman of the Commission on Higher Education (CHED), as *Chairperson*;
- 15.2. The President of the Eastern Visayas State University, as *Vice-Chairperson*;
- 15.3. The Chairperson of the Committee on Education, Arts and Culture of the Senate, Congress of the Philippines, as *Member*;
- 15.4. The Chairperson of the Committee on Higher and Technical Education of the House of Representatives, Congress of the Philippines, *Member*;

⁵⁴ Section 8 of Executive Order No. 02, s. 2016.

- 15.5. The Regional Director of the National Economic Development Authority (NEDA) Regional Office No. VIII, as *Member*;
- 15.6. The Regional Director of the Department of Science and Technology (DOST) Regional Office No. VIII, as *Member*;
- 15.7. The President of the Federation of the Faculty Associations of the University, *Member*;
- 15.8. The President of the Federation of the Student Councils of the University, *Member*;
- 15.9. The President of the Federation of the Alumni Associations of the University, *Member*; and
- 15.10. 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 position⁵⁵ 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 16. ***Powers and Duties of the EVSU 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 Code⁵⁶ and existing laws:

- 16.1. To promulgate rules and regulations not contrary to law as may be necessary to carry out the purposes and functions of the University.
- 16.2. 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.
- 16.3. To import duty-free economic, technical and cultural books and/or publications, upon certification by the CHED that such imported books and/or publications are for economic, technical, vocational, scientific, philosophical, historical, or cultural purposes, in accordance with the provisions of the Tariff and Customs Code, as amended.

⁵⁵ Section 5 of Republic Act No. 9311.

⁵⁶ Batas Pambansa Blg. 68.

- 16.4. 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.

- 16.5. 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.

- 16.6. To adopt and implement a socialized scheme of tuition and school fees for greater access to poor but deserving students.
- 16.7. 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.
- 16.8. To appoint, upon recommendation of the President of the University, Vice-presidents, Deans, Directors, Heads of departments, faculty members and other officials and employees.

- 16.9. 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.
- 16.10. To approve the curricula, institutional programs, and rules of discipline drawn by the Administrative and Academic councils as herein provided.
- 16.11. To set policies on admission and graduation of students.
- 16.12. 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.
- 16.13. 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.
- 16.14. To establish research and extension centers of the University where such will promote the development of the latter.
- 16.15. To establish chairs in the University and to provide fellowships for qualified faculty members and scholarship to deserving students.
- 16.16. 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.
- 16.17. 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.
- 16.18. 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.

- 16.19. 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.
- 16.20. 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.
- 16.21. 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.
- 16.22. 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.
- 16.23. To establish policy guidelines and procedures for participative decision-making and transparency within the University.
- 16.24. 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.
- 16.25. 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 17. **Corporate Powers of the EVSU Board of Regents under Section 36 of Batas Pambansa Blg. 68 Pursuant to R.A. No. 9311 and R.A. No. 9282.** – The EVSU Board of Regents shall have the following the powers granted to the Board of Directors of a corporation under existing laws as provided

under Section 7⁵⁷ of R.A. 9311 or Section 36⁵⁸ of Batas Pambansa Blg. 68⁵⁹ as provided under Section 4⁶⁰ of R.A. No. 8292, to wit:

- 17.1. To sue and be sued in its corporate name;
- 17.2. Of succession by its corporate name for the period of time stated in the articles of incorporation and the certificate of incorporation;
- 17.3. To adopt and use a corporate seal;
- 17.4. To amend its articles of incorporation in accordance with the provisions of this Code;
- 17.5. To adopt by-laws, not contrary to law, morals, or public policy, and to amend or repeal the same in accordance with this Code;
- 17.6. In case of stock corporations, to issue or sell stocks to subscribers and to sell treasury stocks in accordance with the provisions of this code; and to admit members to the corporation if it be a non-stock corporation;
- 17.7. To purchase, receive, take or grant, hold, convey, sell, lease, pledge, mortgage and otherwise deal with such real and personal property, including securities and bonds of other corporations, as the transaction of the lawful business of the corporation may reasonably and necessarily require, subject to the limitations prescribed by law and the Constitution;
- 17.8. To enter into merger or consolidation with other corporations as provided in this Code;
- 17.9. To make reasonable donations, including those for the public welfare or for hospital, charitable, cultural, scientific, civic, or similar purposes; Provided, That no corporation, domestic or foreign, shall give donations in aid of any political party or candidate or for purposes of partisan political activity;
- 17.10. To establish pension, retirement, and other plans for the benefit of its directors, trustees, officers and employees; and
- 17.11. To exercise such other powers as may be essential or necessary to carry out its purpose or purposes as stated, in its articles of incorporation.

⁵⁷ 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:

⁵⁸ SEC. 36. *Corporate powers and capacity.* — Every corporation incorporated under this Code has the power and capacity: xxxxxxxxxxxx”

⁵⁹ The Corporation Code of the Philippines.”

⁶⁰ 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:

Section 18. **Discretionary⁶¹ Inherent and Residual Powers and Duties of the EVSU Board of Regents.** – The EVSU Board of Regents, in the exercise of its corporate powers and as the highest-policy making of the University, shall exercise the following inherent and residual powers and duties, which cannot be delegated to any official of the University being discretionary⁶² in nature, except as may be expressly provided under existing laws and/or rules and regulations promulgated by competent authority/ies not contrary to jurisprudence cited hereof, among others:

18.1. **Administrative Power.** – The EVSU Board of Regents is clothed with the administrative power over the University pursuant to Section 4⁶³ of R.A. No. 9311 and in the following jurisprudences specially in **CSC v. Sojor**⁶⁴ of which the Supreme Court ruled:

“Measured by the foregoing yardstick, there is no question that administrative power over the school exclusively belongs to its BOR.

⁶¹ In **Arturo M. De Castro v. Judicial And Bar Council (JBC) and President Gloria Macapagal Arroyo**, G. R. No. 191002, Jaime N. Soriano v. Judicial And Bar Council (JBC), G.R. No. 191032, Philippine Constitution Association (PHILCONSA) v. Judicial And Bar Council (JBC), G.R. No. 191057, John G. Peralta v. Judicial And Bar Council (JBC), G.R. No. 191149, etc., March 17, 2010 citing *Espiridion v. Court of Appeals*, G.R. No. 146933, June 8, 2006, 490 SCRA 273, the Supreme Court held:

“The distinction between a ministerial act and a discretionary one has been delineated in the following manner:

The distinction between a ministerial and discretionary act is well delineated. A purely ministerial act or duty is one which an officer or tribunal performs in a given state of facts, in a prescribed manner, in obedience to the mandate of a legal authority, without regard to or the exercise of his own judgment upon the propriety or impropriety of the act done. If the law imposes a duty upon a public officer and gives him the right to decide how or when the duty shall be performed, such duty is discretionary and not ministerial. The duty is ministerial only when the discharge of the same requires neither the exercise of official discretion or judgment.

⁶² In **Enrique U. Betoy v. The Board of Directors, National Power Corporation**, G.R. Nos. 156556-57, October 4, 2011 citing, G.R. No. 156208, September 26, 2006, 503 SCRA 138, the Supreme Court ruled:

“In *NPC Drivers and Mechanics Association (NPC DAMA) v. National Power Corporation (NPC)*, this Court had already ruled that NPB Resolutions No. 2002-124 and No. 2002-125 are void and of no legal effect.

xxxxxxx Ruling in favor of petitioners therein, this Court ruled that NPB Resolutions No. 2002-124 and No. 2002-125 are void and of no legal effect for failure to comply with Section 48 of the EPIRA, to wit:

“We agree with petitioners. In enumerating under Section 48 those who shall compose the National Power Board of Directors, the legislature has vested upon these persons the power to exercise their judgment and discretion in running the affairs of the NPC. Discretion may be defined as the act or the liberty to decide according to the principles of justice and ones ideas of what is right and proper under the circumstances, without willfulness or favor. Discretion, when applied to public functionaries, means a power or right conferred upon them by law of acting officially in certain circumstances, according to the dictates of their own judgment and conscience, uncontrolled by the judgment or conscience of others. It is to be presumed that in naming the respective department heads as members of the board of directors, the legislature chose these secretaries of the various executive departments on the basis of their personal qualifications and acumen which made them eligible to occupy their present positions as department heads. Thus, the department secretaries cannot delegate their duties as members of the NPB, much less their power to vote and approve board resolutions, because it is their personal judgment that must be exercised in the fulfilment of such responsibility.”

⁶³ SEC. 4. **Administration.** — The University shall have the general powers of a corporation set forth in Batas Pambansa Blg. 68, as amended, otherwise known as “The Corporation Code of the Philippines.” The administration of the University and the exercise of its corporate powers shall be vested exclusively in the Board of Regents and the president of the University insofar as authorized by the Board.”

⁶⁴ **The Civil Service Commission v. Henry A. Sojor**, G.R. No. 168766, May 22, 2008

XXXXXXXXXX

Verily, the BOR of NORSU has the sole power of administration over the university. xxxxxxxxxxxx."

In the exercise of the administrative power of the EVSU Board of Regents, the doctrine in **Review Center Association of the Philippines v. Executive Secretary and CHED**⁶⁵ of which the Supreme Court declared:

"Administrative power is concerned with the work of applying policies and enforcing orders as determined by proper governmental organs. It enables the President to fix a uniform standard of administrative efficiency and check the official conduct of his agents. To this end, he can issue administrative orders, rules and regulations."

18.2. **Disciplinary Power.** – The EVSU Board of Regents possesses the power to discipline the officials and employees of the University pursuant to Section 7 of R.A. No. 9311, Section 4 of R.A. No. 8292 and applying *mutatis mutandis*⁶⁶ and the doctrine In **UP v. CA, et al.**⁶⁷ of which the Supreme Court unambiguously ruled:

"Since it must be presumed that the President was cognizant of the administrative disciplinary powers, particularly that of removal, vested by law (the UP Charter) upon its Board of Regents and President xxxxxx.

Xxxxxxxxxx

The considerations adopted by this Court in the *Castillo v. Bayona* case (*ante*) in support of the administrative and disciplinary authority of the Monetary Board of the Central Bank over its civil service employees apply, *mutatis mutandis*, to the President and Board of Regents of the University of the Philippines:

... In other words, the Civil Service Law is the general legal provision for the investigation, suspension or removal of civil service employees, whereas Section 14 is a special provision of law which must govern the investigation, suspension or removal of employees of the Central Bank, though they be subject to the Civil Service Law and regulations in other respects. We must not lose sight of the fact that the Central Bank is called

⁶⁵ **Review Center Association of the Philippines v. Executive Secretary Eduardo Ermita and Commission on Higher**, G.R. No. 180046, April 2, 2009 citing *Ople v. Torres*, 354 Phil. 948 (1998).

⁶⁶ Blacks' Law Dictionary (Revised Fourth Edition, 1971) defines *mutatis mutandis*, "With the necessary changes in points of detail, meaning that matters or things are generally the same, but to be altered when necessary, as to names, offices, and the like. *Housman v. Waterhouse*, 191 App.Div. 850, 182 N.Y.S. 249, 251.

⁶⁷ **University of the Philippines v. Court of Appeals, Camilo Peña and Domingo Cajipe**, G.R. No. L-28153 January 28, 1971.

upon to administer the monetary and banking business in the country (Section 2, Republic Act No. 265); and its powers and functions are exercised by the Monetary Board. So, it is but just and reasonable that in order to perform the functions assigned to it by law, it be given broad powers in issuing such rules and regulations as it considers necessary to direct and effect the operation and administration of the Central Bank, and with the recommendation of the Governor, the authority to appoint, fix the remunerations, and remove all officials and employees of the Central Bank with the exception of the Governor, which power to remove naturally includes the authority to investigate.

PREMISES CONSIDERED, we rule that the President and Board of Regents of the University of the Philippines possess full and final authority in the disciplining, suspension and removal of the civil service employees of the University, including those of the Philippine General Hospital, independently of the Commissioner of Civil Service and the Civil Service Board of Appeals.”

Relatedly, the decision by the Supreme Court in **CSC v. CA, et al.**⁶⁸, the power of the EVSU Board of Regents as governing board of a school is clearly sustained;

xxxxxxxxxx *Civil Service Commission v. Alfonso*³¹ and *Civil Service Commission v. Sojor*,³² xxxxxxxx, both of which buttressed the pronouncement that the Board of Regents shares its authority to discipline erring school officials and employees with the CSC.”

xxxxxxxxxx the governing board of a school has the authority to discipline and remove faculty members and administrative officials and employees for cause.”

Further, the EVSU Board of Regents in the exercise of its disciplinary power over the officials and employees of the University shall be guided of the doctrine elucidated by the Supreme Court in **CSC v. CA, et al.**⁶⁹ declared:

“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

⁶⁸ **Civil Service Commission V. Court of Appeals, Dr. Dante G. Guevarra and Atty. Augustus F. Cezar**, G.R. No. 176162 and *Atty. Honesto L. Cueva V. Court of Appeals, Dr. Dante G. Guev Arra and Atty. Augustus F. Cezar*, G.R. No. 178845, October 9, 2012 citing *Civil Service Commission v. Alfonso*, G.R. No. 179452, June 11, 2009, 589 SCRA 88; and *Civil Service Commission v. Sojor*, G.R. No. 168766, May 22, 2008, 554 SCRA 160.

⁶⁹ **Civil Service Commission v. Larry M. Alfonso**, G.R. No. 179452, June 11, 2009

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.

Verily, since the complaints were filed directly with the CSC, and the CSC has opted to assume jurisdiction over the complaint, the CSCs exercise of jurisdiction shall be to the exclusion of other tribunals exercising concurrent jurisdiction. To repeat, it may, however, choose to deputize any department or agency or official or group of officials such as the BOR of PUP to conduct the investigation, or to delegate the investigation to the proper regional office. But the same is merely permissive and not mandatory upon the Commission."

Furthermore, in **CESB v. CSC, et al.**⁷⁰, the Supreme Court ruled:

"xxxxxxxxxxx Given that the power to appoint generally carries with it the power to discipline xxxxxxxxxxxx"

- 18.3. *Power to Appoint and Designate.* – As the appointing authority, the EVSU Board of Regents enjoys discretionary power on appointment pursuant to Section 7 of R.A. No. 9311, Section 4 of R.A. No. 8292 and jurisprudence, among others, in **Rufino, et al. v. Endrigo, et al.**⁷¹ of which the Supreme Court clearly pronounced:

"The Scope of the Appointment Power of the Heads of Departments, Agencies, Commissions, or Boards

The original text of Section 16, Article VII of the 1987 Constitution, as written in Resolution No. 517 of the Constitutional Commission, is almost a verbatim copy of the one found in the 1935 Constitution. Constitutional Commissioner Father Joaquin Bernas, S.J., explains the evolution of this provision and its import, thus:

The last sentence of the first paragraph of Section 16 x x x is a relic from the 1935 and 1973 Constitutions, x x x.

Under the 1935 Constitution, the provision was: but the Congress may by law vest the appointment of inferior officers in the President alone, in the courts, or in the heads of departments. As

⁷⁰ **CESB v. CSC, et al.**, G.R. No. 197762, March 7, 2017 citing *Aguirre, Jr. v. De Castro*, 378 Phil. 714 (1999).

⁷¹ **Armita B. Rufino, et al. v. Baltazar N. Endrigo, et al.**, G.R. No. 139554 and *Baltazar N. Endrigo, et al. v. Armita B. Rufino, et al.*, G.R. No. 139565, July 21, 2006.

already seen, it meant that, while the general rule was that all presidential appointments needed confirmation by the Commission on Appointments, Congress could relax this rule by vesting the power to appoint inferior officers in the President alone, in the courts, or in the heads of departments. It also meant that while, generally, appointing authority belongs to the President, Congress could let others share in such authority. And the word inferior was understood to mean not petty or unimportant but lower in rank than those to whom appointing authority could be given.

Under the 1973 Constitution, according to which the power of the President to appoint was not limited by any other body, the provision read: However, the Batasang Pambansa may by law vest in members of the Cabinet, courts, heads of agencies, commissions, and boards the power to appoint inferior officers in their respective offices. No mention was made of the President. The premise was that the power to appoint belonged to the President; but the Batasan could diffuse this authority by allowing it to be shared by officers other than the President.

The 1987 provision also has the evident intent of allowing Congress to give to officers other than the President the authority to appoint. To that extent therefore reference to the President is pointless. And by using the word alone, copying the tenor of the 1935 provision, it implies, it is submitted, that the general rule in the 1935 Constitution of requiring confirmation by the Commission on Appointments had not been changed. Thereby the picture has been blurred. This confused text, however, should be attributed to oversight. Reference to the President must be ignored and the whole sentence must be read merely as authority for Congress to vest appointing power in courts, in heads of departments, agencies, commissions, or boards after the manner of the 1973 text.

Incidentally, the 1987 text, in order to eschew any pejorative connotation, avoids the phrase inferior officers and translates it instead into officers lower in rank, that is, lower in rank than the courts or the heads of departments, agencies, commissions, or boards. (Emphasis supplied)

The framers of the 1987 Constitution clearly intended that Congress could by law vest the appointment of lower-ranked officers in the heads of departments, agencies, commissions, or boards. The deliberations of the 1986

Constitutional Commission explain this intent beyond any doubt.

The framers of the 1987 Constitution changed the qualifying word inferior to the less disparaging phrase lower in rank purely for style. However, the clear intent remained that these inferior or lower in rank officers are the subordinates of the heads of departments, agencies, commissions, or boards who are vested by law with the power to appoint. The express language of the Constitution and the clear intent of its framers point to only one conclusion the officers whom the heads of departments, agencies, commissions, or boards may appoint must be of lower rank than those vested by law with the power to appoint.

*Congress May Vest the Authority to Appoint
Only in the Heads of the Named Offices*

Further, Section 16, Article VII of the 1987 Constitution authorizes Congress to vest in the heads of departments, agencies, commissions, or boards the power to appoint lower-ranked officers. Section 16 provides:

The Congress may, by law, vest the appointment of other officers lower in rank in the President alone, in the courts, or in the heads of departments, agencies, commissions, or boards. (Emphasis supplied)

In a department in the Executive branch, the head is the Secretary. The law may not authorize the Undersecretary, acting as such Undersecretary, to appoint lower-ranked officers in the Executive department. In an agency, the power is vested in the head of the agency for it would be preposterous to vest it in the agency itself. In a commission, the head is the chairperson of the commission. In a board, the head is also the chairperson of the board. In the last three situations, the law may not also authorize officers other than the heads of the agency, commission, or board to appoint lower-ranked officers.

The grant of the power to appoint to the heads of agencies, commissions, or boards is a matter of legislative grace. Congress has the discretion to grant to, or withhold from, the heads of agencies, commissions, or boards the power to appoint lower-ranked officers. If it so grants, Congress may impose certain conditions for the exercise of such legislative delegation, like requiring the recommendation of subordinate officers or the concurrence of the other members of the commission or board."

Moreover, in **Abad v. Dela Cruz**⁷² of which the Supreme Court held:

“xxxxxxxxxxx. Appointment is a discretionary power of the appointing authority.”

In **Santiago v. CSC**⁷³, the Supreme Court ruled:

The power to appoint is a matter of discretion. The appointing power has a wide latitude of choice as to who is best qualified for the position (*Ocampo vs. Subido*, L-28344, August 27, 1976, 72 SCRA 443). To apply the next-in-rank rule peremptorily would impose a rigid formula on the appointing power contrary to the policy of the law that among those qualified and eligible, the appointing authority is granted discretion and prerogative of choice of the one he deems fit for appointment (*Pineda vs. Claudio*, L- 29661 May 13, 1969, 28 SCRA 34).”

In **Barrozo v. CSC**⁷⁴, the Supreme Court held:

We note that the Commission has once again *directed* the appointment of its own choice contrary to our consistent ruling on this matter. Only recently, in *Lapinid v. Civil Service Commission*, we again emphasized:

We declare once again, and let us hope for the last time, that the Civil Service Commission has no power of appointment except over its own personnel. Neither does it have the authority to review the appointments made by other offices except only to ascertain if the appointee possesses the required qualifications. The determination of who among aspirants with the minimum statutory qualifications should be preferred belongs to the appointing authority and not the Civil Service Commission. It cannot disallow an appointment because it believes another person is better qualified and much less can it direct the appointment of its own choice.

Appointment is a highly discretionary act that even this Court cannot compel. While the act of appointment may in proper cases be the subject of *mandamus*, the selection itself of the appointee -- taking into account the totality of his qualifications, including those abstract qualities that define his personality — is the prerogative of the appointing authority.

⁷² **Angel Abad v. Herminio Dela Cruz**, G.R. No. 207422, March 18, 2015 citing *Abila v. Civil Service Commission*, G.R. No. 92573, June 3, 1991, 198 SCRA 102, 106.

⁷³ **Narciso Y. Santiago, Jr. v. Civil Service Commission and Leonardo A. Jose**, G.R. No. 81467 October 27, 1989.

⁷⁴ **Teodoro G. Barrozo v. The Civil Service Commission and Valentino L. Julian**, G.R. No. 93479, June 25, 1991 citing *Lapinid v. Civil Service Commission*, G.R. No. 96298, May 14, 1991.

This is a matter addressed only to the discretion of the appointing authority. It is a political question that the Civil Service Commission has no power to review under the Constitution and the applicable laws.

In **PPA v. Monserate**⁷⁵, the Supreme Court declared:

“Concededly, the appointing authority has a wide latitude of discretion in the selection and appointment of qualified persons to vacant positions in the civil service. However, the moment the discretionary power of appointment is exercised and the appointee assumed the duties and functions of the position, such appointment cannot anymore be revoked by the appointing authority and appoint another in his stead, except for cause.

- 18.4. *Power to Delegate of Its Powers to the University President and Other University Officials.* – The power of the Board to delegate its powers to the University President and other University Officials is authorized under Section 7(p) of R.A. 9311 and Section 4(o) of R.A. No. 8292 as provided hereunder:

18.4.1. Section 7(p) of R.A. No. 9311 provides:

“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

(p) To delegate any of its powers and duties⁷⁶ provided for hereinabove to the president and/or other officials of the University as it may deem appropriate, so as to expedite the administration or the affairs of the University;”

18.4.2. Section 4(o) of R.A. No. 8292 provides:

“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

⁷⁵ **The General Manager, Philippine Ports Authority (PPA) and Ramon Anino, v. Julieta Monserate**, G.R. No. 129616. April 17, 2002 citing *Mathay, Jr. v. Court of Appeals*, 320 SCRA 703 (1999) citing *Apurillo v. Civil Service Commission*, 227 SCRA 230 (1993).

⁷⁶ Included the powers and duties of the EVSU Board of Regents provided under Section 7 (a-o) of R.A. No. 9311.

Pambansa Blg. 68 otherwise known as the Corporation Code of the Philippines:

XXXXXXXXXX

(o) To delegate any of its powers and duties⁷⁷ provided for hereinabove to the president and/or other officials of the university or college as it may deem appropriate, so as to expedite the administration or the affairs of the university or college;"

18.5. *Power to Award All Procurements as the Head of Procuring Entity (HoPE) of the University.* – The EVSU Board of Regents is the Head of the Procuring Entity (HoPE) of the University pursuant to Section 5(j) of R.A. No. 9184⁷⁸ and Section 5(t) of its 2016 Revised Implementing Rules and Regulations as provided hereunder:

18.5.1. Section 5(j) of R.A. No. 9184 provides:

"SEC. 5. **Definition of Terms.** – For purposes of this Act, the following terms or words and phrases shall mean or be understood as follows:

XXXXXXXXXX

(j) *Head of Procuring Entity.* – refers to: xxxxxxxxxxxx; (ii) the governing board or its duly authorized official xxxxxxxxxxxx."

18.5.2. Section 5(t) of the IRR of 9184 provides:

"SEC. 5. **Definition of Terms.** – For purposes of this Act, the following terms or words and phrases shall mean or be understood as follows:

Xxxxxxxxxx

(j) *Head of Procuring Entity (HoPE).* – refers to: xxxxxxxxxxxx; (ii) the governing board or its duly authorized official for xxxxxxxxxxxx and SUCs."

18.6. *Power to Sue and Be Sued in the Corporate Name.* – One of the powers and capacities of the EVSU Board of Regents provided under Section 36, Title IV, specifically sub-paragraph thereof is "to sue and be sued in its corporate name."

⁷⁷ Included the powers and duties of the EVSU Board of Regents provided under Section 4 (a-n) of R.A. No. 8292.

⁷⁸ "An Act Providing for the Modernization, Standardization and Regulation of the Procurement Activities of the Government and For Other Purposes," otherwise known as the "Government Procurement Reform Act."

In **SSS v. COA**, the Supreme Court declared:⁷⁹

“In *Premium Marble Resources v. Court of Appeals* we held that no person, not even its officers, could validly sue in behalf of a corporation in the absence of any resolution from the governing body authorizing the filing of such suit. Moreover, where the corporate officers power as an agent of the corporation did not derive from such resolution, it would nonetheless be necessary to show a clear source of authority from the charter, the by-laws or the implied acts of the governing body.”

