

MINUTES OF THE 91<sup>st</sup> VSU BOARD OF REGENTS MEETING  
4/F CHED Chairperson's Conference Room  
CHED Central Office  
C.P. Garcia Avenue, Diliman, Quezon City  
12 April 2019

**Present:**

**Hon. J. Prospero E. De Vera III**

Chairperson, Commission of Higher Education

Chairperson

**Hon. Edgardo E. Tulin**

President, Visayas State University

Vice Chairperson

**Regent Paulo Everardo S. Javier**

Chairperson, Committee on Higher & Technical Education  
House of Representatives of the Philippines

Member

*Represented by: Atty. Bautista G. Corpin, Jr.*

**Regent Meylene C. Rosales**

OIC-Regional Director

NEDA Regional Office VIII

Member

**Regent Milo G. Delos Reyes**

Regional Executive Director

Department of Agriculture Regional Office VIII

Member

**Regent Denny J. Catindoy**

President, VSU Federated Faculty Association

Member

**Regent John Allan A. Gulles**

President, VSU Federated Supreme Student Council

Member

**Regent Roy Bernard C. Fiel**

Private Sector Representative

Member

**Not Present:**

**Regent Francis Joseph G. Escudero**

Chairperson, Committee on Education, Arts & Culture  
SENATE of the Philippines

Member

**Regent Deogracias E. Pernitez**

President, VSU Federated Alumni Association

Member

**Regent Joel R. Caminade**

Private Sector Representative

Member

**Others Present:**

**Director George M. Colorado**

Regional Director

Commission on Higher Education RO-8

Invitee

**Director Edgardo M. Esperancilla**

Regional Executive Director

Department of Science and Technology RO-8

Invitee

**Sec. Daniel M. Tudtud, Jr.**

Board Secretary V

Board Secretary

**Ms. Vivian V. Balbarino**

Administrative Officer III

Office of the Board Secretary

Administrative  
Officer

**Ms. Carolyne Patayan**

Office of the CHED Chairperson

Technical  
Assistant

1   **I.     ROLL CALL**

2           CHED Commissioner and Chairperson of the VSU Board of Regents, Dr. J.  
3   Prospero E. De Vera III, requested the Board Secretary to call the Roll of Members  
4   present for the 91<sup>st</sup> VSU Board of Regents' Special Meeting.

5           The Board Secretary then called the roll of members present for the 89<sup>th</sup> BOR  
6   Meeting as follows: Regent Edgardo E. Tulin; Regent Meylene C. Rosales; Regent Milo  
7   Delos Reyes; Regent Bautista G. Corpin, Jr.; Regent Denny J. Catindoy; Regent John  
8   Allan A. Gulles; and Regent Roy Bernard C. Fiel.

9           After the roll call, the Board Secretary informed the Hon. Chair that eight (8)  
10   members of the VSU BOR were present for the 91<sup>st</sup> BOR meeting and that there was a  
11   quorum of members present.

12          The Board Secretary informed the Hon. Chairperson that three (3) Regents were  
13   not present: Regent Deogracias E. Pernitez, Regent Joel R. Caminade and there is still no  
14   representative from the Senate Committee on Education, Arts, and Culture Chaired by  
15   Sen. Francis Joseph "Chiz" G. Escudero.

16          Also present this morning is the new CHED Regional Director for Region VIII,  
17   Dr. George M. Colorado and Dir. Edgardo M. Esperancilla, DOST-8 Regional Director.

18   **II.    CALL TO ORDER**

19          The Hon. Chairperson of the VSU Board of Regents, Dr. J. Prospero E. De Vera  
20   III declared a quorum and called the meeting to order at 3:25 PM.

21   **III.   APPROVAL OF THE AGENDA**

22          The Hon. Chairperson requested the Board to go over the Provisional Agenda for  
23   the Special BOR Meeting and inquired whether there were any other items to be added.

24          President Tulin indicated that there are two (2) additional items that he would like  
25   to add: 1) BAC Resolution requesting for Time Extension of Reyna Construction for the  
26   Renovation and Repair of the VSU Administration Building – at no additional cost; and  
27   2) Request of VSU Alangalang for the Change in Signatory of their Land Bank Account  
28   because of the Change in the Designation of Dean of VSU Alangalang.

1 President Tulin also requested the re-sequencing of the Agenda items such that  
2 the Meeting of the Evaluation Committee scheduled for Part I be discussed last and that  
3 the Unfinished Business will be tackled first by the Board. The PASUC Representative is  
4 still on her way to CHED.

5 Regent Meylene C. Rosales moved for the approval of the Agenda, as amended.

6 Regent Denny J. Catindoy seconded the motion.

7 The Hon. Chair inquired if there were any objections. Hearing none, declared the  
8 Agenda for the 91<sup>st</sup> BOR Meeting approved, as amended.

9 The Board passed

10 **BOR RESOLUTION NO. 55, s. 2019**

11 **A Resolution Approving the Proposed Agenda for the 91<sup>st</sup> Board of Regents**  
12 **Meeting, as modified, to wit:**

13 