Section 19. **Powers of the EVSU Board of Regents are Not Plenary and Absolute in Character.** – The powers of the EVSU Board of Regents are not plenary and absolute as provided for under jurisprudence, among others, in *BSU v. COA*⁸⁰ wherein the Supreme Court declared:

“Furthermore, a reading of the entire provision supports the COA’s interpretation that the authority given to the Governing Board of state universities and colleges is not plenary and absolute. It is clear in Section 4 that the powers of the Governing Board are subject to limitations. This belies BSU’s claim of plenary and absolute authority.”

Section 20. **Membership to the EVSU Board of Regents as a Public Office.** – As enunciated in *Serana*⁸¹ and *Javier*⁸² doctrines, Membership in the

⁷⁹ ***Social Security System v. Commission on Audit***, G.R. No. 149240. July 11, 2002 citing G.R. No. 96551, 4 November 1996, 264 SCRA 11; and *Visayan v. NLRC*, G.R. No. 69999, 30 April 1991, 196 SCRA 410.

⁸⁰ ***Benguet State University v. Commission on Audit***, G.R. No. 169637, June 8, 2007.

⁸¹ ***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.”

⁸² ***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*).

EVSU Board of Regents is a public office and therefore, Regents are public officers during their incumbency.

Rule 7

RIGHTS, DUTIES AND RESPONSIBILITIES OF REGENTS

Section 21. **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:

- 21.1. 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.
- 21.2. 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 election⁸³ as provided in their respective Constitution and By-Laws, and qualification⁸⁴ into their respective offices as provided under this Manual and the 2017 Revised University Code.

⁸³ **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*).

⁸⁴ 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*).

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

Section 22. **Standards in the Exercise of Rights.** – A Regent 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.**⁸⁵ 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 "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

⁸⁵ **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).

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.***,⁸⁶ 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 justice; give everyone his due; and observe honesty and good faith."

Further, in ***Diaz v. Encanto, et al.***,⁸⁷ 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

⁸⁶ ***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.

⁸⁷ ***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).

legal right or duty; (2) which is exercised in bad faith; (3) for the sole intent of prejudicing or injuring another.”

Section 23. **Representatives of the Members of the EVSU Board of Regents Coming From the Government**⁸⁸. – If the Chairperson of the Congressional Committees on Education and Culture could not personally attend any regular meeting or special session of the Board, they may designate in writing their representatives to the said meeting/session which the latter should present to the Board Secretary before the start of the said meeting or session.

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

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

Section 24. **Oath of Affirmation of Regents**. – The President of the Federation of Student Governments, President of the Federation of Faculty Associations, and President of the Federation of Alumni Associations or the duly elected representative of their respective sectors, and the duly appointed Private Sector Representatives shall take their respective oath or affirmation collectively or individually before the EVSU Board of Regents in open session. The oath of office shall be administered by the Chairperson of the EVSU Board of Regents. These Regents take their oath before the Chairperson of the Board in open session to enable them to enter into the performance of their functions and participate in the deliberation and other proceedings of the Board.

Provided, that the preceding provision shall not preclude any Regent to their oath before any person competent and authorize to administer oath in any place outside the EVSU Board of Regents in session in accordance with existing laws.

Section 25. **Duties and Responsibilities of the Chairperson, Vice Chairperson and Members of the EVSU Board of Regents**. – The primary duty of Regents is to formulate policies that are necessary and incidental to the proper, effective and efficient administration of the University's major functions namely, instruction, research, extension and production services. In order to fulfill this duty, Chairperson, Vice Chairperson and Members of the EVSU Board of Regents shall:

25.1. *The Chairperson shall:*

- 25.1.1. Provide progressive leadership, sets the policy directions and exercises general supervision over the Board and all its Committees, in furtherance thereof, conduct periodic meetings with the Chairpersons of the standing and special committees to set the targets, review performance in the attainment of gargets, ensure that the priority measures of

⁸⁸ Section 8, Rule IV of the IRR of R.A. 8292.

the committees are attuned to the agenda and thrusts of the Board, and resolve such other issues and concerns that affect the operations and performance of the committees;

- 25.1.2. Preside over the meetings or sessions of the Board and decide all questions of order subject to appeal by any Regent who may explain the appeal in not more than five (5) minutes; *provided*, that the appeal shall not be subject to debate, and no explanation of vote shall be allowed in case of nominal voting;
- 25.1.3. Practices correct parliamentary procedure. In addition, he/she shall ensure observance of proper decorum and the parliamentary rules as well this Internal Rules of Procedures of the EVSU BOR;
- 25.1.4. As a composite member of the Board, vote in all matters or questions subject to disposition by the Board;
- 25.1.5. Establish an efficient and effective system to monitor and evaluate the performance of the tasks and duties of the Board, its Members and its Committees;
- 25.1.6. Establish coordinative linkages with the CHED, CSC, DBM, DOST, TESDA and other government agencies concerned to efficiently monitor and facilitate actions on matters relative to the policy-making and rule-making authority of the Board;
- 25.1.7. Administer the oath of office of the University President and Regents coming from student, faculty, alumni and private sectors representatives during Board en banc meeting and/or such activity or ceremonies befitting for such oath of affirmation;
- 25.1.8. Sign any show cause order, formal or notice of charge as well as decisions relative to the administrative disciplinary cases including sexual harassment and other sexual offenses filed against a Regent as provided under these Rules;
- 25.1.9. Delegate of the foregoing duties and functions to the University President, as Vice Chairperson of the Board, to attain administrative efficiencies subject to the limitations he/she may impose with the concurrence of the EVSU BOR;
- 25.1.10. Designate the Vice Chairperson or any Regent as temporary presiding officer. *Provided*, that any such designation shall be effective for one meeting or session day only;
- 25.1.11. Attest to all minutes of meetings or sessions of the Board after having been duly adopted or ratified by the EVSU BOR

en banc and/or via referendum provided under this Rules;
and

25.1.12. Discharge such other duties and functions expressly provided under these Rules and/or as the EVSU BOR or CHED Chairperson may delegate from time to time.

25.2. *The Vice Chairperson shall:*

25.2.1. Assist the Chairperson in ensuring proper, effective, efficient and productive conduct of meetings or sessions as well as official functions of the EVSU BOR;

25.2.2. Preside over a meeting or sessions in case the absence of the regular Chairperson and/or his/her authorized representative subject to proper instructions and limitations of the Chairperson;

25.2.3. Discharge authorities and functions duly delegated by the Chairperson and/or EVSU BOR; and

25.2.4. Perform such other duties and functions expressly provided under these Rules and/or as the EVSU BOR or CHED Chairperson may delegate from time to time.

25.3. *The Regents shall:*

25.3.1. Attend in all meetings or sessions of the EVSU BOR as well as of the Board Committees subject to their actual membership thereof. *Provided*, that any Regent who is not member of the Board Committee meeting or consultation may be allowed to attend and participate without right to vote.

25.3.2. Observe proper decorum, avoid unparliamentary remarks or statements and such act/s that would violate any provision/s of this Rules and existing laws, rules and regulations;

25.3.3. Attend meetings regularly and arrives on time. Relatedly, Actively participates in all deliberations, raises appropriate motions or manifestations in every item or matter subject to proper action by the EVSU BOR. Further, he/she shall give undivided attention to the business as well as the program of the meeting;

25.3.4. Abstain from acts or remarks outside the meetings that will in any way interfere with the work and thrusts of the Board;

25.3.5. Vote for or against any item or matter subject to the proper action by the EVSU BOR. *Provided*, that any Regent may be allowed to explain his/her vote including submit his/her

dissenting opinion on any item or matter, whether during Board en banc meeting and/or via referendum;

- 25.3.6. Face opposition without taking offense or feeling there was personal criticism where none was intended. Relatedly, he/she shall confine oneself to the question before the Board and avoid personalities;
- 25.3.7. Practice correct parliamentary procedure; and
- 25.3.8. Perform such other duties and functions expressly provided under these Rules and/or as the EVSU BOR or CHED Chairperson may delegate from time to time.

Rule 8

ENTITLEMENTS AND PRIVILEGES OF THE REGENTS

Section 26. **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 Resolution⁸⁹.

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.

Section 27. **Honorarium⁹⁰ Per Meeting/Session.** – Subject to the provisions of DBM National Budget Circular No. 2007-510 dated May 8, 2007⁹¹, University Regents shall be entitled to honorarium⁹² for every meeting/session actually attended called by the EVSU Board of Regents en banc or Board Committee subject to the following guidelines:

- 27.1. **Rates.** – The Chairperson, Vice Chairperson and Members of the EVSU Board of Regents may be granted honoraria at rates not exceeding the following⁹³:

⁸⁹ Section 17, Rule IV of the Implementing Rules and Regulations of Republic Act No. 8292.

⁹⁰ Item (4)(g)(iii) of Joint Resolution No. 4 enacted by the Congress of the Philippines and signed by the President of the Philippines on June 17, 2009 provides, that "Honoraria- These are token payments in recognition of services rendered beyond the regular duties and responsibilities of positions."

⁹¹ "Guidelines on the Grant of Honoraria to the Governing Boards of Collegial Bodies."

⁹² Item 2.0 of DBM-NBC No. 2007-510 dated May 8, 2007 provides:

"2.0 Definition of Honorarium

An honorarium is a form of compensation given as a token of appreciation or reward for gratuitous services on account of one's broad and superior knowledge or expertise in a specific field for which, going by custom, tradition or propriety, no fixed price is set."

⁹³ Item 5.2 of DBM-NBC No. 2007-510 dated May 8, 2007.

- 27.1.1. Chairperson: 25% of the monthly representation and transportation allowances (RATA) of the University President for every meeting actually attended but not exceeding four (4) paid meetings per month.
- 27.1.2. Vice Chair/Member: 25% of the monthly representation and transportation allowances (RATA) of the Vice President for every meeting actually attended but not exceeding four (4) paid meetings per month.
- 27.2. *Prohibitions.* – They shall not be allowed other benefits, whether in cash or in kind, on top of the honoraria, except when specifically provided for by law.

Section 28. ***Per Diems.*** – The EVSU Board of Regents as a collegial body⁹⁴, its Members/Regents shall be entitled to per diems⁹⁵ pursuant to DBM Budget Circular No. 2003-6 dated September 29, 2003⁹⁶, Executive Order No. 298 dated March 23, 2004⁹⁷, Section 13 of Executive Order No. 248 dated May 29, 1995⁹⁸, and such applicable laws, rules and regulations.

Provided, however, that pursuant to items 2.2 and 4.4 of DBM Budget Circular No. 29, 2003 dated September 29, 2003, University Regents who are regularly appointed to the EVSU Board of Regents and receive salaries and other compensation therefor, and if the University/Board Secretary is already paid salaries for, among other functions, attendance in the meetings of the Board, shall not be entitled to the per diem authorized herein.

Section 29. ***Honorarium and Per Diems are Treated as Distinct and Separate from the Compensation of Regents.*** – Honorarium and per diems shall be treated as distinct and separate from compensation of Regents pursuant to Section 8, para. 2⁹⁹, Article IX-B of the 1987 Constitution, Section 1(c) of R.A. No. 1573¹⁰⁰ and Section 2(i) of P.D. No. 1146¹⁰¹ and doctrines laid down, among others

⁹⁴ Item 3.1. of DBM BC No. 2003-6 provides:

“3.1. Collegial Body – a government entity composed of public and private sector members, the number and tenure of office of whom are determined by laws, and are appointed by the President either on full-time, part-time or in ex-officio capacity.”

⁹⁵ Item (4)(g)(ii) of Joint Resolution No. 4 enacted by the Congress of the Philippines and signed by the President of the Philippines on June 17, 2009 provides, that “Per Diem- This is a compensation for attendance in meetings in view of membership in collegial bodies created by law.”

⁹⁶ “Guidelines Relative to the Grant of Per Diems to Members of Collegial Bodies and Members of the Board of Regents/Trustees of State Universities and Colleges.

⁹⁷ “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.”

⁹⁸ “Prescribing the Rules and Regulations and New Rates for Official Local and Foreign Travels of Government Personnel.”

⁹⁹ Section 8, para. 2, Article IX-B of the 1987 Constitution provides:

“Pensions or gratuities shall not be considered as additional, double or indirect compensation.”

¹⁰⁰ “An Act to Amend Commonwealth Act Numbered One Hundred Eighty-Six as Amended By Republic Acts Numbered Six Hundred Sixty, Seven Hundred Twenty-Eight And Eleven Hundred Twenty-Three.”

¹⁰¹ “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.”

in **Teodoro Santiago v. COA**, G.R. No. 92284, July 12, 1991¹⁰², CSC Resolution No. 001523, June 29, 2000¹⁰³, and **Government Service Insurance System v. Civil Service Commission**, G.R. No. 98395, October 28, 1994¹⁰⁴.

Section 30. **Allowable Travel Expenses, Entitlements and Chargeability of the Expenses/Funding Sources.** – Subject to the provisions of Rule 38 hereof, and applicable DBM and COA rules and regulations, the allowable travel expenses and entitlements of the University Regents the expenses of which are chargeable from the income, annual appropriations, and/or such appropriate funds, are follows:

30.1. *Allowable Travel Expenses for Local Travels*¹⁰⁵. – The guidelines shall strictly be observed:

30.1.1. *Allowable Expenses.* – The allowable travel expenses of the University officials and personnel or employees regardless of rank and destination shall be in the amount of Eight Hundred Pesos (Php800.00) per day which shall be apportioned as follows:

30.1.1.1. Fifty Percent (50%) for hotel/lodging;

30.1.1.2. Thirty Percent (30%) for meals; and

30.1.1.3. Twenty Percent (20%) for incidental expenses.

30.1.2. *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.

30.1.3. *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:

¹⁰² The Supreme Court rules that, "Honorarium is a gesture of appreciation for the service of one with expertise of professional standing in recognition of his broad and superior knowledge in specific fields. It is given to officials/employees not as a matter of obligation but in appreciation for services which admit of no compensation in money."

¹⁰³ The CSC Commission Proper held that, "Honorarium also comes in the form of extra monetary remuneration paid to a government official and/or employee by virtue of his office, position or in connection with the function of his office or in the discharge of his office."

¹⁰⁴ The Supreme Court cited "Compensation as one that excludes per diem bonus, allowances, overtime pay, or compensation given in addition to the base pay of the position as fixed by law."

¹⁰⁵ Section 4 of Executive Order No. 298 dated March 23, 2004."

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%)

30.2. *Allowable Travel Expenses for Travels Abroad.* – The guidelines shall strictly be observed:

30.2.1. *Pre-Departure Expenses.* – University Officials and employees authorized to travel 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 fees¹⁰⁶.

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 authorized¹⁰⁷.

30.2.2. *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 Philippines¹⁰⁸.

30.2.3. *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 often 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) months¹⁰⁹.

¹⁰⁶ Section 9 of Executive Order No. 248 dated May 29, 1995.

¹⁰⁷ Section 6 of Executive Order No. 298 dated March 23, 2004.

¹⁰⁸ Section 7 of Executive Order No. 298 dated March 23, 2004.

¹⁰⁹ Section 11 of Executive Order No. 248 dated May 29, 1995.

30.2.4. *Allowable Travel Expenses.* – The following shall strictly be enforced:

30.2.4.1. *Daily Subsistence Allowance (DSA)*¹¹⁰. – 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:

30.3. *Claims for Reimbursements in Excess of the Daily Subsistence Allowance (DSA)*¹¹¹. – 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.

30.4. *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 percentage¹¹²:

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%)

30.5. *Equivalency of the Daily Subsistence Allowance (DSA).* – The Daily Subsistence Allowance authored herein shall be deemed equivalent to

¹¹⁰ Section 8 of Executive Order No. 298 dated March 23, 2004.

¹¹¹ Section 9 of Executive Order No. 298 dated March 23, 2004.

¹¹² Section 10 of Executive Order No. 298 dated March 23, 2004.

the per diems authorized under Section 95 of RA No. 7157, otherwise known as the Foreign Service Act of 1991¹¹³.

- 30.6. *Representation Expenses*¹¹⁴. – 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.

- 30.7. *Payment of Allowance Differential*. – Where the University official or employee travelling abroad is provided by the host government or institution with per die, or allowance lower than that prescribed in E.O. No. 248, he shall be entitled to the difference only¹¹⁵.

Section 31. ***Communication Assistance/Incentives***. – Each Regent shall be entitled to a monthly communication assistance/incentive¹¹⁶ 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 32. ***Participation of the University Regents in Conventions, Seminars, Conferences, Symposia and Similar Non-Training Gatherings Sponsored by Non-Government Organizations and Private Institutions***. – Regents shall be allowed to participate in conventions, seminars, conferences, symposia and similar non-training gatherings sponsored by non-government organizations and private institutions subject to the provisions of DBM-National Budget Circular No. 563 dated April 22, 2016¹¹⁷ and Section 185, Rule 38 hereof.

Section 33. ***Insurance***. – Any Regent 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

¹¹³ Section 11 of Executive Order No. 298 dated March 23, 2004.

¹¹⁴ Section 13 of Executive Order No. 248 dated May 29, 1995.

¹¹⁵ Section 15 of Executive Order No. 248 dated May 29, 1995.

¹¹⁶ Section 17 (c), Article III of CHED Memorandum Order No. 20, s. 2011.

¹¹⁷ "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."

effects belonging to any official or employee on official travel be charged to government funds¹¹⁸.

Rule 9

MANNER OF APPOINTMENT AND SEARCH PROCESS OF THE UNIVERSITY PRESIDENT

Section 34. ***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 35. ***Minimum Qualifications and Requirements.*** – Taking into account the pertinent provisions of CHED Memorandum Order No. 16, s. 2009¹¹⁹, the applicants for Presidency of EVSU must possess the following minimum qualifications, to wit:

35.1. *Minimum Qualifications*¹²⁰:

- 35.1.1. Not less than thirty-five (35) years old and not more than sixty-one (61) years at the time of application;
- 35.1.2. A natural-born citizen of the Philippines;
- 35.1.3. A holder of an earned doctorate program from reputable higher learning institution duly recognized by the CHED and/or government;
- 35.1.4. 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;
- 35.1.5. 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
- 35.1.6. 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

¹¹⁸ Section 19 of Executive Order No. 248 dated May 29, 1995.

¹¹⁹ "Rules and Regulations Governing the Selection of SUC Presidents."

¹²⁰ Section 5.1 of CHED Memorandum Order No. 27, s. 2009 dated May 27, 2009.

supporting documentary evidences shall be disqualified from the search process¹²¹.

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 post¹²².

35.2. *Documentary Requirements*¹²³:

35.2.1. 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 employment shall be required to secure the ombudsman clearance; and
 5. Institution/Company where applicant is presently employed.
- f. PSA¹²⁴-authenticated Birth Certificate;
- g. Medical Certificate of Physical Fitness issued by a physician from a CHED-recognized accredited health

¹²¹ Section 5.2 of CHED Memorandum Order No. 27, s. 2009 dated May 27, 2009.

¹²² Section 5.3 of CHED Memorandum Order No. 27, s. 2009 dated May 27, 2009.

¹²³ Section 6 of CHED Memorandum Order No. 27, s. 2009 dated May 27, 2009.

¹²⁴ Formerly National Statistics Office (NSO).

institutions but not the same institution where the applicant is presently employed;

- h. Results of Neuro-psychiatric examination conducted by a physician from a CHED-recognized accredited health institutions but not the same institution where the applicant is presently employed;
- i. Duly accomplished CSC Form 212¹²⁵ made under oath; and
- j. Major work accomplishments for the last five (5) years.

35.2.2. 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 the process¹²⁶.

Section 36. **Search Committee for Presidency (SCP).** – Six (6) months before the expiration of the term of office of the incumbent President of the University, the EVSU Board of Regents must constitute a Search Committee for Presidency (SCP), subject to the provisions of CHED Memorandum Order No. 16, s. 2009 insofar as duly adopted by the EVSU Board of Regents, with the following rules:

36.1. *Composition of the SCP.* – The SCP must have the following composition, to wit:

- a. The CHED Chairman or his/her duly designated representative, as Chairperson;
- b. A representative of the Philippine Association of State Universities and Colleges (PASUC), who must be a President of a chartered SUC, as chosen by the Board after consultation with the PASUC leadership, as Member;
- c. The Federation President/Federation Chair/Federation Head of the duly recognized Faculty Association of the University or his/her representative as duly designated by him/her in writing, as Member;
- d. The Federation President/Federation Chair/Federation Head of SSC/SSG of the University or his/her representative designated by him/her in writing, as Member; and

¹²⁵ 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.

¹²⁶ Section 6.2 of CHED Memorandum Order No. 27, s. 2009 dated May 27, 2009.

- 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.
- 36.2. *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.
- 36.3. *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.
- 36.4. *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.
- 36.5. *Internal Rules of Procedure.* – The SCP so constituted may devise its own procedures for the search subject to the approval of the EVSU Board of Regents upon the recommendation of the University President.
- 36.6. *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 of the University President.
- 36.7. *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.

36.8. *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 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.

Provided, that the EVSU Board of Regents shall create the SCP anytime prior to the expiration of the incumbent University President whose decision is not to seek for re-appointment.

Section 37. ***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 subject to the provisions of Section 13(c)¹²⁷, Rule IV of CSC Resolution No. 1701009 promulgated on June 16, 2017 and circularized per CSC MC No. 24, s. 2017 dated August 24, 2017.

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

¹²⁷ Section 13. **Other Human Resource Actions.** xxxxxxxxxxxx

"c. **Designation** – xxxxxxxxxxxx

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 position.

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.

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 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 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."

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

Provided, that the vote needed for the appointment (*first term*) of the University President shall be majority vote of Regents or Members¹²⁸, there being a quorum, during the meeting for the purpose.

Section 39. **Re-appointment**¹²⁹. – The re-appointment or evaluation for second term of the incumbent University President shall be subject to the following guidelines:

- 39.1. 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. 2009 and its subsequent issuances insofar duly adopted by the EVSU Board of Regents.
- 39.2. The vote needed for an incumbent University President shall be absolute majority vote of the total membership of the Board¹³⁰ 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.
- 39.3. For the University President whose re-appointment would reach the mandatory age of retirement, sixty-five (65) years old, it is mandatory

¹²⁸ 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.

¹²⁹ CHED Memorandum Order No. 16, s. 2009 dated May 27, 2009 entitled, "Rules and Regulations Governing the Selection of SUC Presidents."

¹³⁰ Computed from the total number of eleven (11) Regents; majority vote must be at least seven (7) votes.

that the Search Committee for Presidency (SCP) or UPPEC shall unanimously rate his/her performance as outstanding. Furthermore, the SCP or UPPEC must also unanimously recommend the re-appointment of the University President to the EVSU Board of Regents.

39.4. There should be no University President holding office at age of seventy (70) or beyond.

Section 40. **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:

40.1. **Policies.** – Pursuant to Section 4(x) of R.A. No. 8292¹³¹ and Section 7(y) of R.A. No. 9311¹³², 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)¹³³;
- 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.

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

¹³¹ 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.”

¹³² 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.

¹³³ 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 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.”

- 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 an 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.
 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
<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>	35%
<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</p>	20%

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.	
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. 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.	20%
e. Interview/Public Forum.	15%
Total	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 41. **Mandatory Requirement of No Conviction of Any Administrative Offense or Crime for Second Term or Re-Appointment, and Extension of the Term of Office.** – The incumbent University President undergoing for a second term or re-appointment, must not have been convicted of any administrative offense or crime.¹³⁴ This requirement shall also be strictly applied for any extension of the term of office of the University President.

Section 42. **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 43. **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 44. **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 45. **Attestation by the CSC of the Appointment Papers.** – The appointment papers of the University President shall be attested to by the CSC¹³⁵ subject to applicable laws, rules and regulations.

¹³⁴ Section 5(f) of CHED Memorandum Order No. 16, s. 2009 entitled, "Rules and Regulations Governing the Search for President of State Universities and Colleges (SUCs)."

¹³⁵ **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."

Section 46. **Investiture Ceremony of the University President.** – The University shall hold an Investiture Ceremony for every appointment of the University President on the schedule and venue duly approved by the EVSU Board of Regents upon the recommendation of the President.

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

Section 47. **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 standing¹³⁶.

Rule 10

SEARCH PROCESS AND MANNER OF APPOINTMENT FOR THE PRIVATE SECTOR REPRESENTATIVES

Section 48. **Minimum Qualifications and Requirements of the Private Sector Representatives.** –The applicants for Private Sector Representative/s must possess the following minimum qualifications and submit the requirements as the Search Committee for Private Sector Representative (SCPSR) may require duly approved by the EVSU Board of Regents, to wit:

- 48.1. Natural-born citizens of the Philippines;
- 48.2. Have distinguished themselves in their professions or fields of specialization of the University evidenced by the following:
 - 48.2.1. Relevant managerial experience for at least one (1) year;
 - 48.2.2. Capability of creating and sustaining partnerships relevant to the vision, mission and mandates of the University; and
 - 48.2.3. Exposure to or accomplishments in the fourfold functions of the University, e.g. instruction, research, extension services and production services.
- 48.3. Preferably a holder of an earned baccalaureate program in any reputable institutions recognized by CHED and/or by the government; and
- 48.4. Have not been found guilty of any administrative or criminal offense.

Section 49. **Constitution and Duties of the Search Committee for Private Sector Representative (SCPSR).** – Within two (2) months before the

¹³⁶ Section 9, last para., Republic Act No. 9311.

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 the 2017 Revised University Code, Rule 10 hereof, 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.

Section 50. **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.

Section 51. **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 of the University President.

Section 52. **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. 7041¹³⁷ and its IRR¹³⁸.

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.

Section 53. **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.

Section 54. **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.

¹³⁷ "An Act Requiring Regular Publication of Existing Vacant Positions in Government Offices, Appropriating Funds Therefore, and for Other Purposes".

¹³⁸ CSC MC No. 27, s. 1991 dated July 2, 1991.

Section 55. **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.

Section 56. **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.

Section 57. **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.

Section 58. **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.

Section 59. **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.

Rule 11

TERM OF OFFICE, VACANCY, SUCCESSION, AND HOLD OVER OF THE UNIVERSITY REGENTS

Section 60. **Term of Office Chairperson, and Members from the Congress of the Philippines, National Economic Development Authority (NEDA)-Regional Office No. VIII, and Department of Science and Technology (DOST)- Regional Office No. VIII.** – The CHED Chairperson or CHED Commission as Chairperson of the EVSU Board of Regents and the Members from the NEDA- Regional Office No. VIII and DOST-Regional Office No. VIII shall serve in *ex-officio* capacity and their term of office in the EVSU Board of Regents shall be co-terminus of their respective term of office in such capacity.

Section 61. **Term of Office of the University President.** – The University President shall serve for a term of four (4) years qualified for re-appointment or second term or extension subject to the provisions of R.A. No. 9311 and R.A. No. 8292 and its IRR, this Manual and such polices approved by the EVSU Board of Regents and pertinent circulars or rules promulgated by the CHED and CSC. *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.

Section 62. **Term of Office of the President of the Federation of Faculty Associations, the President of the Federation of Student Councils, and the President of the Federation of Alumni Associations.** – 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 the 2017 Revised University Code, these Rules 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.

Section 63. **Term of Office the Two (2) Private Sector 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.

Section 64. **Vacancy and Succession Process.** – The following rules shall strictly be observed:

- 64.1. *For the Chairperson.* – In case of vacancy in the Office of the CHED Chairperson as Chairperson of the EVSU Board of Regents and/or during his/her absence, he/she may be succeeded by his/her replacements and/or any of the CHED Commissioners duly designated by him/her. *Provided*, that in the event that no regular Chairperson

and Presiding Officer designated by the CHED Chairperson, the University President as the Vice Chairperson of the EVSU Board shall serve as the Officer-in-Charge (OIC) of the Office of the Chairperson of the Board within the period subject to the confirmation by a majority of the Regents duly approved by the CHED Chairperson.

- 64.2. *For the University President.* – In case of vacancy and/or absence of the University President, the Officer-in-Charge (OIC) designated by him or her and/or by the EVSU Board of Regents or should his/her term ends, the Officer-in-Charge (OIC) duly designated by the EVSU Board of Regents, shall automatically succeeds and be allowed to attend the Board meeting/s within the period of the effectivity as OIC.
- 64.3. *For the Regents Coming from the Congressional Committees on Education.* – The Chairpersons of the Senate Committee on Education, Arts and Culture and the House Committee on Higher and Technical Education may be represented by their respective duly authorized representatives during meetings or sessions as well as official functions of the EVSU BOR. Vacancy/ies in the Congressional seat may be filled upon assumption of the newly elected Chairperson of the Committee Education and/or their authorized representatives upon issuance of authorization or notice thereof.
- 64.4. *For the Regents Coming from the NEDA and DOST- Regional Office No. VIII.* – In case of vacancy of the Regional Directors of the NEDA and/or DOST- Regional Office No. VIII, the Officer-in-Charge (OIC) or replacements duly designated by their respective agency heads shall attend the meetings or sessions including the official functions of the EVSU BOR. *Provided,* that the Regional Directors of NEDA and DOST may designate their representative to any meeting or session subject to the limitations as he/he may impose.
- 64.5. *For the Regents Coming from the Students, Faculty and Alumni Sectors.* – In case of vacancy or absence of the Presidents of the Federation of Supreme Student Government of the University, Federation of Faculty Associations of the University and Federation of Alumni Associations of the University, they shall be represented by their respective officer/official who shall be next-in-rank duly designated by their incumbent Presidents subject to the succession as provided under their respective Constitution and By-laws.

Provided, that in case where there are two or more officers/officials claiming to be the representatives of any of the sectors due to among others, incapacity or failure to designate or notify the EVSU BOR through its Board Secretary of the incumbent President, the EVSU BOR shall resolve by a majority vote right after the roll call of members to ensure that the concerned sector shall be representative during the particular meeting or session only.

Provided, further, that should the issue on representation of any of foregoing sector is not resolved within sixty (60) days upon the occurrence of vacancy, the EVSU BOR shall authorize the conduct of special elections specifically intended to elect a representative of the sector concerned to be administered by the Committee on Special Election (CSE) duly constituted by the University President; *provided, however,* the Chairperson of the CSE shall be any incumbent Regent. The duly constituted CSE shall, among others, promulgate rules in the conduct of the special elections and proclaim the results thereof, settle any issue related to the conduct of the special elections and the decisions thereon shall be executory unless appealed from the EVSU BOR within seven (7) days upon the promulgation of such decision, and perform such duties and functions as the EVSU BOR may determine from time to time.

Provided, furthermore, that representative of any sector duly selected in a special elections shall serve for a maximum of one (1) term only such that the regular elections shall be undertaken within the said period subject to the provisions of their respective Constitution and By-Laws (CBL) duly ratified by their respective *bonafide* members taking into account applicable laws, rules and regulations.

- 64.6. *For the Regents Coming from the Private Sector.* – No Private Sector Representative shall be allowed to authorize and send representative/s during their absence in a particular meeting or session of the EVSU BOR. *Provided,* that in case of vacancy, the EVSU BOR shall constitute the Search Committee for Private Sector Representative (SCPSR) within sixty (60) days from the actual vacancy subject to the provisions of this Rules, 2017 University Code, 2017 Administrative Services Manual, and applicable policies promulgated by CHED duly adopted by the EVSU BOR.

Section 65. ***Application of Hold-over Capacity; Rights and Entitlements.*** – The following shall be strictly observed:

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

Provided, that in no case shall he/she 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 the 2017 Revised University Code, these Rules, 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.

- 65.2. *For the Presidents of the Student, Faculty, Alumni Sectors and the Private Sector Representatives.* – Student/Faculty/Alumni and Private Sector Regents shall be authorized to hold over and perform their respective duties and functions after the expiration of their respective terms of office, with all the rights, privileges and entitlements, 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, as the case may be.

Rule 12

THE UNIVERSITY AND BOARD SECRETARY

Section 66. ***The Secretary of the University/Board.*** – The Board shall appoint a Board Secretary¹³⁹ who shall serve as such for both the Board and University.

Section 67. ***Entitlements of the University/Board Secretary.*** – The duly designated University/Board Secretary shall be entitled to the following:

- 67.1. Monthly RATA as provided under item 2.3 of NCC No. 67¹⁴⁰ with the corresponding equivalent rank as prescribed under Annex A thereof and the amount of which shall be in accordance with NBC No. 548¹⁴¹ and related subsequent issuances thereof;

¹³⁹ ***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; *Cadiente 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: 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.”

¹⁴⁰ National Compensation Circular dated January 1, 1992 entitled, “Representation and Transportation Allowance of National Government Officials and Employees.”

¹⁴¹ National Budget Circular No. 548 dated January 17, 2013 entitled, “Amended Rules and Regulations on the Grant of Representation and Transportation Allowances.”

- 67.2. Reimbursement of actual expenses for every travels and attendance in official functions duly authorized by the University President and/or Board; and
- 67.3. Monthly communication assistance of not less than Five Thousand Pesos (Php5,000.00) subject to usual accounting and auditing rules and regulations.

Section 68. **Vacancy, Succession and Application of Hold Over.** – In case of vacancy or absence of the University/Board Secretary, the EVSU BOR shall, upon the recommendation by the University President, designate an Acting Board University/Board Secretary among the officials or employees of the University who shall perform the duties and functions and enjoy such entitlements within the particular meeting or session or period determined by the EVSU BOR.

Provided, that in cases that the incumbent University/Board Secretary, due to incapacity or accident or emergency situations confronting him/her within twenty-four (24) hours coupled with the physical appearance of any official or employee of the University is remote prior to the actual holding of the Board *en banc* meeting, the Chairperson shall designate an Acting Board Secretary among the Regents subject to the concurrence of a majority vote of those Regents present, there being a quorum, who shall perform the duties and functions within the particular meeting or session only.

Section 69. **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.

Rule 13 **REPORTORIAL REQUIREMENTS**

Section 70. **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 Board through 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.

Section 71. **University President's Reports.** – The University President shall submit a quarterly report to the EVSU Board of Regents as part of the agenda in any meeting or session of the Board. The said report shall contain among, others, the accomplishments, progress, needs and issues on administration which shall cover, human resources, finance, external affairs, student welfare and development, infrastructure projects, and others as well the fourfold functions of the University namely, research, extension, production, extension and production services. The University President shall also include in its report status and issues

relative to the contracts or agreements and legal instruments entered into by the University.

Section 72. **Board Committee Reports.** – The duly constituted Board Committee shall submit appropriate reports for action by the EVSU BOR. Two (2) or more Board Committees may submit Joint Board Committee Report (JCR) on matters directly referred to by the EVSU BOR and/or University President or as such Committees deemed necessary. The Board Committee Report (BCR) or Joint Board Committee Report (JBCR) shall be in such form as provided in **Annex O** or **Annex P**, as the case may be, which made as integral part hereof.

Section 73. **End-Term Reports.** – An End-Term Report (ETR) shall be submitted, to the Chairperson through the University/Board Secretary, within ten (10) days after the end of the term of office of the concerned Regents subject to the following conditions:

- 73.1. If the incumbent University President and Private Sector Representatives have manifested their individual desire of not seeking for re-appointment and/or have been disqualified in the performance evaluation conducted for the purpose.
- 73.2. If the term of office of the incumbent Federation President and/or representatives of the Student, Faculty and Alumni sectors have ended and their respective successors have been duly elected and qualified to assume office.
- 73.3. If any of the foregoing Regents have voluntarily resigned before their term of office expires.

Rule 14 **BOARD COMMITTEES**

Section 74. **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:

- 74.1. *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:
 - 74.1.1. *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.

Further, the AFP Committee shall have the jurisdiction of administrative disciplinary cases including the sexual harassment cases filed against any student of the University.

- 74.1.2. *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.

Further, the AFP Committee shall have the jurisdiction of administrative disciplinary cases including the sexual harassment cases filed against any official or employee of the University.

- 74.1.3. *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.

- 74.1.4. *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.

- 74.1.5. *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.

74.2. *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.

Section 75. **Board Committee Secretary.** – The University/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.

Provided, further, that the Board Committee Secretary shall be entitled to an honorarium equivalent to a Committee Member for actual attendance of every meeting, consultation and/or hearing.

Rule 15

MEETINGS, SESSIONS, HEARINGS AND CONSULTATIONS

Section 76. **Meetings/Sessions.** – The EVSU Board of Regents shall hold either regular meetings or special sessions¹⁴² and as may be provided hereunder:

76.1. *Regular Board Meetings.* – 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 necessary¹⁴³.

76.2. *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.

76.3. *Electronic or Teleconference Meetings.* – The Board may hold electronic or teleconference meetings or sessions in case the usual physical and face-face meeting/session is impractical to conduct due to fortuitous events and/or conflict of schedules of the Regents, without necessarily losing or reducing its character as a deliberative body. *Provided,* that in an electronic meeting, provides, at a minimum, a condition of opportunity for simultaneous aural communication among all participating Regents equivalent to those meetings held in one single gathering in one room or area. If done by teleconference, it must be done in a way that allows all Regents to hear each other simultaneously, and if done video conference, the must be able to see each other as well. The EVSU BOR may adopt special rules of order

¹⁴² Section 12, Rule IV of the Implementing Rules and Regulations of R.A. No. 8292.

¹⁴³ Section 8 of Republic Act No. 9311.

and standing rules with specific details how each participant will be recognized and given the floor¹⁴⁴.

- 76.4. *Annual Consultation-Meeting with the Academic Community and Stakeholders.* – The EVSU Board of Regents shall hold an Annual Consultation-Meeting with the Academic Community and Stakeholders on the date, time and venue, preferably during quarter of every fiscal year, as the EVSU BOR may determine upon the recommendation by the University President. In this occasion, the University President shall render his/her State of the University and the EVSU BOR shall present the directions in the administration and fourfold functions of the University. Comments or inputs from the academic community and stakeholders shall be generated to ensure that the plans, programs and projects reflect the mandates, vision, mission, objectives and goals as well as the aspirations of the stakeholders of the University.

Section 77. ***Frequency, Date and Venue of Regular or Special Meetings/Sessions.*** – The frequency over and above the minimum number of meetings of the Board of Regents as provided Section 76.1-2 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.

Section 78. ***Meetings or Sessions Open to the Public.*** – Meetings or sessions shall be open to the public. However, when the security or the dignity of the Board or any of its Regents are affected by any motion or petition being considered, the Board may hold executive sessions.

Guests and visitors within the venue shall be prohibited from using their cameras and video recorders. Cellular phones and other similar electronic devices shall be put to silent mode.

Provided, that the University President shall designate any employee to assist the University/Board Secretary to take pictures or record the proceedings which the same shall be under the custody and disposal of the University/Board Secretary subject to the provisions of this Rules.

Section 79. ***Executive Meetings/Sessions.*** – When the Board, by a majority vote, decides to hold an executive meeting or session, the Chairperson or Presiding Officer shall direct the venue to be cleared by excusing the guests or visitors and other persons or Regent who shall be deemed excluded from the meeting or session and the door/s closed. Only those Regents and University/Board Secretary and other persons specifically authorized by the Board shall be admitted to the executive meeting or session. They shall preserve the confidentiality of everything read and discussed in the meeting or session.

¹⁴⁴ Bobby Hall, **Simplified Handbook of Parliamentary Procedure**, Community and Economic Development, University of Arkansas, Division of Agriculture, Cooperative Extension Service.

Provided, that Regent/s who is/are excluded from the executive meeting or session shall immediately be called to participate in the deliberation for the rest of the items or matters in the calendar of business.

Provided, further, that guests or visitors may be permitted to observe the subsequent deliberations only after proper permission is sought from the Chairperson or Presiding Officer with the concurrence of a majority vote by the Regents present.

Section 80. **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 81. **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.

Rule 16

CHAIRPERSON AND PRESIDING OFFICER OF THE BOARD

Section 82. **Presiding Officer.** – The CHED Chairperson or the CHED Commissioner as duly designated Chairperson 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 83. **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 84. **Duties and Functions of the Presiding Officer.** – In addition to the duties and functions of the Chairperson as provided under Section 25.1, Rule 7 of this Rules, the Presiding Officer shall:

- 84.1. Ensure productive deliberations and healthy interactions and professionalism among Regents during Board meetings or sessions and official functions of the Board;
- 84.2. Promote proper observance of the parliamentary rules and this internal rules of procedure;
- 84.3. Decides on motions taking into consideration the precedence of motions;
- 84.4. Vote on any item or matter in case of a tie in cases when he/she doesn't participate the voting;
- 84.5. Execute the decision of the Board on a particular motion or question; and
- 84.6. Discharge such duties and functions as expressly provided in this Internal Rules of Procedure and/or as the Board may determine from time to time.

Section 85. **Relinquishment of the Presiding Officership.** – The regular Chairperson as Presiding Officer of the EVSU BOR may, at any given time during the Board en banc meeting, relinquish the Presiding Officership to any Regent present subject to the following sequence:

- 85.1. First Priority- University President.
- 85.2. Second Priority – Regent from the NEDA or DOST- Regional Office No. VIII.
- 85.3. Third Priority – Regent from the Private Sector.
- 85.4. Fourth Priority – Regent from the Senate or House of Representatives.
- 85.5. Fifth Priority – Regent from the Faculty, Alumni and Students Sectors.

Provided, that any Regent may refuse from being the Presiding Officer and he/she may be replaced by the Chairperson based on the sequence provided above.

Rule 17 **QUORUM**

Section 86. **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 Chairperson who is the Chairperson of the Board or his/her duly designated Chairperson or the President of the University who is the Vice Chairperson thereof.

Section 87. **Absence of a Quorum.** – In the absence of a quorum after the roll call in a particular meeting or session, the following measures shall be undertaken:

- 87.1. The Chairperson or Presiding Officer may declare the meeting or session adjourned on the ground of the absence of a quorum. Consequently, all items or matters in the calendar of business shall be deemed deferred until the next meeting, whether or regular, unless authorized by the Chairperson be approved via referendum; or
- 87.2. The Regents present may proceed the meeting with the condition that all items or matters acted upon shall be subject to ratification of the EVSU Board of Regents in an en banc meeting. Provided, that the Chairperson or Presiding Officer may determine the schedule and venue of the next Board meeting or sessions.

In addition thereof, the person may authorize the University President, as Vice Chairperson, the issuance of a show cause order to all Regent/s why no administrative case shall be filed against them for their absence without prior notice to the University/Board Secretary. Relatedly, any Regent who notified the University/Board Secretary and/or University President via formal letter or mobile phone or email and other electronic means at least twenty-four (24) hours prior to the holding of the Board meeting shall be exempted from the show cause order.

Section 88. **Entitlements of the Regents Present in a Meeting/Session Without a Quorum.** – All Regents present in a meeting/session without a quorum shall enjoy the rights and entitlements as provided for under Rule 8 hereof.

Rule 18

SUSPENSION, ADJOURNMENT AND CANCELLATION OF MEETINGS, SESSIONS, HEARINGS OR CONSULTATIONS

Section 89. **Motion to Adjourn Vacates Call.** – At any time after the roll call is completed, a motion to adjourn shall be in order and, if approved by a majority of those present, all proceedings under the preceding section shall be vacated.

Section 90. **Suspension, Adjournment and Cancellation of Board Meetings or Sessions.** – Meetings or sessions shall not be adjourned except by

the direction of the Board. The Chairperson or Presiding Officer may declare a suspension or recess of short interval at any time.

In cases of natural calamities and other fortuitous events of such nature as to render the attendance of the Regents to meetings or sessions of the Board or the conduct of such meetings or sessions extremely difficult or impossible, the Chairperson may declare the cancellation of the conduct of the meetings or sessions on any given period of time.

Section 91. **Suspension, Adjournment and Cancellation of Board Committee Meetings, Hearings or Consultations.** – Board Committee meetings, hearings or consultations shall not be adjourned except by the direction of the Board Committee or EVSU BOR. The Committee Chairperson or Presiding Officer may declare a suspension or recess of short interval at any time.

In cases of natural calamities and other fortuitous events of such nature as to render the attendance of the Regents to meetings, hearings or consultations of the Board Committees or the conduct of such meetings, hearings or consultations extremely difficult or impossible, the Chairperson may declare the cancellation of the conduct of the meetings or sessions on any given period of time.

Rule 19

COMMITTEE OF THE WHOLE BOARD

Section 92. **Policy in Constituting the Committee of the Whole Board (CWB).** – The Board, upon proper motion and a majority vote of the Regents present, may constitute itself as a Committee of the Whole to act upon a proposal, item or matter. When the Board constitutes itself into a Committee of the Whole, it functions as one committee acting upon a proposal, item or matter or resolution, and conducting its proceedings like a regular committee with its membership composed of all the Regents present.

Section 93. **Grounds in Constituting the Committee.** – The Board, upon a majority vote of the Regents present, may constitute itself as a Committee of the Whole Board (CWB) on any of the following grounds:

- 93.1. Failure of any Board Committee/s to act and/or submit appropriate report and/or recommendation on such item or matter referred to it by the EVSU Board of Regents;
- 93.2. Failure of the Search Committee for Presidency (SCP) or Search Committee for Private Sector Representative/s (SCPSR) to act and/or submit appropriate report and/or recommendation on such item or matter referred to it by the EVSU Board of Regents. *Provided*, that relevant data and documents are readily available for proper appreciation and action by each Regent.
- 93.3. Implementation of suspension or termination order meted out against the University President or any Regent; or

93.4. Such other subjects or matters as the Board may warrant the constitution of the Committee of the Whole Board.

Section 94. **Proceedings.** – The Chairperson or Presiding Officer or any Regent designated by him/her shall preside over the CWB.

The CWB shall conduct business only when there is a quorum. If there is no quorum, the Chairperson shall report the same and move that the CWB immediately suspend its proceedings. The Chairperson and all the Regents present shall vote on all questions before the CWB.

Documents and papers in the possession of the Board may be called for by any Regent and read by the University/Board Secretary for the information of the CWB unless the committee orders otherwise. Resource persons and/or technical assistants may be invited to attend the proceedings, and upon permission of the Chairperson, may directly answer questions and inquiries propounded by Members.

The Chairperson shall have the power to clear the meeting or session venue and its nearby areas in case of disturbance. The committee, however, cannot punish disorderly conduct of its Members but must report the same to the Board for appropriate action.

The CWB may, at any time during its proceedings, report to the Board its desire to close the debate or to limit the time allowed for Regents to speak.

The CWB may, on motion, suspend consideration of any matter and to reconvene at any time to resume its proceedings. The motion shall take precedence over all motions and shall be immediately decided without debate. If the Committee, for want of time, fails to complete deliberations on any matter under consideration, it may, on motion and any time, recess and reconvene. A motion that the CWB suspend its proceedings, reports progress and reconvenes, may be made at any time, and shall take precedence over all other motions. The motion shall be decided without debate.

When the CWB has disposed of proposals, items, matters and other measures before it, on motion, it shall rise and the Chairperson shall be instructed to report the action of the committee to the Board. Matters report shall then be presented before the Board for action as though reported by any other committee.

Section 95. **Expansion of Membership.** – In matters that requires representation from other sectors, the Committee of the Whole Board (CWB) shall expand its members to representatives of the other sectors whose membership thereof are expressly provided under this Rules and/or applicable laws, rules and regulations. *Provided*, that the participation of these additional member/s shall be limited to CWB deliberations only as the final disposition of matters or subjects referred to the Committee of the Whole Board exclusively belongs to the EVSU Board of Regents.

Rule 20 **VOTING**

Section 96. **General Policy.** – Every Regent present shall vote on every question unless a Regent inhibits from voting on account of personal or pecuniary interest therein. The names of the Regents who abstain, inhibit themselves or opt not to vote shall be entered in the minutes of the Board.

The CHED Chairperson or the authorized CHED Commissioner, as regular Chairperson, shall be a composite member of the EVSU BOR which grants him/her the right to participate the discussion and vote in every matter, item or question before the EVSU BOR. *Provided*, that the CHED Chairperson or the authorized CHED Commissioner, as regular Chairperson, may manifest his/her desire to refrain from voting which will enable him/her to break a tie vote subject to the conditions in Section 98 hereof.

Section 97. **Manner of Voting.** – The Chair or Presiding Officer shall state the motion or question that is being put to a vote in clear, precise and simple language. The Chair or Presiding Officer shall say “as many as are in favor, (as the question may be) say ‘aye’”. After the affirmative vote is counted, the Chair or Presiding Officer shall say “as many as are opposed, (*as the question may be*) say ‘nay’”.

If the Chair or Presiding Officer doubts the result of the voting or a motion to divide the house is carried, the Board shall divide or vote on a particular matter or item or question. The Chair or Presiding Officer shall ask those in favor to raise their hands or rise, to be followed by those against. If still in doubt of the outcome or a count, the Chair or Presiding Officer shall name one (1) Regent from each side of the question to count the Regents in the affirmative and those in the negative. After the count is report, the Chair or Presiding Office shall announce the result.

Section 98. **Abstention.** – Any Regent may abstain from voting on any matter, item or resolution. *Provided, however*, the following guidelines shall strictly be observed applying the doctrine in **Lopez, et al. v. Ericta, et al.**¹⁴⁵, to wit:

¹⁴⁵ **Salvador P. Lopez, President of the University of the Philippines; Board of Regents, University of the Philippines; and Oseas Del Rosario, Officer-in-Charge, College of Education, University of the Philippines v. Hon. Vicente Ericta, and Dr. Consuelo S. Blanco**, G.R. No. L-32991, June 29, 1972, the Supreme Court held:

“In the present case, however, this Court does not find itself confronted with an ineluctable choice between the two legal theories. It should be noted that an abstention, according to the respondents' citations, is counted as an affirmative vote insofar as it may be construed as an acquiescence in the action of those who vote affirmatively. This manner of counting is obviously based on what is deemed to be a presumption as to the intent of the one abstaining, namely, to acquiesce in the action of those who vote affirmatively, but which presumption, being merely prima facie, would not hold in the face of clear evidence to the contrary. It is pertinent, therefore, to inquire into the facts and circumstances which attended the voting by the members of the Board of Regents on the ad interim appointment of Dr. Blanco in order to determine whether or not such a construction would govern. The transcript of the proceedings in the meeting of July 9, 1970 show the following statements by the Regents who participated in the discussion.

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98.1. *Acquiescence of Abstention Vote of Regents Who Presented His/Her Explanation or Reasons.* – The Regent may and/or upon the direction by the Chair or Presiding Officer present his/her explanation or reasons from abstaining the voting which shall be the factual basis on the acquiescence of his/her abstention either on affirmative or negative vote as the Chair or Presiding Officer may consider when confronted to rule on the official and final outcome of the voting of any matter, item or resolution. *Provided*, that abstentions may be considered as presumptively affirmative votes only if there are no circumstances indicating the view of those abstaining to be otherwise.

98.2. *Non-counting of Abstention Vote.* – A vote of abstention shall not be counted as a vote of any Regent who opted to be silent and/or does not offer any explanation or reasons from abstaining on the matter voted on.

Section 99. ***Nominal Voting and Explanation of Vote.*** – Upon the direction of the Chair or Presiding Officer or proper motion of a Regent, duly approved by a majority vote of the Regents present, there being a quorum, nominal voting on any question may be called. In case of nominal voting, the University/Board Secretary shall call, in alphabetical order, the names of the Regents who shall state their vote as their names are called.

Provided, that during nominal voting, the vote made may be explained by the concerned Regent in not more than two (2) minutes. *Provided, further*, that an explanation of vote shall be allowed only after the announcement by the University/Board Secretary of the results of nominal voting thereon. *Provided, furthermore*, that no other motions shall be considered until after the votes, if any.

Section 100. ***Second Call on Nominal Voting.*** – A second call on nominal voting shall be made to allow Regents who did not vote during the first call to vote. Regents who fail to vote during the second call shall no longer be allowed to vote.

Section 101. ***Cancellation of the Action on Voting and Returning the Matter to Original Status; Non-Appearance of Deliberations in the Record of Proceedings.*** – Any action on voting of the EVSU Board may be cancelled and consequently the matter be returned to its original status and the deliberations

After the result of the voting was known the Board Chairman Secretary Corpuz, announced that "the vote is not a majority ... (and that) there is no ruling in the Code of the University on the counting of votes and the treatment of abstention.

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The votes of abstention, viewed in their setting, can in no way be construed as votes for confirmation of the appointment.

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All arguments on the legal question of how an abstention should be treated, all authorities cited in support of one or the other position, become academic and purposeless in the face of the fact that respondent Dr. Blanco was clearly not the choice of a majority of the members of the Board of Regents, as unequivocally demonstrated by the transcript of the proceedings. This fact cannot be ignored simply because the Chairman, in submitting the question to the actual vote, did not frame it as accurately as the preceding discussion called for, such that two of the Regents present (Silva and Kalaw) had to make some kind of clarification."

thereof shall not appear in the record of proceedings, upon the direction of the Chair and/or proper motion duly adopted by at least two-thirds (2/3) vote of the Regents present, there being a quorum, applying the doctrine in **Lopez, et al. v. Ericta, et al.**¹⁴⁶ of which the Supreme Court ruled:

“In any event, in the same meeting of July 9, 1970, before it adjourned, the Board of Regents resolved, without a vote of dissent, to cancel the action which had been taken, including the result of the voting, and "to return the case to its original status — to render the case subject to further thinking." In effect, as announced by the Chairman, "the Board has not acted on the confirmation either adversely or favorably, but that the *ad interim* appointment has terminated." Indeed the formal decision of the Board was that all deliberations on the matter should not appear in the record. And it cannot be seriously argued that the Board had no authority to do what it did: the meeting had not yet been adjourned, the subject of the deliberations had not yet been closed, and as in the case of any deliberative body the Board had the right to reconsider its action. No title to the office of Dean of the College of Education had yet vested in respondent Blanco at the time of such reconsideration.”

Section 102. **No Interruption During Voting.** – The voting shall not be interrupted by any other business or question. Regent availing of the floor or raising any item or matter shall automatically be declared out of order by the Chair or Presiding Officer.

Section 103. **Tie Vote.** – The following rules shall govern in case of tie vote is obtained in any particular item or matter:

- 103.1. In case the Chair or Presiding Officer manifested his/her desire not to take part in the voting, he/she shall be allowed to break a tie vote.
- 103.2. In case the Chair or Presiding Officer, as a composite member of the Board, participated in the voting, the matter having obtained a tie vote shall be submitted to another round of voting, but in no case the voting shall be more than three (3) times.
- 103.3. In reference to Sub-section 93.2 above, the item or matter having obtained a tie vote for the third round of voting shall be considered lost. *Provided*, that this shall not preclude the University President to include the matter or item in the next Board *en banc* meeting.
- 103.4. In reference to sub-Sections 93.2 and 93.3 above, the item or matter that obtains a tie vote cannot be submitted for approval by the Board via referendum.
- 103.5. In case of the re-appointment of the University President, a tie vote for the third (3rd) round or time shall be considered in favor to the re-appointment of the incumbent University President.

¹⁴⁶ G.R. No. L-32991, June 29, 1972.

103.6. A tie on an appeal from the ruling of the Chair or Presiding Officer sustains the decision of the Chair.

Section 104. **Recording of Results of Voting.** – The University/Board Secretary shall record or enter in the minutes of the meeting the affirmative and negative votes on any question or subject regardless of the manner of voting provided in the preceding Sections hereof.

Rule 21

APPEARANCE OF THE UNIVERSITY OFFICIALS AND RESOURCE PERSONS FROM GOVERNMENT AGENCIES AND PRIVATE ENTITIES

Section 105. **Appearance of the University Officials.** – At the discretion of the EVSU BOR or University President, other University Officials who are proponents or where an item or matter emanated, may require their appearance during the Board *en banc* meeting/session on official business.

Provided, that the Chair or any Regent may request the appearance of any University Officials during the Board *en banc* meeting/session or in the following meeting or session to shield light or enlighten the Regent or Board on any issue or points relative to any item or matter before the Board. *Provided, however,* that for purposes of economy, the Regent may be allowed to directly discuss the matter to any University official concerned of the issue or points he/she wants clarified of and any results thereof shall be submitted to the Board *en banc* for appropriate action.

Section 106. **Appearance of the Resource Persons from Government Agencies and Private Entities; Entitlements.** – The following guidelines shall be observed:

106.1. The Regional Directors of the CHED, DBM and CSC, Regional Office No. VIII or their respective authorized representatives shall serve as the automatic resource persons of the EVSU BOR who shall be entitled to honorarium per their actual attendance in the Board meeting/session including the Board Committees meetings, hearings or consultations. The accommodation and travelling expenses incurred by these resource persons shall be shouldered by the University subject to availability of funds, and usual accounting and auditing rules and regulations.

106.2. The resource persons coming from other government agencies and private entities may be invited by the University President and/or EVSU BOR and their accommodating and travelling expenses shall be at the account of the University subject to the availability of funds, and usual accounting and auditing rules and regulations.

Rule 22

AGENDA FOLDER AND ORDER OF BUSINESS

Section 107. **The Agenda Folder for Every Meeting or Session; Contents.** – Each Regent shall be provided with agenda folder for every meeting or session with the following contents, among others:

- 107.1. Order of Business as provided under Section 109 hereof; and
- 107.2. Completed Staff Work (chronologically arranged and properly labeled using tabbing letters or numbers according to the items in the Order of Business.

These contents shall properly be organized and bind (soft or ring bound) to facilitate the proper referencing of each Regent during the deliberations of the items or matters therein.

Section 108. **Submission to Each Regent of the Agenda Folder.** – The Board Secretary at least three (3) days prior to the holding of the meeting or session. Proof of notice and receipt thereof shall be produced by the Board Secretary and the same be manifested right after the roll call of members.

Section 109. **Order of Business of Board Meeting.** – The order of business for every board meeting shall contain the items as described below:

- 109.1. *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. After calling the Board to order, the National Anthem may be sung, as the Chairperson or Presiding Officer may determine.
- 109.2. *Prayer* – may be performed by any Regent assigned by the University President or through silent act.
- 109.3. *Roll Call of Regents by the Board Secretary* – nominal checking by the Board Secretary on the presence of each Regent.
- 109.4. *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.
- 109.5. *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.
- 109.6. *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.

- 109.7. *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.

- 109.8. *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. Please refer to **Annex H**.

- 109.9. *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 as provided under Rule 24 hereof.

109.9.1. Human Resource

109.9.2. Student Welfare and Services

109.9.3. Administration and Finance

109.9.4. Procurement and Infrastructure

109.9.5. Instruction/Academic Services

109.9.6. Research Services

109.9.7. Extension Services

109.9.8. Production Services

109.9.9. External Affairs and Alumni Matters

109.9.10. Additional Matters

- 109.10. *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.
- 109.11. *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. Please refer to **Annex O** and **Annex P**, as the case may be.
- 109.12. *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.
- 109.13. *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.

Rule 23

DUTIES AND RESPONSIBILITIES OF THE UNIVERSITY PRESIDENT, BOARD SECRETARY AND CHAIRPERSON OF THE BOARD COMMITTEES BEFORE, DURING AND AFTER THE MEETINGS OR SESSIONS

Section 110. ***Before the Board or Committee Meeting/Sessions.*** – The following guidelines shall be strictly observed:

110.1. The *University President* shall:

- 110.1.1. Attest to the Notice of Meeting prepared by the Board Secretary;
- 110.1.2. Decide on the items or matters to be included in the Calendar of Business and determines of what action/s desired from the Board for every item therein;
- 110.1.3. Ensure that the proponent of every item in the calendar of business has submitted the Completed Staff Work (CSW) and required documents;
- 110.1.4. Invite resource persons deemed necessary to facilitate the clarifications or enlightenments that any Regent may raise during the deliberations;
- 110.1.5. Conduct Pre-Board meeting to solicit comments, inputs or issues that every Regent may possibly raise during the board meeting; and
- 110.1.6. Discharge such other duties as may be deemed necessary.

110.2. The *Chairpersons of the Board Committees* shall:

- 110.2.1. Issues Notice of Meeting and submit to the University President for issuance of to ensure wide dissemination to and participation of all concerned;
- 110.2.2. Decide on the items or matters to be included in the Calendar of Business;
- 110.2.3. Ensure that the proponent of every item in the calendar of business has submitted the Completed Staff Work (CSW) and required documents;
- 110.2.4. Invite resource persons deemed necessary to facilitate the clarifications or enlightenments that any Regent may raise during the deliberations;
- 110.2.5. Conduct Pre-Board meeting to solicit comments, inputs or issues that every Regent may possibly raise during the board meeting; and
- 110.2.6. Discharge related duties as may be necessary.

110.3. The *Board Secretary* shall:

- 110.3.1. Prepare the notices of meetings and send the same to all Regents within twenty-four (24) hours after duly attested to by the University President and at least three (3) days prior to the holding of the Board meetings or sessions;
- 110.3.2. Coordinate with the University President regarding the items or matters to be included in the Calendar of Business and prepares the agenda folder of every Board meeting or session and send the same to the Regents the at least three (3) days prior to the holding of the Board meetings or sessions;
- 110.3.3. Assist the Board Committees, and offices or departments through their officials or staff of the University in the preparation of the CSW and ensures that the expected data and attachments are readily available for the discussion and disposal of the EVSU Board;
- 110.3.4. Arrange the venue and other technical requirements of every Board meeting or sessions;
- 110.3.5. Make sure the availability of the gavel and prescribed uniforms of the Regents;
- 110.3.6. Arrange the accommodation, meals and honorarium of the Regents and resource persons, if there is any, during Board

meetings or sessions and such official functions of the Board and of the University; and

- 110.3.7. Discharge such other duties as the University President and/or Chairpersons of Board Committees may direct or request from time to time.

Section 111. ***During the Board or Committee Meeting/Sessions.*** – The following guidelines shall be strictly observed:

111.1. The *University President* shall:

- 111.1.1. Initiate the presentation, and justifies or clarifies every item or matter in the calendar of business;
- 111.1.2. Assist the Board Committee Chairpersons in depending Committee Reports and such matters referred to by the EVSU BOR;
- 111.1.3. Inform the EVSU BOR and secures its permission for the attendance and participation of resource person/s;
- 111.1.4. Assist the Chairperson or Presiding Officer in the execution of parliamentary rules, proper decorum and other applicable policies duly approved by the EVSU BOR; and
- 111.1.5. Discharge such other duties as the EVSU BOR and/or Chairpersons of Board Committees may direct or request from time to time.

111.2. The *Chairpersons of the Board Committees* shall:

- 111.2.1. Present and defend Committee Reports and such matters referred to by the EVSU BOR and/or University President;
- 111.2.2. Assist the University President in securing the desired final action by the EVSU BOR of every subject, matter, item or proposal referred to and/or under their respective assignments; and
- 111.2.3. Discharge such other duties as the EVSU BOR and/or Chairpersons of Board Committees may direct or request from time to time.

111.3. The *Board Secretary* shall:

- 111.3.1. Assist the Chairperson or Presiding Officer or University President in the proper reference of every item or matter under the calendar of business;

- 111.3.2. Record the actual deliberations or interactions during Board meetings or sessions and such official functions of the EVSU BOR;
- 111.3.3. Prepare draft Resolutions and such other final actions arrived or achieved during Board meetings or sessions or such official functions of the EVSU BOR;
- 111.3.4. Prepare the minutes or proceedings of every Board meeting or session or such official functions of the EVSU BOR; and
- 111.3.5. Discharge such other duties as the University President and/or Chairpersons of Board Committees may direct or request from time to time.

Section 112. **After the Board or Committee Meeting/Sessions.** – The following guidelines shall be strictly observed:

112.1. The *University President* shall:

- 112.1.1. Attests and signs in all Board actions which shall be in the form of Board Resolutions embodied under excerpts from the Board Meeting;
- 112.1.2. Executes and disseminates the Board Resolutions to all concerned within three (3) days upon submission by the University/Board Secretary;
- 112.1.3. Informs the EVSU BOR and secures its permission for any Board action/s affected by the subsequent issuances by any government agencies hence, might require suspension or deferment; and
- 112.1.4. Discharge such other duties as the EVSU BOR and/or Chairpersons of Board Committees may direct or request from time to time.

112.2. The *Chairpersons of the Board Committees* shall:

- 112.2.1. Evaluate and make sure that the Board Resolutions reflect the actual and true action taken by the Board;
- 112.2.2. Attest and sign in the Board Resolutions under his/her jurisdiction, whether as primary or secondary Committee; and
- 112.2.3. Discharge such other duties as the EVSU BOR and/or Chairpersons of Board Committees may direct or request from time to time.

112.3. The *Board Secretary* shall:

- 112.3.1. Within seven (7) days after the Board *en banc* meeting, prepare the minutes of every meeting and the excerpts or Board Resolutions thereof. The minutes of every meeting shall be submitted to the Chairperson or Presiding Officer of the EVSU BOR for his/her attestation in the immediate proceeding meeting/session;
- 112.3.2. Confer with the University President and Board Committee Chairperson/s concerned to make sure that the Board Resolutions reflect the actual and true action by the Board and that these shall be compliant to the style and substances required by the EVSU BOR;
- 112.3.3. Certify and signs in all excerpts of the minutes of meetings and Board Resolutions;
- 112.3.4. Within three (3) days upon signing by the University President, post the excerpts or Board Resolutions in the Transparency and Freedom of Information Bulleting Board of the Office of the University President and of the Office of the University/Board Secretary including in the various Colleges and Campuses. *Provided*, that those matters or Resolution declared as confidential by the EVSU BOR shall not be posted without explicit authority by the EVSU BOR; and
- 112.3.5. Discharge such other duties as the University President and/or Chairpersons of Board Committees may direct or request from time to time.

Rule 24
BOARD ACTIONS

Section 113. **Classifications and Effects or Implications of the Actions of the Board.** – The actions of the EVSU Board Regents arrived at during a meeting *en banc* or via referendum, having been obtained at least a majority vote or unanimous of those present and/or participated in the decision making, as the case may be, in the exercise of the powers and duties of the EVSU Board of Regents, shall be classified with the effects or implications, as follows:

Classifications	Effects or Implications
1. "APPROVED"	The subject matter or item or proposal or motion has been approved as presented in the agenda. The data and documents or attachments as indicated in the CSW have been found out to be compliant to the requirements as attached in the agenda. The approved resolution can be implemented or executed immediately based on the effectivity as indicated in the proposal

	and/or motion approving thereof.
2. "APPROVED IN PRINCIPLE" "CONDITIONALLY APPROVED"	The subject matter or item or proposal or motion has been approved with conditions as presented in the agenda. The data and documents or attachments as indicated in the CSW have been found out to be compliant to the requirements as attached in the agenda.
3. "DEFERRED" OR "HELD IN ABEYANCE"	The subject matter or item or proposal or motion has been discussed and final action thereof will be made at the latter date until the requirements and conditions identified or imposed by the EVSU BOR are properly accomplished or achieved.
4. "DISAPPROVED"	The subject matter or item or proposal or motion obtains no favorable or positive action by the EVSU BOR for being ultra vires and/or such reason/s or ground/s that the EVSU BOR may consider.
5. "NOTED"	The subject matter or item or proposal or motion as discussed is just for the information by the EVSU BOR. However, this doesn't preclude the EVSU BOR to re-classify or upgrade requiring other action in the next Board meeting or session.
6. "REFERRED TO" OR "REMANDED TO"	The subject matter or item or proposal or motion as discussed requires further study by subordinate body/ies e.g. Board Committees, Academic Council, Administrative Council, University President and such other offices or officials of the University and other government agencies concerned. The action of the body/ies to which the subject matter or item or proposal or motion is referred shall be to gather facts, legal bases, issues and alternative solutions for the EVSU BOR to consider.
7. "DISCUSSED WITHOUT ACTION"	The subject matter or item or proposal or motion is not within the jurisdiction of the EVSU BOR, whether primary or concurrent with any government agency/ies which require no further action by the EVSU BOR.

Provided, that the University/Board Secretary shall clearly indicate the "actual and true" action by the EVSU BOR in the appropriate excerpts or Board Resolution/s.

Section 114. **Board Decision or Action Process.** – The decision or action process of the EVSU Board of Regents shall be in accordance with **Annex Q** and **Annex R**, as the case may be, which are made integral parts hereof. *Provided*, that deviation/s of the said process may be allowed as the EVSU BOR may authorize subject to the recommendation by the University President and/or Board Committee concerned with the end view of ensuring transparency, accountability

and efficiency, effectiveness and higher performance in the discharge of the duties, powers and functions of the EVSU BOR.

Section 115. **Rectification, Modification or Amendment or Revision of Board Actions.** – Unless otherwise provided under existing laws and jurisprudence, any action/s by the EVSU BOR *en banc* may be rectified, modified or amended or revised, through a motion for reconsideration by any Regent who voted in favor, in the next immediate proceeding Board meeting or session, but a majority vote of the Regents present, there being a quorum.

Provided, that should the action by the EVSU BOR amounts to ultra vires act/s or imminent violations of existing laws, rules and regulations, the University President shall, upon consultation what the appropriate Board Committee/s, defer implementation thereof through referendum. The said subject matter or item or proposal shall be included in the calendar of business in the next immediate proceeding Board *en banc* meeting or session.

Rule 25 **MINUTES AND RESOLUTION**

Section 116. **Minutes and Resolution Distinguished.** – The distinction between the minutes and resolution shall be as follows:

116.1. *Minutes of Meetings.* – Minutes of a meeting contains the summary of the deliberations and interactions among Regents in every meeting/session. The discussion of a specific item or matter shall be embodied under the “excerpts of the meeting.” Further, the minutes also integrate with it the Board Resolution on the subject matter or item.

116.2. A Resolution is a declaration of the sentiment or opinion of the EVSU BOR¹⁴⁷ or a formal expression of the opinion or will of the EVSU BOR, adopted by a vote¹⁴⁸. The types and Format of a Board Resolution as Form of Board Action shall be as follows:

116.2.1. “*Board Resolution*”. – shall contain or reflect the board action/s achieved during Board Meeting *En Banc* (BMEC) based on the items calendared in the Order of Business of the Agenda Folder.

116.2.2. “*Minute*” *Board Resolution*. – shall contain the Board action or decision achieved during Board Meeting *En Banc* (BMEC) arising from any item calendared in the Order Business

¹⁴⁷ **Municipality of Parañaque v. V.M. Realty Corporation**, G.R. No. 127820 July 20, 1998, citing *Mascuñana vs. Provincial Board of Negros Occidental*, 79 SCRA 399, 405, October 18, 1977. The Court defined, “Resolution as xxxxx declaration of the sentiment or opinion of a lawmaking body on a specific matter.”

¹⁴⁸ Blacks’ Law Dictionary (Revised Fourth Edition, 1971) defines Resolution as “a formal expression of the opinion or will of an official body or a public assembly, adopted by a vote.”

that shall be treated as separate or distinct thereof and issued for the prompt of the actions of the EVSU BOR¹⁴⁹.

- 116.2.3. *Board "Referendum" Resolution.* – shall contain the board action/s or decision/s undertaken via referendum as provided under Section 67 hereof.

Section 117. ***Preparation, Promulgation, Certification or Attestation of the Minutes of Meetings and Board Resolutions.*** – The following guidelines shall be observed:

- 117.1. *On Minutes of Every Meeting.* – The University/Board Secretary shall be directly and actually responsible in the preparation of the minutes of every meeting. The minutes shall be submitted to the Chairperson or Presiding Officer of the EVSU BOR for his/her final review after proper consultation with the University President and Board Committee/s Chairperson/s concerned. The minutes of every meeting shall be adopted by a majority vote of the Regents present in the immediate proceeding meeting/session and thereafter, if so adopted, the Chairperson or Presiding Officer shall attest and sign therein.

Excerpts from the minutes of meetings shall be prepared by the University/Board Secretary and the same be attested to by the University President and the Board Committee/s Chairperson/s concerned.

- 117.2. *On Board Resolution.* – As a general rule, all Board Resolutions shall be promulgated as evidenced by the signature of at least a majority of the Regents present during the deliberations thereof. The decision whether or not the actual signing of the Regents in the Board Resolution shall be recommended by the Board Committee Chairperson concerned.

If the Board Resolution is integrated in the excerpts of the minutes of meeting, the actual signing of the Regent/s shall not be necessary, having been attested to be attested to by the University President and the Board Committee/s Chairperson/s concerned and certified correct by the University/Board Secretary.

Provided, that Board Resolutions relative to selection or appointment of the University President, and Private Sector Representatives, Annual and Supplemental Budgets, policies such as, the University Code and Services Manuals and decisions on disciplinary cases against any Regent shall be promulgated and signed by the Regents and be promulgated based on the required votes needed.

¹⁴⁹ **Jandy J. Agoy v. Araneta Center, Inc.,** G.R. No. 196358, March 21, 2012.

Section 118. **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 119. **Execution or Implementation of Board Actions.** – Acting the Chief Executive Officer, the University President shall be responsible for the proper, immediate, efficient and effective implementation of all actions by the EVSU BOR. In no case the University President shall defer or stay the execution or implementation of any Board action/s unless proper authorization from the EVSU BOR is sought either through Board *en banc* or referendum.

Rule 26

COMPLETED STAFF WORK (CSW) AND ADMINISTRATIVE STAFF COMPLEMENT FOR THE EVSU BOARD OF REGENTS

Section 120. **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.

Section 121. **Effects of Deficiency of Data and Attachments to the CSW.** – Deficiency of data and attachment/s in the CSW for any and/or items,

matters or proposals in the calendar of business shall warrant immediate deferment or holding any action in abeyance thereof.

Section 122. **Schedule of Submission of the CSW.** – The CSW of every subject, matter or item or proposal shall be submitted to the University/Board Secretary at least ten (10) calendar days prior to the actual schedule of the EVSU BOR.

Section 123. **Administrative Staff Complement.** – The Office of the Board Secretary shall be provided with adequate, skilled and qualified administrative staff subject to applicable laws, rules and regulations.

Article 27 **SIGNING AUTHORITY**

Section 124. **Signing Authority of the University President.** – Unless as expressly provided in this 2017 Internal Rules of Procedure of EVSU BOR Manual, 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 125. **Signing Authorities of the Minutes or Excerpts Thereof, and Board Resolutions.** – The signing authorities of the minutes or excerpts thereof and the Board Resolutions shall be those provided under Section 107 and Section 108, Rule 27 hereof.

Rule 28 **DECORUM AND DEBATE**

Section 126. **Manner of Addressing the Chair or Presiding Officer.** – When any Regent desires to speak or deliver any matter to the Board, such Regent shall raise his/her and respectfully address the Chair or Presiding Officer as "Mister Chair or Presiding Officer" or "Madame Chair or Presiding Officer", as the case may be.

Section 127. **Recognition of Member.** – The Chair or Presiding Officer shall recognize a Regent who wishes to speak. When two (2) or more Regents raise their

hands as the same time, the Chair or Presiding Officer shall recognize who shall speak first. Those were not recognized shall wait for their respective time when the Chair or Presiding Officer allows them to speak.

Section 128. **Time Limit.** – A Regent shall not be allowed to speak for more than three (3) minutes in debate on any question. No Regent shall speak more than once on the same question without leave of the Board, unless the Regent is the proponent of the motion or has introduced the question or matter pending, in which case the Regent shall be permitted to speak in reply, but not until every Regent who chooses to speak on the pending question or matter shall have spoken.

Section 129. **Sponsor to Open and Close Debate.** – The Regent, e.g., the University President or Board Committee Chair, sponsoring a measure shall open and close the debate. In no case the debate on a particular matter shall be beyond fifteen (15) minutes, otherwise, the same shall be effectively deferred, unless all issues thereof are properly discussed or the Board decides to terminate debate and proceed with the voting with a majority vote of Regents present in favor of the same.

Section 130. **Decorum.** – A Regent who has the floor shall speak only on the question under debate, avoid personalities in all cases and refrain from indecorous words or acts. The Chair may, *motu proprio*, or as the Board may direct, declare statements, remarks or words unparliamentary, and order that these be stricken off the record. A Regent who calls to order another Regent for words spoken in debate, shall indicate the words objected to. The University/Board Secretary shall note and read such words that every Regent present can hear. However, the Regent who is called to order shall not be held to answer nor be subject to censure by the Board if further debate or other business intervenes.

Section 131. **Conduct and Attire During Board Meetings/Sessions, Board Committee Meetings/Hearings, and Official Functions.** – The following guidelines shall strictly be observed:

131.1. *During Board Meetings/Sessions and Official Functions.* – There shall be a prescribed uniform during Board Meetings/Sessions as hereunder provided:

131.1.1. Robe or black *toga* properly designed shall be worn during the following meetings/sessions and official functions:

1. Selection of the University President;
2. Investiture or installation of the University President, whether first term, second term (re-appointment) or extension of the term of office;
3. First quarter and last quarter Board meetings or sessions for every Fiscal Year (FY);

4. Administering of the oath of office of any of the Regents of the Board of Regents;
5. Graduation rites or commencement exercises;
6. Ceremonial Conferment of *Honoris Causa* Degrees;
7. Foundation or Charter Days; and
8. Such other official functions as the Board may determine from time to time.

131.1.2. Coat with or without *tie* or *barong* Filipino, or business attire shall be worn in any Board meeting or session after the first quarterly and before the last quarter board meetings.

131.2. *During Board Committee Meetings, Hearings or Consultations.* – Board Committee Chairpersons, Vice Chairpersons or Members shall wear the black toga or coat or business attire during Board Committee meetings, or hearings on consultations. However, Regents who wishes to attend Board Committee meetings, or hearings or consultations who are not part of the Board Committee conducting the same may wear business attire.

131.3. *Design, Procurement, Custody and Disposal of Prescribed Uniforms.* – The duly constituted University Events Committee shall assist in the preparation and procurement of the prescribed uniforms of the Regents subject to applicable laws, rules and regulations.

The University/Board Secretary shall be the custodian of the uniforms which shall be properly kept and maintained. Replacement of the uniforms shall be upon request by the Regent concerned.

All expenses necessary for the procurement and custody of the uniforms shall be charged against income and/or appropriate funds of the University subject to usual accounting and auditing rules and regulations.

The uniform may be bestowed to the Regent concerned as a sign of appreciation of his/her services rendered to the Board and of the University subject to applicable laws, rules and regulations.

131.4. *Penalty of Not Wearing Proper Attire.* – Regents who are not in proper attire shall not be entitled to an honorarium, *provided*, that they shall be allowed to participate the deliberations and enjoy reimbursement to travelling expenses.

131.5. *Proper Decorum.* – Regents shall observe proper decorum in all Board meetings or sessions, Board Committee meetings or hearings or consultations, and official functions of the Board and of the University.

131.6. *Use of Cellular Phones and Electronic Devices.* – Cellular phones and other similar electronic devices shall be put in silent mode so as not to disrupt the proceedings.

131.7. *Availment of Personal Necessities.* – Any Regent may avail of personal necessities, e.g. taking calls, emergency matter of personal in nature and other similar events, without necessarily disrupting the discussions of the Board. *Provided*, that no request shall be allowed to repeat the discussion or voting by any Regent due to his/her failure to participate the same on the ground of his/her personal necessities.

Section 132. ***Smoking Prohibited.*** – Smoking is prohibited inside the venue of the Board meeting or session, or Board Committee meetings, hearings or consultations. Violation of this Rule shall be a ground for indirect contempt and applicable administration offense and appropriate penalty/ies be imposed after proper proceedings and due process.

Rule 29

MOTIONS AND THEIR PRECEDENCE

Section 133. ***Recording of Motions.*** – Every motion shall be entered in the minutes or proceedings with the name of the Regent making it unless it is withdrawn on the same day.

Section 134. ***Reading and Withdrawal of Motions.*** – The Chair or Presiding Officer shall state the motion or, if in writing, shall direct the University/Board Secretary to read the motion before being debated upon. A motion may be withdrawn any time before it is put to a vote.

Section 135. ***Precedence of Motions.*** – When a question is before the body, the following motions shall be entertained and, subject to pertinent provisions hereof, shall take precedence in the following order:

- First - Motion to Adjourn;
- Second - Motion to Raise a Point of Order;
- Third - Motion to Raise a Question of Privilege;
- Fourth - Motion to Declare a Recess;
- Fifth - Motion for Reconsideration;
- Sixth - Motion to Lay on the Table;
- Eighth - Motion to Refer or to Re-Refer;
- Ninth - Motion to Amend; and
- Tenth - Motion to Postpone Indefinitely.

Provided, that the first seven (7) motions shall be decided without debate, while the last three (3) motions shall be decided subject to the three-minute rule.

Section 136. ***Prohibition of Riders.*** – A motion on a subject matter that is different from that under consideration shall not be allowed under the guide of amendment.

Section 137. **One Motion for One Subject Matter.** – A motion shall cover only one (1) subject matter unless approval or disposition of two (2) or more subject matters or items are made on omnibus motion as provided in Section 112 hereof.

Section 138. **Omnibus Motion.** – Any Regent may initiate an omnibus motion, on his/her judgment, that two (2) or more subject matters or items in the calendar of business have complied all the requirements and after proper endorsement by the Board Committee/s concerned and of the University President.

Section 139. **Point of Order.** – A Point of Order is privileged question that raises a violation of the Rules in relation to the matter under discussion on the table. A motion to read any part of the Rules is equivalent to a Point of Order and takes precedence over any motion other than a motion to adjourn.

Section 140. **Questions of Privilege.** – Questions of privilege are urgent matters directly and principally affecting the duties, conduct, rights, privileges, dignity, integrity or reputation of the University or Board or its Members individually or collectively. Subject to the five (5)-minute rule, every Regent has the right to raise a question of personal or collective privilege. However, prior to availing of this right, a Regent shall seek the permission of the Chair which shall, in turn, allow the Regent to proceed upon a determination that the request is in order.

The Chair or Presiding Officer shall declare out of order a Regent who, having previously raised on a question of personal and collective privilege on the same subject matter. The Chair or Presiding Officer shall also declare out of order a Regent who rises on a question of personal or collective privilege to speak on concerns that are principally and directly related to the subject matter of measures pending in any Board Committee or in the Board *en banc*.

Section 141. **Reconsideration.** – When a measure, report or motion is approved, adopted or lost, a Regent who voted with the majority may move for its reconsideration on the same or succeeding Board meeting or session. Only one (1) motion for reconsideration shall be allowed. The motion for reconsideration shall take precedence over all other questions, except a motion to adjourn, a point of order, a question of privilege, and a motion to declare a recess. A resolution or petition recommitted to a Board Committee or ordered to be printed shall not be brought back to the Board on a motion to reconsider.

Section 145. **Amendments.** – When a matter is under consideration, a motion to amend and a further motion to amend the amendatory motion shall be in order. When an amendment is rejected by the proponent of the original motion, the proponent of the amendment may appeal to the body. The proponent of the original motion and the proponent of the amendment may explain their positions, on appeal, subject to the three-minute rule. It shall also be in order to move for amendment by substitution of a specific provision, but said motion shall not be voted upon until the text of the original measure is perfected.

A motion by the University President and/or Board Committee Chairperson to amend by substitution of the entire resolution or proposal shall precede consideration of individual amendments to the resolution or proposal under consideration.

Any amendment may be withdrawn any time before a vote is taken thereon.

Section 146. **Amendment of Title.** – Amendment/s to the title of the resolution or proposal shall be in order only after amendment/s to the text thereof have been completed. Amendment/s to the title shall be decided without debate.

Section 147. **Motion to Strike and Insert.** – A motion to strike and insert is indivisible. The loss of a pure motion to strike shall not preclude an amendment or a motion to strike and insert.

Section 148. **Motion to Postpone.** – After a motion to postpone to any day certain or to postpone indefinitely is lost, such motion shall not again be allowed on the same meeting or session.

Section 149. **Vote on Paper Objected To.** – A vote shall be taken without debate on a motion to read a paper other than that which the Board is called to vote upon.

Section 150. **Appeal from Ruling of the Chair.** – Any Regent may appeal from the ruling of the Chair and may be recognized by the Chair, even though another Regent has the floor. No appeal is in order when another appeal is pending. The Regent making the appeal shall state the reasons for the appeal subject to the three-minute rule. The Chair shall state the reasons for the ruling and forthwith submit the question to the body. An appeal cannot be amended and shall yield only to a motion to adjourn, to a point of order, to a question of personal privilege or to recess. A majority vote of the Regents present and voting, there being a quorum, shall decide any appeal. In case of a tie vote, the appeal is lost. If an appeal is laid on the table, the ruling of the Chair remains in effect.

Section 151. **Recording of Motions.** – Every motion and the name of the proponent thereof shall be entered in the minutes unless the motion is withdrawn on the same meeting or session day.

Rule 30

SUSPENSION OF THE RULES

Section 152. **Authority to Move.** – Any Regent present can move for the suspension of the rules.

Section 153. **Vote Requirement.** – A vote of two-thirds (2/3) of the Regents present, there being a quorum, is required to suspend any rule.

Section 154. **Interruption of Motion.** – When a motion to suspend the rules is pending, one (1) motion to adjourn may be entertained. If the latter is lost, no similar motion shall be entertained until the vote is taken on the motion to suspend the rules.

Section 155. **Debate; Effect of Suspension.** – A motion to suspend the rules for the passage of a measure may be debated on for maximum of ten (10) minutes, which shall be divided equally between those in favor and those against.

The Board shall proceed to consider the measure after voting to suspend the rules. A two-thirds (2/3) vote of the Regents present, there being a quorum, shall be necessary for the passage of said measure.

Rule 31

PARLIAMENTARY RULES OF PROCEDURES

Section 156. **Hierarchy of the Sources of Parliamentary Rules.** – The sources of parliamentary rules according to order of hierarchy are as follows:

- 156.1. Constitution;
- 156.2. Law
- 156.3. Judicial decisions of the Supreme Court;
- 156.4. Internal Rules of Procedure;
- 156.5. Parliamentary Practice;
- 156.6. Parliamentary Authors; and
- 156.7. Customs and Usage.

Section 157. **Suppletory Rules.** – Should these Rules of the Board be inadequate to resolve and dispose of questions of parliamentary procedures, the Robert's Rule of Procedures be sorted to.

Rule 32

SEAL, MACE, GAVEL AND COLORS

Section 158. **Seal.** – The seal of the University shall be in accordance with the design, form, and style as prescribed below:

- 158.1. 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.
- 158.2. 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.

- 158.3. 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.
- 158.4. 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.*
- 158.5. 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 159. **Mace.** – The University shall have a University Mace in such design and form as the EVSU BOR may determine upon recommendation by the University President.

The mace shall be displayed in all official functions of the Board and of the University as provided herein.

Section 160. **Gavel.** – There shall be a gavel¹⁵⁰ of the Board which shall be used during Board *en banc* meetings or sessions, Board Committee meetings or hearings and consultations and such official functions as the EVSU BOR may deem it proper and necessary.

As a symbol of an authority, the use or tapping of a gavel by the Chairperson or Presiding Officer shall mean or imply as follows:

¹⁵⁰ Per Wikipedia, <https://en.wikipedia.org/wiki/Gavel>:

"A **gavel** is a small ceremonial mallet commonly made of hardwood, typically fashioned with a handle and often struck against a *sound block*, a striking surface typically also made of hardwood, to enhance its sounding qualities.

It is a symbol of the authority and right to act officially in the capacity of a chair or presiding officer.^[1] The expression *passing the gavels* signifies an orderly succession from one chair to another.

A gavel is used to call for attention or to punctuate rulings and proclamations."

Number of Taps	Meaning/Implications
Three (3) Taps	Signals the formal call to order or opening of the meeting/session/hearing or official function of Board <i>en banc</i> or Board Committee. All persons within the venue shall keep silent and direct their attention to the Chairperson or Presiding Officer and shall rise in unison on the last tap when so directed. This is also used to signify the adjournment or closing of the a meeting/session/hearing or official function of the Board <i>en banc</i> or Board Committee.
Two (2) Taps	Means calling the meeting room to order. This is resorted to if there is unreasonable noise or imminent shouting among Regents or persons within the meeting room.
One (1) Tap	Signifies that a ruling has been made by the Chairperson or Presiding and/or an action of the Board <i>en banc</i> has been reached, unless appealed and disposed of properly, such ruling or decision or proclamation shall become final action of the Board <i>en banc</i> .
A Series of Sharp Taps	Reflects the desire of the Chairperson or Presiding Officer to restore order among Regents or in the meeting room.

Provided, that any act/s displayed or consummated by any person after tapping of the gavel that will disrupt or disturb or damage the integrity of the EVSU BOR shall constitute contemptuous act/s and be dealt with accordingly.

Section 161. **Colors.** – The basic colors of the University shall be maroon, white, green and gold as briefly described below:

161.1. *Maroon* represents energy, fervor, passion, and zeal for excellence.

161.2. *White* represents life, purity, and truth.

161.3. *Green* represents productivity and the promotion of sustainable development of the Eastern Visayas region.

161.4. *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.

Rule 33

TERMINAL OR RETIREMENT PLAN FOR THE REGENTS

Section 162. ***Declaration of Policies.*** – The following shall strictly be observed:

- 162.1. *Retirement Age and Benefits.* – The retirement age and benefits of the Regents of the EVSU BOR shall be subject to applicable laws, rules and regulations.
- 162.2. *Formulation of the Special Rules on Pension and Retirement of the University Regents.* – Section 36 of Batas Pambansa Blg. 68 mandates and authorizes the Board of Directors/Trustees of a corporation “to establish pension, retirement, and other plans for the benefit of its directors, trustees, officers and employees.” This corporate power and capacity has been integrated to the powers and duties of the EVSU BOR pursuant to Section 4 of Republic Act No. 8292 and Section 7 of Republic Act No. 9311.

The EVSU BOR shall promulgate special rules on pension and retirement of the Regents subject to the approval by the CSC and DBM. For this purpose, Ad Hoc Committee on Pension and Retirement of the Regents is hereby constituted with the following composition:

- a. Chairperson of the Board Committee on Draft Writing and Review of Policies and Rules (PWRPR) Committee, as *Chairperson*;
- b. University Vice President, as *Vice Chairperson*; and
- c. Chairpersons of the Board Committees created under this Manual, Vice President for Administration and Finance and Director for Finance Services of the University, as *Members*.

The University/Board Secretary shall serve as the Secretary of the Ad Hoc Committee.

The Ad Hoc Committee Chairperson, Vice Chairperson, Members and Secretary shall be entitled to honorarium and other entitlements as provided under Rule 8 hereof.

The Ad Hoc Committee shall prepare the draft of the rules and conduct consultations with the appropriate government agencies. The draft rules shall be submitted to the EVSU BOR for adoption and to the CSC and DBM for their concurrence.

The Ad Hoc Committee shall conduct its first organizational meeting within fifteen (15) days upon approval of this Manual and shall conduct periodic meetings as its Chairperson or at least three (3) members may request. The Chairperson, Vice Chairperson, Members and Secretary shall serve in such capacity until the desired Rules on Pension and Retirement of the University Regents are duly adopted by the EVSU BOR and implemented. However, their term office may be extended at the discretion of the EVSU BOR, by a majority vote, there being a quorum. They shall be entitled to the honorarium and such entitlements as provided for under the pertinent provisions of the 2017 Revised University Code and in this Manual.

Section 163. ***Adoption of the Salamat-Paalam Program and Send-off Token to Retiring Regents and Board Secretary of the University.*** – 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 Regents and Board Secretary 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, 1998¹⁵¹, subject to the following mechanisms¹⁵²:

- 163.1. *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 Regents of the University who is retiring or ending his/her term of office. 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.

- 163.2. *Mandatory Holding of a “SALAMAT-PAALAM” Program.* – “The “SALAMAT-PAALAM” Program is a simple but meaningful ceremony held in honor of the Regents of the University who is retiring or ending his/her term of office, 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

¹⁵¹ Adoption of “SALAMAT-PAALAM” Program in Honor of Retiring Officials and Employees in the Civil Service.”

¹⁵² 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.”

may be deemed proper by the EVSU BOR. The University shall, likewise ensure that the Regents of the University who is retiring or ending his/her term of office are issued their retirement benefits under the "Maginhawang Pagreretiro Program" during the Ceremony or on the date of their retirement, as may be applicable.

- 163.3. *Send-off Token.* – Each Regent and Board Secretary of the University, who is retiring or whose term of office has been completed or ended, shall be entitled to a 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.
- 163.4. *Indexation to the Inflation of the Send-Off Token.* – The send-off token prescribed under sub-section 163.3 hereof shall be indexed to 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, 2017¹⁵³.
- 163.5. *Creation, Composition, Duties, Terms of Office, Hold Over and Meetings of the Committee on Salamat-Paalam Program and Send-off Token (CSPPSTK) for Regents 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. Chairperson of the Board Committee on Draft Writing and Review of Policies and Rules (PWRPR) Committee, as *Chairperson*;
 - b. University Vice President, as *Vice Chairperson*; and
 - c. Chairpersons of the Board Committees created under this Manual, Vice President for Administration and Finance and Director for Finance Services of the University, as *Members*.

The University/Board Secretary shall serve as the Secretary of the CSPPSTK for the Regents of the University.

¹⁵³ "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."

2. *Duties.* – The duly constituted Committee on Salamat-Paalam Program and Send-off Token (CSPPSTK) for the Regents 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 Regents of the University the Regents of the University who is retiring or whose term of office has been completed or ended. *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 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.

Rule 34

GRIEVANCE MACHINERY OF THE BOARD

Section 164. **Basic Features.** – The Board shall conform to the guidelines set forth under CSC MC No. 02, s. 2001 dated January 26, 2001¹⁵⁴ 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

¹⁵⁴ "Revised Policies on the Settlement of Grievances in the Public Sector."

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 165. **Basic Policies.** – The Board 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 166. **Composition, and Duties and Functions of the Grievance Committee of the University.** – The Board shall constitute a Board Committee on Grievance Machinery hereinafter referred to as the BCGM subject to the following guidelines:

- 166.1. **Composition.** – The Board Committee on Grievance Machinery shall be composed of a Chairperson, a Vice Chairperson and a Member designated by the Chairperson of the EVSU BOR upon the recommendation by the University President.
- 166.2. **Duties and Functions.** – The duties and functions of the Board Committee on Grievance Machinery shall be determined by the University President and/or under the Grievance Machinery Manual consistent with applicable CSC rules and regulations in so far as approved by the EVSU Board of Regents. The Grievance Committee shall establish its own internal procedures and strategies.
- 166.3. **Entitlements.** – The Board Committee on Grievance Machinery Chairperson, Vice Chairperson, Members and Secretary shall be entitled to honorarium and other entitlements as provided under Rule 8 hereof

Section 167. **Coverage.** – The following instances shall be acted upon through the grievance machinery submitted by any Regent:

- 167.1. 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;
- 167.2. 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;
- 167.3. Poor interpersonal relationships and linkages such as unreasonable refusal to give official information by one employee to another;
 - 167.4. 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;
 - 167.5. Protest on appointments; and
 - 167.6. All other matters giving rise to employee dissatisfaction and discontentment outside of those cases enumerated above.

Section 168. **Exclusion.** – The following cases shall not be acted upon through the grievance machinery:

- 168.1. Disciplinary cases which shall be resolved pursuant to the uniform rules on administrative cases;
- 168.2. Sexual harassment cases as provided for in R. A. No. 7877; and
- 168.3. Union-related issues and concerns.

Rule 35

CODE OF CONDUCT AND ETHICAL STANDARDS

Section 169. **Code of Conduct.** – There is hereby established in the Board the following Code of Conduct:

- 169.1. *Uphold the Credibility and Integrity of the University and of the Board.* – A Regent shall act at all times in a manner that shall reflect creditably on and uphold the integrity of the University and Board;
- 169.2. *Strict Adherence to the Internal rules of Procedure of the Board.* – A Regent shall adhere to the spirit and letter of the Internal Rules of Procedure and to the rules of the Board Committees;
- 169.3. *Non-Intervene in government Transactions for Personal Pecuniary Benefit.* – A Regent shall not intervene in any matter before any office of the government for personal pecuniary benefit or where the Regent may be called upon to act on account of the Regent's office or position;
- 169.4. *Financial and Material Interest.* – Regents shall not, directly or indirectly, have any financial or material interest in any transaction requiring the approval of their office.

- 169.5. *Outside Employment and Other Activities Related Thereto.* – Regents 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.
- 169.6. *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, Regents 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.
- 169.7. *Promoting or Furthering Private Interest or Giving Undue Advantage.* – To further their private interest, or give undue advantage to anyone.
- 169.8. *Prejudicial to Public Interest.* – To prejudice the University and public interest.
- 169.9. *Solicitation or Acceptance of Gifts and Others.* – Regents 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.
- 169.10. *Deals with Any Students.* – No Regent/s 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.
- 169.11. *Selling of Goods and Services.* – Regents are strictly prohibited from selling goods, books and services directly to students.

Section 170. ***Professional Code of Ethics of Regents.*** – In addition to the ethical standards and accountability provided under this 2017 Revised University Code, 2017 Revised Administrative Services Manual of the University, and in R.A. No. 7163 and its IRR, Regents 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.

Rule 36

ADMINISTRATIVE AND DISCIPLINARY PROCESSES

Section 171. **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 Board hereby adopts the following policies for be strictly compliance of all concerned:

171.1. *Application of CSC Resolution No. 1701077 Promulgated on July 3, 2017, and Existing Laws and Jurisprudence and Subsequent Issuances Thereof.* – The provisions of CSC Resolution No. 1701077 promulgated on July 3, 2017, 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 cases¹⁵⁵.

171.2. *Compliance of Administrative Exhaustion.* – Regents shall comply administrative exhaustion in seeking for resolution of their complaint/s or issues as elucidated in **Republic of the Philippines v. Lacap**¹⁵⁶ of which 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 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**¹⁵⁷, the Supreme Court ruled:

¹⁵⁵ Section 3, Rule 1 of CSC Resolution No. Resolution No.1701077 promulgated on July 3, 2017.

¹⁵⁶ **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).

¹⁵⁷ **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*

“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 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

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).

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.”

171.3. *Nature and Requirements of Administrative Due Process.* – No Regent of the University shall be removed or suspended except for cause as provided under this 2017 Internal Rules of Procedure of the EVSU BOR 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**¹⁵⁸, 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 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**¹⁵⁹, 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

¹⁵⁸ **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).

¹⁵⁹ **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).

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**¹⁶⁰, the Supreme Court enunciated:

"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**¹⁶¹, 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

¹⁶⁰ **Ray Peter O. Vivo v. PAGCOR**, G.R. No. 187854, November 12, 2013.

¹⁶¹ **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).

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 discussed 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 administrative proceedings, an opportunity to explain one’s side, or an opportunity to seek a reconsideration of the action or ruling complained of.”

Furthermore, in **Saunar v. Executive Secretary**¹⁶², the Supreme Court held:

“Administrative due process Revisited

“In American jurisprudence, the due process requirement entails the opportunity to be heard at a

¹⁶² **Carlos R. Saunar v. Executive Secretary**, G.R. No. 186502, December 13, 2017, citing *Golberg v. Kelly*, 397 U.S. 267 (1970); *Arnett v. Kennedy*, 416 U.S. 155 (1974); *Ang Tibay v. The Court of Industrial Relations*, 69 Phil. 635 (1940); *RE: De Borja and Flores*, 62 Phil. 106 (1935); *Manila Trading Supply Co. v. Philippine Labor Union*, 70 Phil. 539 (1940); *Gas Corporation of the Phils. v. Minister Inciong*, 182 Phil. 215 (1979); and *Gas Corporation of the Phils. v. Minister Inciong*, 362 Phil. 383 (1999).

meaningful time and in a meaningful manner. Likewise, it was characterized with fluidity in that it negates any concept of inflexible procedures universally applicable to every imaginable situation.

Xxxxxxxxxxx

In the landmark case of *Ang Tibay v. The Court of Industrial Relations*, the Court eruditely expounded on the concept of due process in administrative proceedings, to wit:

The fact, however, that the Court of Industrial Relations may be said to be free from the rigidity of certain procedural requirements does not mean that it can, in justiciable cases coming before it, entirely ignore or disregard the fundamental and essential requirements of due process in trials and investigations of an administrative character. There are cardinal primary rights which must be respected even in proceedings of this character:

- (1) The first of these rights is the right to a hearing, which includes the right of the party interested or affected to present his own case and submit evidence in support thereof. Xxxxxxxxxxx
- (2) Not only must the party be given an opportunity to present his case and to adduce tending to establish the rights which he asserts but the tribunal must consider the evidence presented. Xxxxxxxxxxx
- (3) While the duty to deliberate does not impose the obligation to decide right, it does imply a necessity which cannot be disregarded, namely, that of having something to support its decision. A decision with absolutely nothing to support it is a nullity, a place when directly attached. Xxxxxxxxxxx
- (4) Not only must there be some evidence to support a finding or conclusion (*City of Manila vs. Agustin*, G.R. No. 45844, promulgated November 29, 1937, XXXVI O.G. 1335), but the evidence must be "substantial." Xxxxxxxxxxx
- (5) The decision must be rendered on the evidence presented at the hearing, or at

least contained in the record and disclosed to the parties affected.
XXXXXXXXXX

- (6) The Court of Industrial Relations or any of its judges, therefore, must act on its or his own independent consideration of the law and facts of the controversy, and not simply accept the views of a subordinate in arriving at a decision.
XXXXXXXXXX
- (7) The Court of industrial Relations should, in all controversial questions, render its decision in such a manner that the parties to the proceeding can now the various issues involved, and the reasons for the decisions rendered. XXXXXXXXXXXX

From the pronouncements of the Court in *Ang Tibay*, the fluid concept of administrative due process continued to progress. In *In RE: De Borja and Flores*, the Court ruled that there was no denial of due process when the Public Service Commission cancelled the certificate of Jose de Borja to operate an ice plant without prior notice or hearing because a hearing was conducted after the applicant filed a motion for reconsideration. In *Manila Trading Supply Co. v. Philippine Labor Union*, the Court ruled that due process was observed even if the report of the investigating officer was not set for hearing before the Court of Industrial Relations because during the investigation stage, the parties were given the opportunity to cross-examine and present their side to the case. It is noteworthy that in both cases due process was observed because the parties were given the chance for a hearing where they could confront the witnesses against them.

In *Gas Corporation of the Phils. v. Minister Inciong*, the Court explained that there is no denial of due process when a party is afforded the right to cross-examine the witnesses but fails to exercise the same, xxxxxxxxx

In *Arboleda v. National Labor Relations Commission*, the court expounded that administrative due process does not necessarily connote full adversarial proceedings, xxxxxxxxx"

- 171.4. *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 merit¹⁶³.

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**"¹⁶⁴, 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."

171.5. *Requirement of Substantial Evidence.* – As pronounced by the Supreme Court in **Ombudsman v. Torres**¹⁶⁵, 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 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:

¹⁶³ **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, 2004, SCRA 150, 160; and *Datuin, Jr. v. Soriano*, A.M. No. TRJ-01-1640, October 15, 2002, 391 SCRA 1, 5.

¹⁶⁴ **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).

¹⁶⁵ **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).

“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.”¹⁶⁶

- 171.6. *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.¹⁶⁷

However, a Regent, 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.¹⁶⁸

- 171.7. *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 respondent¹⁶⁹. In **Pastor C. Pinlac v. Oscar T. Llamas**¹⁷⁰, 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 must be able to support and prove by substantial evidence his accusations against respondent¹⁷¹.

- 171.8. *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

¹⁶⁶ **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.

¹⁶⁷ **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.

¹⁶⁸ **Light Rail Transit Authority v. Aurora A. Salvaña**, G.R. No. 192074, June 10, 2014.

¹⁶⁹ **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.

¹⁷⁰ **Pastor C. Pinlac v. Oscar T. Llamas**, A.M. No. P-10-2781 (Formerly OCA IPI No. 02-1419-P), November 24, 2010.

¹⁷¹ **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.

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.¹⁷²

- 171.9. *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 Regent of the University shall not be bound by the strict technical rules obtaining cases in ordinary court of law¹⁷³. In **Augusto Samalio v. Court of Appeals**¹⁷⁴, 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**¹⁷⁵, the Supreme Court held:

“It is a settled jurisprudence that in administrative proceedings, technical rules of procedure and evidence are not 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

¹⁷² **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).

¹⁷³ CSC Decision No. 150715 dated September 22, 2015.

¹⁷⁴ **Augusto Samalio v. Court of Appeals, et al.**, G.R. No. 140079, March 31, 2005.

¹⁷⁵ **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.

construed liberally in order to meet and advance the cause of substantial justice.”

Further, in **Imperial v. GSIS**¹⁷⁶, 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.”

However, in **Saunar v. Executive Secretary**¹⁷⁷ the Supreme Court enunciated:

“A closer perusal of past jurisprudence shows that the Court did not intend to trivialize the conduct of a formal hearing but merely afforded latitude to administrative bodies especially in cases where a party fails to invoke the right to hearing or is given the opportunity but opts not to avail of it. In the landmark case of *Ang Tibay*, the Court explained that administrative bodies are free from a strict application of technical rules of procedure and are given sufficient leeway. In the said case, however, nothing was said that freedom included the setting aside of a hearing but merely to allow matters which would ordinarily be incompetent or inadmissible in the usual judicial proceedings.

In fact, the seminal words of *Ang Tibay* manifest a desire for administrative bodies to exhaust all possible means to ensure that the decision rendered be based on the accurate appreciation of facts. The Court reminded that administrative bodies have the active duty to use the authorized legal methods of securing evidence and informing itself of facts material and relevant to the controversy. As such, it would be more in keeping with administrative bodies that the conduct of a hearing be the general rule than the exception.

The observance of a formal hearing in administrative tribunal or bodies other than judicial is not novel. In *Perez v. Philippine Telegraph and Telephone Company*, the Court opined that in illegal dismissal cases, a formal hearing or conference becomes mandatory when requested by the employee in writing, or substantial evidentiary disputes exists,

¹⁷⁶ **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.

¹⁷⁷ **Carlos R. Saunar v. Executive Secretary**, G.R. No. 186502, December 13, 2017, citing *Ang Tibay v. The Court of Industrial Relations*, 69 Phil. 635 (1940 *Perez v. Philippine Telegraph and Telephone Company*, 602 Phil. 522, 542 (2009); and *Joson v. Executive Secretary Torres*, 352 Phil. 888 (1998).

or a company rule or practice requires it, or when similar circumstances justify it.

In *Joson v. Executive Secretary Torres*, the Court ruled that the respondent was denied due process after he was deprived of the right to a formal investigation with the opportunity to face the witnesses against him, xxxxxx.

Thus, administrative bodies should not simply brush aside the conduct of formal hearings and claim that due process was observed by merely relying on position papers and/or affidavits. Besides, the Court in *Joson* recognized the inherent limitations of relying on position papers alone as the veracity of its contents cannot be readily ascertained. Through the examination and cross-examination of witnesses, administrative bodies would be in a better position to ferret out the truth and in turn, render a more accurate decision."

171.10. *Penalty, Punishment and Fines Distinguished.* – In **SPARK v. Quezon City**¹⁷⁸, 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.

Xxxxxxxx

Fines/and/or imprisonment, on the other hand, undeniably constitute penalties – as provided in our various criminal and administrative laws and jurisprudence xxxxxxxxxx."

Section 172. **Original and Concurrent Jurisdictions.** – Except as may be provided under this Manual, the EVSU Board of Regent shall have original concurrent jurisdiction with the CSC over the Regents of the University. It shall take cognizance of complaints involving Regents provided under this Manual. 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 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 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 Regents¹⁷⁹.

¹⁷⁸ **SPARK v. Quezon City**, G.R. No. 225442, August 8, 2017.

¹⁷⁹ Section 50, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

Provided, that the CSC shall have concurrent jurisdiction with the EVSU Board of Regents over the disciplinary action/s against Regents of the University¹⁸⁰.

Section 173. **Penalties; Classification of Offenses**¹⁸¹. – 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:

- 173.1. *Grave Offense*. – The following grave offenses shall be punishable by dismissal from the service:
 - 173.1.1. Serious Dishonesty;
 - 173.1.2. Gross Neglect of Duty;
 - 173.1.3. Grave Misconduct;
 - 173.1.4. Being Notoriously Undesirable;
 - 173.1.5. Conviction of a Crime Involving Moral Turpitude;
 - 173.1.6. Falsification of Official Document;
 - 173.1.7. Physical or mental incapacity or disability due to immoral or vicious habits;
 - 173.1.8. Receiving for personal use of a fee, gift or other valuable thing in the course of official duties or in connection

¹⁸⁰ **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.”

¹⁸¹ Section 50, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

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;

- 173.1.9. Contracting loans of money or other property from persons with whom the office of the employee has business relations;
 - 173.1.10. 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.
 - 173.1.11. Nepotism; and
 - 173.1.12. Disloyalty to the Republic of the Philippines and to the Filipino people.
- 173.2. *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:
- 173.2.1. Less Serious Dishonesty;
 - 173.2.2. Oppression;
 - 173.2.3. Disgraceful and Immoral Conduct;
 - 173.2.4. Inefficiency and Incompetence in the Performance of official duties;
 - 173.2.5. Frequent Unauthorized Absences (Habitual Absenteeism);
 - 173.2.6. Habitual Tardiness in reporting for duty causing prejudice to the operations of the office;
 - 173.2.7. Loafing from Duty During Regular Office Hours;
 - 173.2.8. Refusal to Perform Official Duty;
 - 173.2.9. Gross Insubordination;

- 173.2.10. Conduct prejudicial to the best interest of the service;
 - 173.2.11. 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.
 - 173.2.12. 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.
 - 173.2.13. 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.
 - 173.2.14. 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;
 - 173.2.15. 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
 - 173.2.16. Plagiarism.
- 173.3. *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 a Regent guilty of inefficiency and incompetence shall immediately be replaced or substituted and be disqualified for membership in the Board Committees.
- 173.4. *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:

- 173.4.1. Simple Neglect of Duty;
 - 173.4.2. Simple Misconduct;
 - 173.4.3. Discourtesy in the Course of Official Duties;
 - 173.4.4. Violation of existing Civil Service Law and rules of serious nature;
 - 173.4.5. Insubordination;
 - 173.4.6. Habitual Drunkenness;
 - 173.4.7. Unfair discrimination in rendering public service due to a party affiliation or preference;
 - 173.4.8. 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;
 - 173.4.9. 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
 - 173.4.10. Engaging directly or indirectly in partisan political activities by one holding non-political office.
- 173.5. *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 a Regent or 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.

- 173.6. *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:
- 173.6.1. Simple Discourtesy in the Course of Official Duties;
 - 173.6.2. Improper or unauthorized solicitation of contributions from subordinate employees and by teachers or University Officials from students or school children;
 - 173.6.3. Violation of Reasonable Office Rules and Regulations;
 - 173.6.4. Habitual Tardiness;
 - 173.6.5. Gambling Prohibited by Law;
 - 173.6.6. Refusal to Render Overtime Service;
 - 173.6.7. Disgraceful, Immoral or Dishonest Conduct Prior to Entering the service;
 - 173.6.8. Borrowing money by superior officers from subordinates and borrowing money by the faculty member from his/her student/s;
 - 173.6.9. 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;
 - 173.6.10. Lobbying for personal interest or gain in legislative halls and offices without authority;
 - 173.6.11. 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;
 - 173.6.12. 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;

173.6.13. 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;

173.6.14. 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;

173.6.15. 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

173.6.16. Pursuit of private business, vocation or profession without the permission required by the Civil Service rules and regulations.

173.7. *Other Specific Offenses*¹⁸². – The following acts also constitute administrative offenses:

173.7.1. 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:

¹⁸² Section 51, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

- a. Unwanted touching or brushing against a victim's body;
 - b. Pinching not falling under grave offenses;
 - 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 as 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 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 commit 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.

173.7.2. 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;
- 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 174. **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:

- 174.1. *Absence Without Leave (AWOL)* – means that the employee is leaving or abandoning his post without justifiable reason and

without notifying his employer.¹⁸³

In ***Palecpec v. Davis***,¹⁸⁴ 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.”

- 174.2. *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.¹⁸⁵
- 174.3. *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.¹⁸⁶
- 174.4. *Conduct Unbecoming of Public Official or Employee* – means that conduct of public official or employee has a great tendency to destroy public respect.¹⁸⁷
- 174.5. *Crime Involving Moral Turpitude* – refers to everything which is done contrary to justice, modesty, or good morals; an act of 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.¹⁸⁸

¹⁸³ ***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.

¹⁸⁴ ***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).

¹⁸⁵ ***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.

¹⁸⁶ ***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*,

¹⁸⁷ ***Carlisle Borough v. Adams***, Pa., 12 Cumb. 53 and Administrative Order No. 37 dated September 30, 1987.

¹⁸⁸ ***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.*

- 174.6. *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.¹⁸⁹
- 174.7. *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.¹⁹⁰
- 174.8. *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 duty¹⁹¹. 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".¹⁹²

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 purpose of meditating on the consequences of his act, and the degree of reasoning he could have had at that moment.¹⁹³

161455 under Rule 139-B of the Rules of Court v. Pactolin, A.C. No. 7940, April 4, 2012, 670 SCRA 366, 371; and

¹⁸⁹ **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.

¹⁹⁰ **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).

¹⁹¹ **Michaelina Ramos Balasbas v. Patricia B. Monayao**, G.R. No. 190524, February 17, 2014.

¹⁹² **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.

¹⁹³ **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.

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.¹⁹⁴ Under CSC Resolution No. 06-0538¹⁹⁵ and as enunciated in **Committee on Security and Safety v. Reynaldo V. Dianco, et al.**¹⁹⁶:

174.8.1. *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.

174.8.2. *Simple Dishonesty* – the presence of any of the following attendant circumstances in the commission of the dishonest act constitutes the offense of simple dishonesty:

¹⁹⁴ **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).

¹⁹⁵ Rules on Administrative Offense of Dishonesty

¹⁹⁶ **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.

- 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.

174.9. *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 turpitude¹⁹⁷. 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.¹⁹⁸

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.¹⁹⁹

174.10. *Grave Misconduct* – is a transgression of some established or

¹⁹⁷ *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.

¹⁹⁸ *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).

¹⁹⁹ *People of the Philippines v. Po Giok To*, G.R. No. L-7236, April 30, 1955

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.²⁰⁰ 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.²⁰¹

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."²⁰²

174.11. *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.²⁰³

174.12. *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

²⁰⁰ **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.

²⁰¹ **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.

²⁰² **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.

²⁰³ **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.

negligence when a breach of duty is flagrant and palpable.²⁰⁴ It is characterized by want of even the slightest care, or by conscious indifference to the consequences, or by flagrant and palpable breach of duty.²⁰⁵ It denotes a flagrant and culpable refusal or unwillingness of a person to perform a duty.²⁰⁶

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.²⁰⁷

174.13. *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.²⁰⁸

174.14. *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 business²⁰⁹.

Gross inefficiency is closely related to gross neglect, for both involve specific acts of omission resulting in damage to another.²¹⁰

174.15. *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.²¹¹

²⁰⁴ **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.

²⁰⁵ **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 *Bruca v. Hon. Desierto*, 501 Phil. 453, 465-466 (2005).

²⁰⁶ **Philippine Retirement Authority v. Thelma Rupa**, G.R. No. 140519, August 21, 2001 citing Black's Law Dictionary, 4th edition, pp. 832 and 1184.

²⁰⁷ **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 *Bruca v. Desierto*, G.R. No. 152188, 8 July 2005, 463 SCRA 151, 166.

²⁰⁸ **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).

²⁰⁹ **Ray Antonio C. Sasing v. Celestial Venus G. Gelbolingo**, A.M. No. P-12-3032 (Formerly A.M. OCA IPI 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.

²¹⁰ **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).

²¹¹ **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.

- 174.16. *Less Serious Dishonesty* – refers to the disposition to lie, cheat, deceive, or defraud; untrustworthiness, lack of integrity.²¹² Pursuant to Section 4 of CSC Resolution No. 06-0538, the presence of any the following attendant circumstances in the commission of the dishonest act constitutes less serious dishonesty:
- 174.16.1. The dishonest act caused damage and prejudice to the government which is not so serious as to qualify under the immediately preceding classification;
 - 174.16.2. The respondent did not take advantage of his/her position in committing the dishonest act;
 - 174.16.3. Other analogous circumstances.
- 174.17. *Nepotism* – refers to 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.²¹³
- 174.18. *Oppression* – as an act of cruelty, severity, unlawful exaction, domination or excessive use of authority.²¹⁴ 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.²¹⁵
- 174.19. *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

²¹² **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).

²¹³ **Civil Service Commission v. Maricelle M. Cortes**, G.R. No. 200103, April 23, 2014

²¹⁴ **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).

²¹⁵ **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).

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 ignorance or appeal to lack of malice are not excused.²¹⁶

- 174.20. *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 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 misconduct²¹⁷.

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.²¹⁸

- 174.21. *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.²¹⁹ It also refers to the failure of an employee to give one's attention to a task expected of him²²⁰. It signifies a disregard of a duty resulting from carelessness or indifference.²²¹

²¹⁶ ***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.

²¹⁷ ***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).

²¹⁸ ***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.

²¹⁹ ***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.

²²⁰ ***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.

²²¹ ***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.

Article 37
NON-DISCIPLINARY CASES

Section 175. ***Dropping from the Rolls²²² and Procedures of Dropping from the Rolls.*** – Regents 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:

175.1. *Absence Without Approved Leave:*

1. A Regent who is continuously absent without approved leave (AWOL) for at least three (3) regular/special quarterly Board *en banc* meetings and/or four (4) Board Committee meetings or hearings shall be dropped from the rolls or committee membership 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;

2. If the number of unauthorized absences incurred is less than least three (3) regular/special quarterly Board *en banc* meetings and/or four (4) Board Committee meetings or hearings in a year, a written Return-to-Work Order (ReWO) shall be served on the Regent at his/her last known address on record. Failure on his/her part to submit a letter of intent (LOI) 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.
3. If it is clear under the obtaining circumstances that the Regent, has established a scheme to circumvent the rule by incurring substantial absences though less three (3) regular/special quarterly Board *en banc* meetings and/or four (4) Board Committee meetings or hearings in a year, such that a pattern is already apparent, dropping from the rolls without notice may likewise be justified.

In the determination of whether the absences incurred are substantial, circumstances that would affect the delivery of service shall be taken into consideration.

- 175.2. *Unsatisfactory or Poor Performance.* - A Regent who exhibited lack of interest amounting to poor performance within the first two (2) regular/special quarterly Board *en banc* meetings and/or two (2)

²²² Rule 20 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

Board Committee meetings or hearings shall be provided appropriate developmental intervention by the University President, in coordination with the HRMD Office, to address competency related performance gaps.

If after advise and provision of developmental intervention, the Regent still obtains exhibited lack of interest amounting to poor performance, he/she may be dropped from the rolls.

175.3. *Physical Unfitness:*

1. A Regent 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.
2. A Regent 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 to the Regent concerned containing a brief statement of the nature of his/her incapacity to work.

175.4. *Mental Disorder:*

1. A Regent 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.
2. If a Regent 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 176. **Written Notice; Who Signs.** – The written notice mentioned in the preceding paragraphs shall be signed by the Chairperson of the EVSU BOR upon the recommendation of the Board Committee on Administration and University President. However, the notice of separation shall be embodied in a resolution duly adopted by at least a majority of the Regents present, there being a quorum, after due process.

Section 177. **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

Regent 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 178. **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 Regent or in disqualification from reemployment in the government.

Section 179. **Remedies in Non-Disciplinary Cases**²²³. – The aggrieved party in non-disciplinary cases may avail of the applicable remedies provided for under Rules 12²²⁴ and 13²²⁵ 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 and such policies 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 180. **Effects of Decisions of the Commission on Appeal or Petition for Review**²²⁶. – Where the CSC Commission Proper sets aside or reverses a decision, the Regent shall be reinstated immediately to his/her former post with payment of back wages and other monetary benefits;

Rule 38

POLICIES ON TRAVELS AND ENTITLEMENT OF TRAVELLING ALLOWANCES, AND PARTICIPATION IN CONFERENCES, SEMINARS, CONVENTIONS, SYMPOSIA AND SIMILAR NON-TRAINING GATHERINGS

Section 181. **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:

181.1. *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 country²²⁷.

181.2. *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

²²³ Section 111, Rule 21 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²²⁴ Rule 12- "Motion for Reconsideration in Disciplinary Cases."

²²⁵ Rule 13- "Appeal in Disciplinary Cases."

²²⁶ Section 113, Rule 21 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²²⁷ 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."

country, and shall refer only to those under the category of conferences, special missions, and other non-study trips such as those undertaken for the following purposes²²⁸:

- 181.2.1. 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;
- 181.2.2. 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;
- 181.2.3. To conduct examinations or investigations of Philippine Government agencies or affairs; and
- 181.2.4. To undertake any other official mission which cannot be assigned to any other Philippine government official or officials already abroad.

Provided, that all requirements prescribed under existing laws, rules and regulations shall strictly be complied with or submitted within the reglementary period.

Section 182. ***Strict Observance of Memorandum from the Executive Secretary Dated January 3, 2018.*** – In relation to the Section 181 above and pertinent provisions hereof, the Chairperson, Vice Chairperson, Members and Board Secretary including the resource persons of the EVSU BOR shall observe the measures as directed and provided for under the Memorandum from the Executive Secretary dated January 3, 2018²²⁹ 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.

²²⁸ 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.”

²²⁹ “Directives Applying to Foreign Travels of All Government Officials and Personnel in the Executive Department.”

- 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, 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 183. **Issuance of Authority to Travel.** – Subject to applicable laws, rules and regulations, the issuance of the authority to travel of the Regents of the University, regardless of length of the travel and the number of delegates, shall be as follows:

183.1. *Authority to Travel of the Regents:*

183.1.1. *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 Regents²³⁰.

183.1.2. *For Local Travel.* – The authority to travel of the Regents for local travels shall be issued and signed by the University President.

²³⁰ 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.

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 travels. Such Resolution may also be used in the issuance of the travel authorities as prescribed in the immediate preceding provisions.

183.2. *Authority to Travel of the University Officials or Employees:*

183.2.1. *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 President²³¹.

183.2.2. *For Local Travel.* – The authority to travel of the University President, other officials and employees shall be issued and signed by the University President.

183.3. *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 Philippines²³².

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 effect²³³ as identified and instructively reiterated under DBM Circular No. 2017-5 dated December 11, 2017²³⁴ as well pertinent provisions of Memorandum Circular No. 35 dated November 22, 2017²³⁵, and subsequent issuances thereof which are adopted as governing guidelines hereof.

Section 185. ***Participation of the Regents 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, 2016²³⁶, the following guidelines shall be enforced:

²³¹ Section 2, 4th para. of Executive Order No. 459 dated September 1, 2005.

²³² Section 2, 6th (last) para. of Executive Order No. 459 dated September 1, 2005.

²³³ 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."

²³⁴ "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."

²³⁵ "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."

²³⁶ "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."

- 185.1. Regents 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.
- 185.2. The registration or participation fee in said convention, seminar, etc. shall not exceed Two Thousand Pesos (Php2,000.00) per day for each participant.
- 185.3. 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.
- 185.4. 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.
- 185.5. 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.
- 185.6. All expenditures for the purpose shall be subject to the usual budgetary and accounting rules and regulations.

Section 186. **Reimbursement of Expenses Not Requiring Official Receipts**²³⁷. – In view of the reduced purchasing power of the peso, expenses incurred by the Regents 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:

- 186.1. Payment of fares in public utility vehicles issuing receipts such as bus, train, vessel/ship; and
- 186.2. Purchases in business establishments issuing receipts.

Provided, that the Regents concerned shall be required to submit a certification of expenses Php300.00 or less as supporting document.

Section 187. **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.

²³⁷ COA Circular No. 2017-001 dated June 19, 2017 entitled, "Reimbursement of Expenses Not requiring Official Receipts."

Section 188. **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, 2011²³⁸ duly adopted by the EVSU Board of Regents per Board Resolution No. 93 s., 2016 and such applicable laws, rules and regulations.

Section 189. **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 190. **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:

- 190.1. Resolution adopted by at least majority of the officers of the council/board/association approving the disbursement of funds;
- 190.2. Approval by the University President indicating in the Resolution provided in the immediate preceding Section and/or in an appropriate issuance; and
- 190.3. 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.

Rule 39

MANDATORY RENDITION OF ACCOUNT ON CASH ADVANCES OR LIQUIDATION, AND SUBMISSION OF REPORTS

Section 191. **Rendition of Account on Cash Advances on Liquidation.** – Within sixty (60) days after his/her 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

²³⁸ "Policies and Guidelines for the Use of Income, Special Trust Fund and Programs of Receipts and Expenditures of the State Universities and Colleges (SUCs)."

account of the cash advance received by him/her 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 therewith²³⁹.

Section 192. **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:

- 192.1. 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;
- 192.2. In case the travel is urgent, incidental to the major functions and programs 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;
- 192.3. Payment of the benefits and honorarium of any official or employee who fails to comply with the provisions of Section 192.1 above shall be suspended until he/she complies therewith; and
- 192.4. 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 193. **Submission of Report.** – Every Regent 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 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

²³⁹ Section 14 of Executive Order No. 298 dated March 23, 2004.

of the conference or convention. Any member of the delegation may also submit a supplementary report²⁴⁰.

Section 194. **Submission of Quarterly Reports.** – Submission of quarterly reports on travels shall be subject to the following:

194.1. *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 travel²⁴¹.

194.2. *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 195. **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 196. **Liability of the Official or Employee.** – Violation of the provisions of Section 18 of E.O. No. 248 and/or Section 193 or such provisions of Rule 38 and Rule 39 hereof shall subject the official or employee concerned to disciplinary action²⁴² 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 herein²⁴³.”

Rule 40

AUTOMATIC FALLBACK POSITION OF THE UNIVERSITY PRESIDENT AND THE UNIVERSITY/BOARD SECRETARY

Section 197. **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

²⁴⁰ Section 16 of Executive Order No. 298 dated March 23, 2004

²⁴¹ 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.

²⁴² Section 18, para. 2 of Executive Order No. 248 dated May 29, 1995.

²⁴³ 2nd para. of Memorandum from the Executive Secretary dated January 3, 2018.

amended by Joint Circular issued by CHED and PASUC²⁴⁴ and subsequent issuances thereof. *Provided*, that the following guidelines shall strictly be observed:

- 197.1. *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 PASUC²⁴⁵ and subsequent issuances thereof.
- 197.2. *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.
- 197.3. *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.
 - 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.
- 197.4. *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

²⁴⁴ "Revised Guidelines for Annex 4 of NBC No. 461 circulated per PASUC Advisory No. 102, s. 2016 dated August 3, 2016."

²⁴⁵ "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."

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.

197.5. *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.

197.6. *Fees.* – The attendant fees, based on rates determined by CHED and PASUC, shall be sourced from the funds of the University.

197.7. *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 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,</p>	20%

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>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%
Total	100%

- 197.8. *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.
- 197.9. *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 be converted to the new academic rank conferred upon by the NEC and thereafter an appropriate appointment be issued subject to usual Civil Service laws, rules and regulations and approval by the EVSU Board of

Regents.

Section 198. **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**²⁴⁶, a faculty member

²⁴⁶ **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 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

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.

Rule 41 **DATA PRIVACY AND PROTECTION**

Section 199. **Declaration of Policy.** – The University shall conform to the declared State policies under Section 2 of Republic Act No. 10173²⁴⁷, 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 200. **Scope**²⁴⁸. – 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.

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.”

²⁴⁷ “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.”

²⁴⁸ 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:

- 200.1. 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.
- 200.2. 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.
- 200.3. 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;
- 200.4. Personal information processed for journalistic, artistic, literary or research purposes;
- 200.5. 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);
- 200.6. 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

200.7. 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.

Section 201. **Rights of the Data Subject**²⁴⁹. – The data subject²⁵⁰ is entitled to:

- 201.1. Be informed whether personal information pertaining to him or her shall be, are being or have been processed;
- 201.2. 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 Commission²⁵¹.

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

²⁴⁹ Section 16, Chapter IV of Republic Act No. 10173, otherwise known as the "Data Privacy Act of 2012."

²⁵⁰ 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.

²⁵¹ 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;

- 201.3. 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.
- 201.4. 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;
- 201.5. 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;
- 201.6. Be indemnified for any damages sustained due to such inaccurate, incomplete, outdated, false, unlawfully obtained or unauthorized use of personal information.

Section 202. **Right to Data Portability**²⁵². – 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 203. **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.

Section 204. **General Data Privacy Principles**²⁵³. – 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 205. **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.

205.1. *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.

205.2. *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.

205.3. *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.

²⁵² Section 18 of Republic Act No. 10173 otherwise known as the Data Privacy Act of 2012.

²⁵³ Rule IV of the Implementing Rules and Regulations of Republic Act No. 10173.

Section 206. **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:

- 206.1. 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.
- 206.2. 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.
- 206.3. 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.

- 206.4. 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.
- 206.5. 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 207. **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:

- 207.1. 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.
- 207.2. 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.
- 207.3. 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.
- 207.4. 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), the 2017 Revised University Code, these Rules 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 42

BOARD OF VISITORS, AND TREASURER OF THE UNIVERSITY

Section 208. ***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 209. ***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 210. **Treasurer of the University.** – The Treasurer of the Philippines shall be the ex-officio Treasurer of the University²⁵⁴.

Rule 43

MANDATORY TRAININGS AND CAPABILITY BUILDING PROGRAM OF THE UNIVERSITY REGENTS

Section 211. **Mandatory Attendance in Trainings on Parliamentary Rules, Corporate Governance and Leadership Capability Building.** – All Regents of the University shall attend trainings on Parliamentary Rules, Corporate Governance and Leadership Capability Building both local and abroad to fully equip them with the necessary skills and knowledge on policy-making and ensuring that they meaningfully contribute during meetings/sessions, hearings and other official functions of the EVSU BOR and of the University. They shall be allowed to attend at least one (1) training annually organized or conducted by any government or private training institutions or providers and/or by any government agency or private organizations.

Section 212. **Annual Experiential Learning and Industry Immersion Capability Building.** – The Regents shall conduct annual experiential learning and industry immersion in the Philippines and in various developed and developing countries for them to keep abreast with the developments and challenges relative to the mandates, curricular offerings, vision, mission, objectives and goals of the University, and thrusts in higher education, human resources, and science and technology sectors.

Section 213. **Inclusion in the Annual and Supplemental Budgets.** – The participation in the trainings and conduct of annual experiential learning and industry immersion and other capability programs of the University Regents shall be included in the annual and supplemental budgets of the University.

Section 214. **Financial Requirements and Fund Sources.** – The amounts necessary in the during the attendance of the Regents in the trainings, experiential learning and industry immersion provided in Section 211 and Section 212 above and such capability building program shall be charged against the GAA and/or income or such appropriate funds of the University subject to the availability of funds and usual accounting rules and regulations.

Rule 44

ESTABLISHMENT AND MAINTANCE OF THE BOARD ROOM AND OFFICES OF THE REGENTS, AND SUPPLIES AND MATERIALS

Section 215. **Board Meeting/Teleconference Room.** – The University President shall designate and allocate an adequate space for the Board

²⁵⁴ Section 8 of Republic Act No. 9311.

Meeting/Teleconference Room that shall be reserved and used for the meetings/sessions and other official functions of the EVSU BOR.

Section 216. **Offices of the Regents.** – The University President shall designate and allocate an adequate space for the Offices of the Regents that shall be reserved and used for the administrative activities, meetings/sessions and other official functions of the Regents.

Section 217. **Financial Requirements and Fund Sources.** – The amounts necessary in the establishment or renovation of the Board Room and the Offices of the Regents as well as the procurement of supplies and materials for the use of the Regents or EVSU BOR shall be charged against the GAA and/or income or such appropriate funds of the University subject to the availability of funds and usual accounting rules and regulations.

Rule 45

MISCELLANEOUS PROVISIONS

Section 218. **Rules Governing the Mandatory Review of the 2017 Revised University Code, this 2017 Internal Rules of Procedure of the EVSU BOR, 2017 Revised University Students' Handbook and All Service Manuals, Policies and Rules Duly Promulgated or Adopted by the EVSU Board of Regents.** – The following rules shall strictly be observed governing the mandatory review of the 2017 Revised University Code, this 2017 Internal Rules of Procedure of the EVSU BOR, 2017 Revised University Students' Handbook and all Service Manuals, policies and rules duly promulgated or adopted by the EVSU Board of Regents, to wit:

- 218.1. The Board Committees duly constituted pursuant to Rule 14 hereof and/or the University President shall, *motu proprio*, initiate the review and evaluation within thirty (30) days prior to the lapse of the three (3) years period from the actual approval or adoption of the 2017 Revised University Code, this 2017 Internal Rules of Procedure of the EVSU BOR, 2017 Revised University Students' Handbook and all Service Manuals, policies and rules by the EVSU Board of Regents.

Provided, that the provisions of the 2017 Revised University Code, this 2017 Internal Rules of Procedure of the EVSU BOR, 2017 Revised University Students' Handbook and all Service Manuals, policies and rules shall not be rendered ineffective or inoperative on the ground of the failure of the Board Committee/s and/or University President or EVSU BOR to conduct the mandatory review. For clarity, 2017 Revised University Code, this 2017 Internal Rules of Procedure of the EVSU BOR, 2017 Revised University Students' Handbook and all Service Manuals, policies and rules shall remain in full force and effect until sooner amended or revoked, superseded, rescinded or nullified by the EVSU BOR taking into considerations

the issuances by the President of the Philippines, Congress of the Philippines, CHED, DBM, COA and CSC, as well as jurisprudence enunciated by the Supreme Court of the Philippines.

- 218.2. In the event that pertinent provisions of the 2017 Revised University Code, this 2017 Internal Rules of Procedure of the EVSU BOR, 2017 Revised University Students' Handbook and all Service Manuals, policies and rules duly promulgated or adopted by the EVSU Board of Regents which are effectively or impliedly rendered amended, superseded or revoked due to subsequent issuances by the EVSU BOR and/or competent authorities such as but not limited to, by the President of the Philippines, Congress of the Philippines, CHED, DBM, COA and CSC, as well as jurisprudence enunciated by the Supreme Court of the Philippines, the University President shall immediately inform the Board Committees for formulation of amendments to the or supplementary, corrective or clarificatory polices or board resolutions to the affected provision thereof.
- 218.3. In reference to sub-Section 218.2 above, the effectivity of the amendments to the or supplementary or clarificatory polices or board resolutions as the EVSU BOR may subsequently promulgate may be applied retroactively from the effectivity date of the issuances by the by the President of the Philippines, Congress of the Philippines, CHED, DBM, COA and CSC, as well as jurisprudence enunciated by the Supreme Court of the Philippines otherwise the same shall be applied prospectively from the actual date of adoption or approval of the appropriate policy/ies or board resolution/s thereof by the EVSU BOR.
- 218.4. All proposed amendments to or revisions of or such supplementary, corrective or clarificatory polices or board resolutions initiated by the Board Committees and/or University President or Regent/s shall be submitted to the usual consultation and Focus Group Discussion (FGD) processes with the stakeholders of the University subject to the provisions of this Manual and/or applicable policies approved by the EVSU BOR. The consultations and FGDs shall be undertaken by the duly constituted Board Committee on Draft Writing and Review of Policies and Rules (PWRPR) formerly the Board Committee on Review of Policies, Fees and Incentives and Financial Assistance of the University.
- 218.5. The duly constituted Administrative Council or the Academic Council of the University shall deliberate and submit their respective comments and recommendations to any amendments to or revisions of or such supplementary, corrective or clarificatory polices or board resolutions to the EVSU BOR for further review and final action. *Provided*, that this shall not preclude the EVSU BOR to adopt or promulgate amendments to or revisions of or such supplementary,

corrective or clarificatory polices or board resolutions which may deviate from or contrary to the comments or recommendations by the Administrative Council and/or Academic Council of the University of which their duties are confined to recommendatory and may not be binding with the EVSU BOR unless duly adopted or approved by the EVSU BOR.

- 218.6. All approved board resolutions embodying the amendments to or revisions of or such supplementary, corrective or clarificatory polices or board resolutions duly adopted by the EVSU BOR shall be posted or displayed in the Transparency and Freedom of Information (TFOI) Bulletin Boards of the Office of University President, Office of the University/Board Secretary, and in the different branches, departments or offices of the University Campuses.

Section 218. **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 Regents whenever appropriate.

Section 219. **Prohibition Against Diminution and/or Elimination.** – Nothing in this 2017- EVSU BOR Internal Rules of Procedure Manual shall be construed to eliminate or in any way diminish rights, benefits, privileges, powers, duties and functions, as the case may be, being enjoyed by the officials or officers, faculty members, non-teaching personnel or employees and students of the University at the time of the effectivity of this 2017- EVSU BOR Internal Rules of Procedure Manual.

Section 220. **Mandatory Reproduction and Distribution of the Copies of the Internal Rules of Procedure.** – Copies of this 2017- EVSU BOR Internal Rules of Procedure Manual and subsequent issuances thereof shall be reproduced and distributed to the Regents upon assumption to office. *Provided,* that the University/Board Secretary shall have a copy with him/her during meetings/sessions or official functions for ready reference by any Regent/s. Expenses necessary for the reproduction of this Manual shall be charged against the appropriate fund/s of the University subject to usual accounting and auditing rules and regulations.

Section 221. **Application and Use of this 2017- EVSU BOR Internal Rules of Procedure Manual by the Board Committees, Academic Council and Administrative Council of the University.** – Pertinent provisions of this 2017- EVSU BOR Internal Rules of Procedure Manual shall be applied to and used by the Board Committees, Academic Council and Administrative Council of the University in so far as applicable.

Rule 46

RETROACTIVE APPLICATION OF EXISTING LAWS, RULES AND REGULATIONS, TRANSITORY PROVISIONS AND

IMPLEMENTING GUIDELINES

Section 222. **Retroactive²⁵⁵ Application of Existing Laws, Rules and Regulations.** – The following guidelines shall strictly be implemented:

- 222.1. *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 232 hereof.
- 222.2. *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. 1998²⁵⁶, 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 was signed into law on August 7, 2004 and thereafter. *Provided*, that the Regent-grantees shall still be alive and compliant to the requirements as provided hereof.

Therefore, within sixty days upon the approval of this Manual, the Committee on Salamat-Paalam Program and Send-off Token (CSPPSTK) for the Regents of the University shall 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 2006 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 163, Rule 33 hereof.

²⁵⁵ 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 Aguilon 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."

²⁵⁶ Adoption of "SALAMAT-PAALAM" Program in Honor of Retiring Officials and Employees in the Civil Service."

Thereafter, "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.

Section 223. **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- EVSU BOR Internal Rules of Procedure Manual:

- 223.1. The revised forms prescribed herein shall be used in the subsequent meetings/sessions, transactions and official functions of the EVSU BOR.
- 223.2. Within fifteen (15) days from the effectivity hereof, this 2017- EVSU BOR Internal Rules of Procedure Manual shall be reproduced to adequate copies to be distributed to all Regents, University President, Vice Presidents, Campus Directors, and Deans. 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 the Offices of the University President and University/Board Secretary.
- 223.3. Within thirty (30) days after the approval of this Manual, the Regents shall be allowed to attend trainings as provided under Section 211 hereof.
- 223.4. The Annual Experiential Learning and Industry Immersion Capability Building of the Regents under this Manual shall be held within Fiscal Year 2018 and every year thereafter.
- 223.5. The prescribed uniforms of the Regents as provided under Section 131, Rule 28 hereof shall be procured within sixty (60) days upon the approval of this Manual.
- 223.6. Within fifteen (15) days upon approval of this Manual, the Committee on Salamat-Paalam Program and Send-off Token (CSPPSTK) for the Regents 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 163, Rule 33 and sub-Section 222.2, Rule 46 hereof.

Furthermore, the duly constituted CSPPSTK for the Regents 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 222.2, Rule 46 hereof and endorse the same to the EVSU BOR for review and approval upon the recommendation of the University President.

Section 224. **Rule-Making Authority.** – The EVSU Board of Regents shall, upon recommendation by the University President and the Board Committees concerned, formulate such implementing guidelines deemed necessary and incidental to ensure proper, effective and efficient implementation or execution of the provisions of this 2017- EVSU BOR Internal Rules of Procedure Manual. *Provided,* that the failure of the EVSU Board of Regents to promulgate the shall not prevent or delay the effectivity and implementation of this 2017- EVSU BOR Internal Rules of Procedure Manual in accordance with effectivity date provided under Section 232 hereof.

Section 225. **Review and Ratification of Implementing Guidelines.** – The implementing guidelines of any and/or all of the provisions of this 2017- EVSU BOR Internal Rules of Procedure shall be submitted to the Board for review and ratification.

Rule 47

PENAL, AMENDMENT AND REVISION

Section 226. **Penal Provisions.** – Violation/s of any of the provisions of this 2017- EVSU BOR Internal Rules of Procedure Manual shall be dealt with and proper penalties be imposed accordingly as provided under existing laws, rules and regulations, and jurisprudence.

Section 227. **Amendment.** – Any provision/s or part/s of this 2017- EVSU BOR Internal Rules of Procedure Manual may be amended by the EVSU Board of Regents upon the recommendation of the University President and the appropriate Board Committee.

Section 228. **Revision.** – This 2017- EVSU BOR Internal Rules of Procedure Manual may be revised by the EVSU Board of Regents upon the recommendation of the University President and the appropriate Board Committee.

Section 229. **Updating and Review of the 2017- EVSU BOR Internal Rules of Procedure Manual.** – It shall be the responsibility of the University President with the assistance of the Board and University Secretary to ensure periodic updating of this 2017- EVSU BOR Internal Rules of Procedure Manual taking into account the subsequent policies approved by the EVSU Board of Regents and such rules and regulations promulgated by competent authorities in so far as expressly adopted or authorized by the Board. *Provided,* that any and/or all provisions of this 2017- EVSU BOR Internal Rules of Procedure Manual shall be reviewed by the EVSU Board of Regents every three (3) years after its approval based on the rules it may promulgate.

Rule 48

REPEALING, SEPARABILITY AND EFFECTIVITY

Section 230. **Repealing, Supplementary, Clarificatory and Modification Clause.** – Pertinent provisions of this 2017- EVSU BOR Internal Rules of Procedure 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 as the case may be. In case of conflict, the pertinent provisions of this 2017- EVSU BOR Internal Rules of Procedure Manual shall prevail over the pertinent provisions of previous policies or issuances as enunciated under **Mecano v. COA**²⁵⁷.

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- EVSU BOR Internal Rules of Procedure Manual are hereby amended or repealed accordingly.

Section 231. **Separability Clause.** – The provisions of this 2017- EVSU BOR Internal Rules of Procedure 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 232. **Effectivity.** – This 2017- EVSU BOR Internal Rules of Procedure Manual shall take effect immediately upon approval by the Board of Regents of the Eastern Visayas State University.

Adopted/Approved this 21st day of March 2018 pursuant to Board Resolution No. 25, 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.

²⁵⁷ **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. 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 and Officer-in-Charge
Commission on Higher Education
Chairperson, EVSU Board of Regents

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

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

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

Represented by:

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 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. 25, 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 III
Board/University Secretary

COMMITMENT

I/WE hereby commit to implement and abide by the provisions of this 2017 Internal Rules of Procedure of the Board of Regents of Eastern Visayas State University Board Manual approved per Board Resolution No. 25, s. 2018 and its subsequent issuances thereof.

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

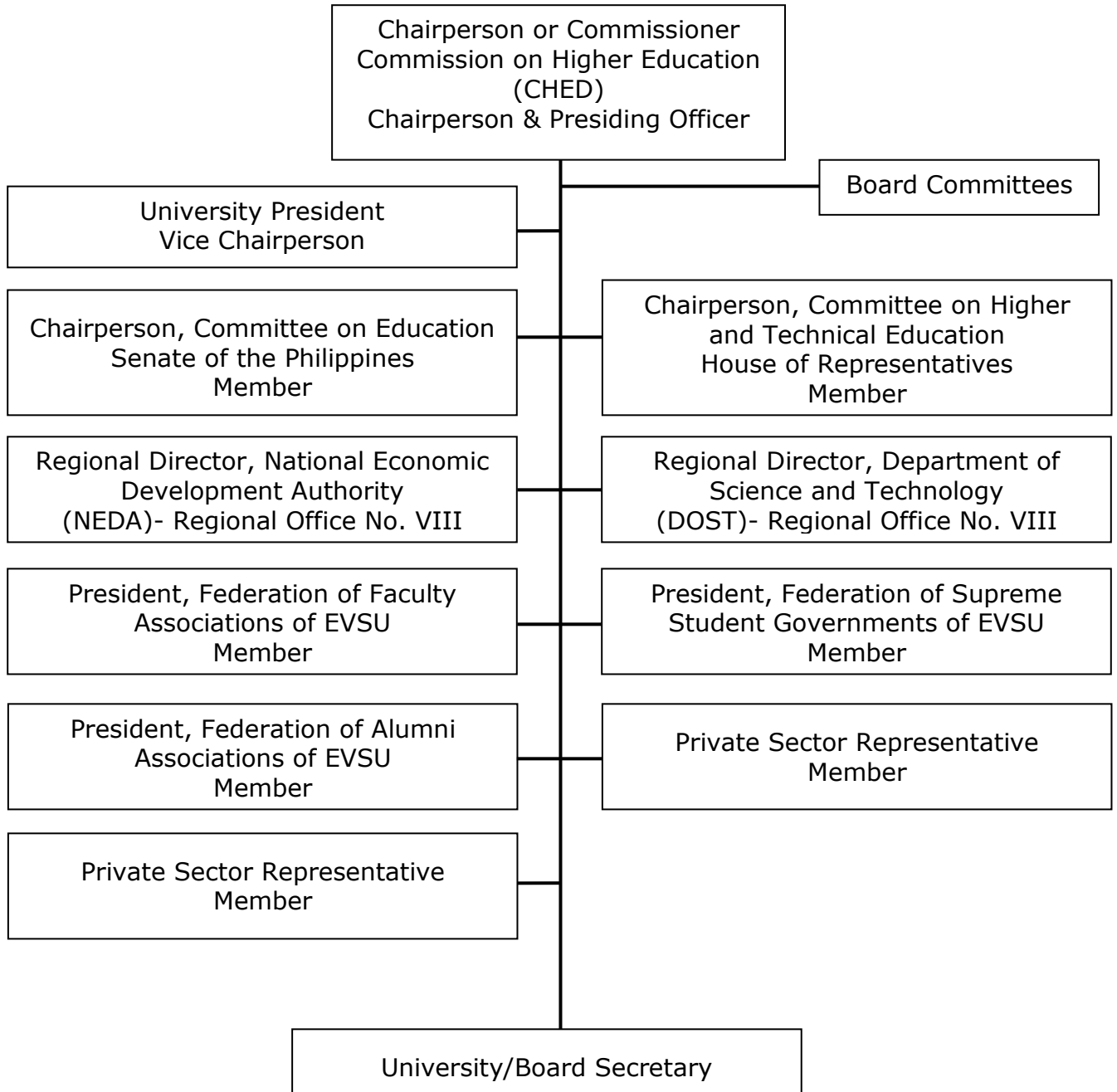
(Date)

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

(Date)

Annex A

ORGANIZATIONAL STRUCTURE OF THE EVSU BOARD OF REGENTS



CS Form No. 32
Revised 2017

Annex B **OATH OF OFFICE**

EVSU BOR Form No. 1
Approved per Board Reso. No. 25,
s. 2018
Approval Date: March 21, 2018
Revision No. 0



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/

Annex C NOTICE OF MEETING

EVSU BOR Form No. 2
Approved per Board Reso. No. 25,
s. 2018
Approval Date: March 21, 2018
Revision No. 1



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

Office of the University/Board Secretary

HON. _____

Subject: NOTICE OF MEETING

Dear **Hon.** _____:

Greetings!

We have the honor to inform the office of the Honorable Member of the EVSU Board of Regents that the _____ **Regular/Special Board Meeting** (_____ **Quarter, CY** _____) of the EVSU Board of Regents shall be held on _____, _____, at _____ **o'clock** in the morning/afternoon at the _____.

Please see attached notice on the schedule of meeting from the Office of Commissioner _____ for your reference.

The EVSU administration shall be pleased to receive your confirmation of your attendance in due course.

Thank you very much and **mabuhay!**

Very truly yours,

University/Board Secretary

NOTED:

University President III
Vice Chairperson, EVSU Board of Regents

Annex D MINUTES OF MEETING

EVSU BOR Form No. 3
Approved per Board Reso. No. 25,
s. 2018
Approval Date: March 21, 2018
Revision No. 1



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

OFFICE OF THE BOARD OF REGENTS

MINUTES OF THE _____ REGULAR/SPECIAL (_____ QUARTER) BOARD MEETING OF THE EASTERN VISAYAS STATE UNIVERSITY BOARD OF REGENTS HELD ON _____ AT _____.

PRESENT:

Instruction: Indicate here the complete names and position of the Regents who are actually present. In case a Regent has authorized a representative, immediately after his/her name and position, indicate the name and position of representative.

ABSENT:

Instruction: Indicate here the complete names and position of the Regents who are absent.

OTHERS PRESENT:

Instruction: Indicate here the complete names and position of the resource persons or visitors who are actually present. In case a resource person or visitor has authorized a representative, immediately after his/her name and position, indicate the name and position of representative.

PROCEEDINGS:

Instruction: Indicate here the actual interactions among the Regents based on the Order of Business provided under Section 109 of the 2017 Internal Rules of Procedure of the EVSU BOR Manual as provided below:

I- PRELIMINARIES

- A. Call to Order by the Chairperson or Presiding Officer
- B. Prayer
- C. Roll Call of Regents by the Board Secretary
(Oath taking of incoming Regent/s shall be done right after the roll call and before the declaration of a quorum).
- D. Declaration of the Quorum by the Chairperson or Presiding Officer
- E. Chair's Privilege
- F. Review and Approval of the Provisional Agenda
- G. Review and Approval of the Minutes of the Previous Meeting/s
- H. Matters Arising from the Minutes of the Previous Meeting/s (Matrix of the Status of Resolutions and Actions by the Board)

II- NEW BUSINESS

- A. Human Resource
- B. Student Welfare and Services

- C. Administration and Finance
- D. Procurement and Infrastructure
- E. Instruction/Academic Services
- F. Research Services
- G. Extension Services
- H. Production Services
- I. External Affairs and Alumni Matters
- J. Additional Matters

III- UNFINISHED BUSINESS

IV- COMMITTEE REPORT

V- ANNOUNCEMENT/S

VI- ADJOURNMENT

I hereby certify that the foregoing minutes are correct and true record of the proceedings of the aforesaid meeting.

CERTIFIED TRUE AND CORRECT:

University/Board Secretary

RECOMMENDED FOR ATTESTATION:

*University President III
Vice Chairperson, EVSU Board of Regents*

ATTESTED BY:

*CHED Chairperson/Commissioner
Chairperson and Presiding Officer, EVSU Board of Regents*

Note: For each agenda item or issue discussed, minutes typically record:

1. A summary of the views expressed, attributed either to the speakers by name (or initial) or to the offices they represent;
2. A clear statement about how each issue was resolved; for example, agreement, no agreement, deferred for further consideration;
3. Any follow-up action required and the name of the person responsible for the follow-up, if applicable.

Annex E
EXCERPTS FROM THE MINUTES OF MEETING



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

EVSU BOR Form No. 4
Approved per Board Reso. No. 25, s. 2018
Approval Date: March 21, 2018
Revision No. 1

OFFICE OF THE BOARD OF REGENTS

EXCERPTS FROM THE MINUTES OF THE _____ REGULAR/SPECIAL (_____ QUARTER) BOARD MEETING OF THE EASTERN VISAYAS STATE UNIVERSITY BOARD OF REGENTS HELD ON _____ AT _____

ATTENDANCE:

Instruction: Please refer to the actual attendance indicated in the minutes of meeting.

X-----

Subject Matter/Item: (state the specific subject matter/item based on the Order of Business and the proceedings of the Board meeting/session).

(Indicate the a summary of the views expressed, attributed either to the speakers by name (or initial) or to the offices they represent and a clear statement about how each issue was resolved; for example, agreement, no agreement, deferred for further consideration).

On motion of Regent _____ duly seconded by _____ or en masse, the EVSU Board of Regents passed/adopted Board Resolution No. ____, s. _____, thus:

Resolution No. _____
Series of 20____

RESOLUTION _____
EFFECTIVE UPON APPROVAL AND SUBJECT TO APPLICABLE LAWS, RULES AND REGULATIONS

Approved/Adopted by a Majority/Unanimous Vote.

Certified Correct:

University/Board Secretary

ATTESTED:

University President III
Vice Chairperson, EVSU Board of Regents

Member, EVSU Board of Regents
Chairperson, Board Committee on _____

EVSU BOR Form No. 5 Approved per Board Reso. No. 25, s. 2018 Approval Date: March 21, 2018 Revision No. 1

Annex F BOARD RESOLUTION



Republic of the Philippines EASTERN VISAYAS STATE UNIVERSITY Tacloban City BOARD OF REGENTS

Board Resolution No. _____ Series of 20__

RESOLUTION APPROVING/ADOPTING THE _____ (COPY HERETO ATTACHED AS INTEGRAL PART HEREOF), EFFECTIVE IMMEDIATELY, SUBJECT TO THE APPLICABLE LAWS, RULES AND REGULATIONS, AND FOR OTHER PURPOSES

WHEREAS, _____;

WHEREAS, the _____ has been submitted to and discussed with the stakeholders or sectors on the schedules and venues, as follows:

1. Stakeholders' Consultations and Committee Meetings:

Table with 4 columns: Dates, Time, Campuses, Number of Participants

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

Table with 4 columns: Dates, Time, Campuses, Number of Participants

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

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

WHEREAS, the _____ was submitted to the following agencies:

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

WHEREAS, the _____ was published in the EVSU website for wide dissemination to and solicitation of inputs, comments and refinements to thereof;

NOW, THEREFORE:

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

Adopted/Approved this ____ day of _____ 20__ pursuant to Board Resolution No. _____, s. 20__ approved during the _____ Regular/Special (_____) Board Meeting held at the _____.

APPROVED:

J. PROSPERO E. DE VERA III, D.P.A.

*Commissioner
Commission on Higher Education
Chairperson, EVSU Board of Regents*

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

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

FRANCIS JOSEPH G. ESCUDERO

*Chair, Committee on Education
Senate of the Philippines
Member*

ANN K. HOFER

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

Represented by:

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 Student Governments
of EVSU
Member*

RAUL S. SOLIVA

President, Federation of Alumni Associations
of EVSU, Inc.
Member

PACIENTE A. CORDERO, JR.

Private Sector Representative
Member

DANIEL A. ARIASO SR., CESO II

Private Sector Representative
Member

I hereby certify to the correctness of the foregoing Resolution No. _____, s. 20____ as duly adopted by unanimous/affirmative vote by the EVSU Board of Regents during the _____ Regular/Special Board Meeting (_____ Quarter, CY _____) held on _____, as indicated above.

Certified Correct:

University/Board Secretary

Annex G MINUTE BOARD RESOLUTION



Republic of the Philippines EASTERN VISAYAS STATE UNIVERSITY Tacloban City

EVSU BOR Form No. 6 Approved per Board Reso. No. 25, s. 2018 Approval Date: March 21, 2018 Revision No. 1

OFFICE OF THE BOARD OF REGENTS

EXCERPTS FROM THE MINUTES OF THE _____ REGULAR/SPECIAL (_____ QUARTER) BOARD MEETING OF THE EASTERN VISAYAS STATE UNIVERSITY BOARD OF REGENTS HELD ON _____ AT _____

WHEREAS, the EVSU Board of Regents, during its _____ Regular/Special _____ Quarter Board Meeting, had the following discussions:

(Indicate the a summary of the views expressed, attributed either to the speakers by name (or initial) or to the offices they represent and a clear statement about how each issue was resolved; for example, agreement, no agreement, deferred for further consideration).

On motion of Regent _____ duly seconded by _____ or en masse, the EVSU Board of Regents passed/adopted Board Resolution No. ____, s. _____, thus:

Minute Resolution No. _____ Series of 20____

RESOLUTION _____ EFFECTIVE _____

Approved/Adopted by a Majority/Unanimous Vote.

Certified Correct:

University/Board Secretary

ATTESTED:

University President III
Vice Chairperson, EVSU Board of Regents

Member, EVSU Board of Regents
Chairperson, Board Committee on _____

Annex H
MATRIX OF THE STATUS OF RESOLUTIONS AND ACTIONS BY THE EVSU BOARD OF REGENTS



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

<p align="center">EVSU BOR Form No. 7 Approved per Board Reso. No. 25, s. 2018 Approval Date: March 21, 2018 Revision No. 1</p>
--

MATRIX OF THE STATUS OF RESOLUTIONS AND ACTIONS BY THE EVSU BOARD OF REGENTS DURING ITS _____ REGULAR/REGULAR (_____) QUARTER BOARD MEETING ON _____

Resolution Number	Title/Content/Subject	Action of the Board (Colatilla/Conditions)	Status of Implementation <i>(if partially or not implemented, please state reason/s and manifest the same in the next immediate meeting/session)</i>		
			Fully Implemented	Partially Implemented	Not Implemented

Certified Correct:

ATTESTED:

University/Board Secretary

*University President III
Vice Chairperson
EVSU Board of Regents*

Annex I REQUEST FOR REFERENDUM



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

Office of the University President

EVSU BOR Form No. 8
Approved per Board Reso. No. 25, s. 2018
Approval Date: March 21, 2018
Revision No. 1

HON. _____
Chairperson/Commissioner
Commission on Higher Education
Chairperson, EVSU Board of Regents
4/F Higher Education Development Center Building
Carlos P. Garcia Avenue, U.P. Diliman Campus
Quezon City

Dear Sir/Madame:

Greetings!

Pursuant to pertinent provisions of R.A. No. 9311, R.A. No. 8292 and its IRR, Section 118, Rule 25 of the 2017 Internal Rules of Procedure of the EVSU BOR Manual approved per Board Resolution No. 25, s. 2018, and Section 35, Article 8, Chapter IV, Title II, Book II of the 2017 Revised University Code approved per Board Resolution No. 115, s. 2017, I would like to request for your approval of the following matter to be submitted to the Board for approval/confirmation/ratification through a Referendum:

The Board action to the foregoing matter/s is sought via Referendum due to the following reasons/justifications:

Enclosed is the draft Resolution (Referendum) No. _____, s. 20 _____ and the Completed Staff Work (CSW) and pertinent documents as integral parts hereof for your consideration and approval.

Thank you very much for your time and unwavering support to the University.

Very truly yours,

University President III

=====

ALLOWED FOR REFERENDUM **NOT ALLOWED FOR REFERENDUM**

REMARKS: _____

*CHED Chairperson/Commissioner
Chairperson, EVSU Board of Regents*

Annex J BOARD RESOLUTION VIA REFERENDUM



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

BOARD OF REGENTS

EVSU BOR Form No. 9
Approved per Board Reso. No. 25, s. 2018
Approval Date: March 21, 2018
Revision No. 1

Pursuant to pertinent provisions of R.A. No. 9311, R.A. No. 8292 and its IRR, Section 118, Rule 25 of the 2017 Internal Rules of Procedure of the EVSU BOR Manual approved per Board Resolution No. 25 s. 2018, and Section 35, Article 8, Chapter IV, Title II, Book II of the 2017 Revised University Code approved per Board Resolution No. 115, s. 2017, the EVSU Board of Regents hereby adopt/approve/promulgate Resolution (Referendum) No. _____, s. 2017, to wit:

RESOLUTION (*REFERENDUM*) NO. _____, S. 2017

Resolution No. _____
Series of 20____

**RESOLUTION _____ EFFECTIVE
UPON APPROVAL AND SUBJECT TO APPLICABLE LAWS, RULES AND
REGULATIONS**

Please indicate in the space provided for the action taken: ("*APPROVED,*" "*DISAPPROVED,*" or any remarks).

Regents	ACTION TAKEN/DECISION		
	APPROVED	DISAPPROVED	REMARKS
_____ CHED Chairperson/Commissioner <i>Chairperson & Presiding Officer</i> <i>EVSU Board of Regents</i>			
_____ University President III <i>Vice Chairperson & Presiding Officer</i> <i>EVSU Board of Regents</i>			
_____ Chairperson <i>Committee on Educ., Arts & Culture</i> <i>Senate of Philippines</i> Represented by: _____ <i>Member, EVSU Board of Regents</i>			

Chairperson <i>Committee on Higher & Technical Educ.</i> <i>House of Representatives</i> Represented by: _____ Member, EVSU Board of Regents			
_____ Regional Director, NEDA Region VIII Member, EVSU Board of Regents			
_____ Regional Director, DOST Region VIII Member, EVSU Board of Regents			
_____ Private Sector Representative Member, EVSU Board of Regents			
_____ Private Sector Representative Member, EVSU Board of Regents			
_____ President, Federation of Alumni Associations of EVSU Member, EVSU Board of Regents			
_____ President, Federation of EVSU Faculty Associations Member, EVSU Board of Regents			
_____ President, Federation of Student Governments of EVSU Member, EVSU Board of Regents			

I hereby certify to the correctness of the foregoing Resolution No. _____, s. 20___ as duly adopted by unanimous/affirmative vote by the EVSU Board of Regents via referendum effective this _____ day of _____ 20___.

Certified Correct:

University/Board Secretary

Annex K COMPLETED STAFF WORK (CSW)



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

EXECUTIVE BRIEF

EVSU BOR Form No. 10
Approved per Board Reso. No. 25,
s. 2018
Approval Date: March 21, 2018
Revision No. 1

I- TITLE OF THE PROPOSAL:

(State the brief title/name of the proposal or item).

II- BRIEF BACKGROUND/RATIONALE:

(Briefly describe the history and reasons for the adoption of the proposal. What issue/s or problem/s or concern/s the proposal seeks to address?).

III- OBJECTIVES:

(Briefly describe the contributions and outcome/s the proposal seeks to accomplish?).

IV- LEGAL BASES:

(Enumerate and attach pertinent provisions of laws, rules, regulations and jurisprudence).

V- BUDGETARY REQUIREMENTS AND FUND SOURCES:

(Indicate the summary of the budgetary requirements and fund sources).

VI- RECOMMENDATIONS/ENDORSEMENTS:

1. University President
2. Academic Council/Administrative Council
3. Board Committee concerned
4. Government agencies concerned

VII- DESIRED BOARD ACTION:

(Indicate desired Board Action as provided under Rule 24 of the 2017 Internal Rules of Procedure of the EVSU BOR approved per Board Resolution No. 25, s. 2018).

VIII- DRAFT BOARD RESOLUTION:

(Indicate the title of the Resolution that the EVSU BOR shall adopt/approve/promulgate based on the Desired Board Action in item VIII).

Prepared by:

Chairperson, Completed Staff Work

*Head of Office/Campus
(Where the Proposal Emanates)
Vice Chairperson, Completed Staff Work*

*University/Board Secretary
Member, Completed Staff Work*

Recommending Approval:

*University President III
Vice Chairperson, EVSU Board of Regents*

Annex L
REQUEST FOR INCLUSION IN THE
CALENDAR OF BUSINESS



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

BOARD OF REGENTS

EVSU BOR Form No. 11
Approved per Board Reso. No. 25,
s. 2018
Approval Date: March 21, 2018
Revision No. 1

CHED Chairperson/Commissioner
Chairperson, EVSU Board of Regents
Eastern Visayas State University
Tacloban City

Attn.: _____
University President

University/Board Secretary

Subject: REQUEST FOR INCLUSION OF ITEM IN THE ORDER OF BUSINESS

Dear Sir/Madame:

Greetings!

Pursuant to pertinent provisions of R.A. No. 9311, R.A. No. 8292 and its IRR, 2017 Internal Rules of Procedure of the EVSU BOR Manual approved per Board Resolution No. 25, s. 2018, and 2017 Revised University Code approved per Board Resolution No. 115, s. 2017, I have the honor to request for the inclusion of the following matters/items in the Order of Business for the _____ Regular/Special _____ Board Meeting to be held on _____ or such date/s, to wit:

Further, it is informed that should these matters/items can no longer be accommodated due to time constraints or for whatever reason/s, I will raise these under "additional or other matters" during the actual meeting/session.

Enclosed are pertinent documents as integral parts hereof for your consideration and approval.

Thank you very much and God bless.

Most respectfully yours,

Regent

Annex M
FORMAL NOTICE OF ASSUMPTION



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

BOARD OF REGENTS

EVSU BOR Form No. 12
Approved per Board Reso. No. 25,
s. 2018
Approval Date: March 21, 2018
Revision No. 1

THE HONORABLE
BOARD OF REGENTS
Eastern Visayas State University
Tacloban City

Thru: _____
CHED Chairperson/Commissioner
Chairperson, EVSU Board of Regents

Attn.: _____
University President

University/Board Secretary

Subject: FORMAL NOTICE OF ASSUMPTION

Dear Sir/Madame:

Greetings!

Pursuant to pertinent provisions of R.A. No. 9311, R.A. No. 8292 and its IRR, 2017 Internal Rules of Procedure of the EVSU BOR Manual approved per Board Resolution No. 25, s. 2018, and 2017 Revised University Code approved per Board Resolution No. 115, s. 2017, I hereby manifest/notify my formal assumption to office as Member of the EVSU Board of Regents representing the _____ effective _____.

Enclosed are pertinent documents as integral parts hereof for your consideration and reference.

Thank you very much and God bless.

Most respectfully yours,

Regent

Annex N
CERTIFICATE OF ASSUMPTION



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

BOARD OF REGENTS

EVSU BOR Form No. 13
Approved per Board Reso. No. 25,
s. 2018
Approval Date: March 21, 2018
Revision No. 1

Certificate of Assumption

To Whom It May Concern:

THIS IS TO CERTIFY, that _____ has formally assumed office as Member of the EVSU Board of Regents representing the _____ pursuant to pertinent provisions of R.A. No. 9311, R.A. No. 8292 and its IRR, 2017 Internal Rules of Procedure of the EVSU BOR Manual approved per Board Resolution No. 25, s. 2018, and 2017 Revised University Code approved per Board Resolution No. 115, s. 2017, with all the rights, duties and privileges appertaining thereto.

THIS CERTIFIES FURTHER, that Hon. _____ has taken his oath office on _____ as evidenced of copy hereto attached.

ISSUED this ____ day of _____ 20____ for whatever legal purpose/s it may serve.

Certified Correct:

University/Board Secretary

ATTESTED:

University President III
Vice Chairperson, EVSU Board of Regents

Annex O
BOARD COMMITTEE REPORT
(For Primary Committee)



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

BOARD OF REGENTS

Board Committee on _____

EVSU BOR Form No. 14
Approved per Board Reso. No. 25, s. 2018
Approval Date: March 21, 2018
Revision No. 1

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

THRU: _____
University President III

SUBJECT: Committee Report No. _____, s. 20_____

FROM: Board Committee on _____

The Board Committee on _____, to which the _____ (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 _____ 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:

Table with 4 columns: Dates, Time, Campuses, Number of Participants. The table is currently empty.

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

Dates	Time	Campuses	Number of Participants

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

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

- The draft of the _____ was submitted to the following:

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

- The Committee did not receive any opposition to the final draft of the _____ whether in whole or in part/s.

Premises considered, the Committee strongly recommends for the immediate approval/adoption and implementation of the said _____.

Adopted this _____ day of _____ 20____ during the Committee Meeting held at _____.

*Member, EVSU Board of Regents
Committee Chair & Presiding Officer*

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

*Member, EVSU Board of Regents
Member, Board Committee*

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

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

Certified Correct:

University/Board Secretary

Annex P
BOARD COMMITTEE REPORT
(For Secondary Committee)



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

BOARD OF REGENTS

Board Committee on _____

EVSU BOR Form No. 15
Approved per Board Reso. No. 25, s. 2018
Approval Date: March 21, 2018
Revision No. 1

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

THRU: _____
University President III

SUBJECT: Committee Report

FROM: Board Committee on Finance

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The Board Committee on _____, to which the _____ (copy hereto attached as integral part hereof) has been referred to for further review and evaluation, and after presentation by the Board Committee on Review of Policies, Fees, Incentives and Assistance for Students & Employees Chaired by Regent _____, hereby respectfully submits its findings and recommendations, to wit:

- 1. The provisions of the subject _____ 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 _____.

Adopted this _____ day of _____ 20__ during the Committee Meeting held at _____.

Member, EVSU Board of Regents
Committee Chair & Presiding Officer

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

Member, EVSU Board of Regents
Member, Board Committee

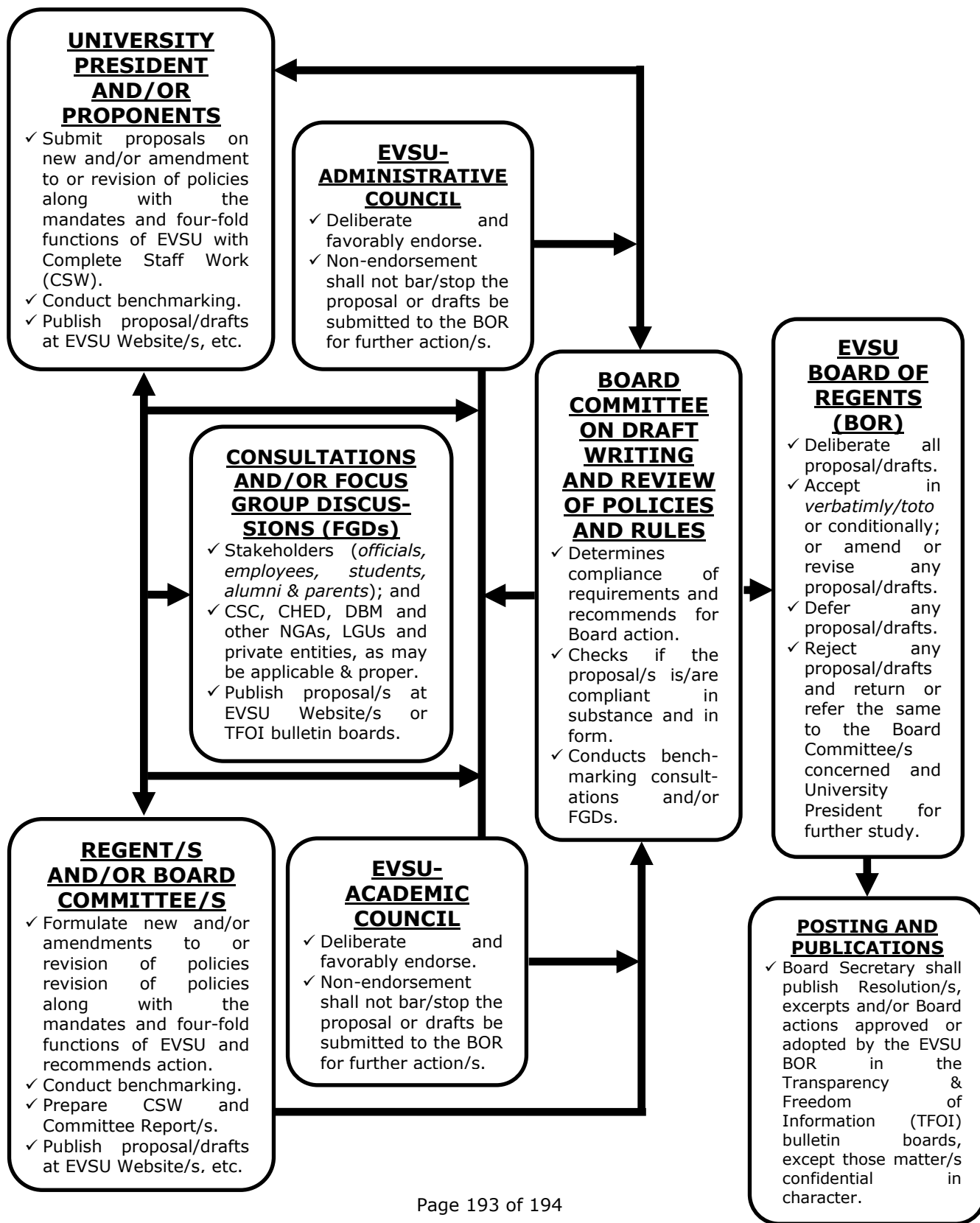
President, Federation of EVSU Faculty
Association, Inc.
Member, Board Committee

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

Certified Correct:

University/Board Secretary

Annex Q BOARD'S DECISION OR ACTION PROCESS



Annex R

PROCESS ON THE FORMULATION, REVIEW, AND ACTION BY THE EVSU BOR ON CONTRACTS, AGREEMENTS AND OTHER LEGAL INSTRUMENTS

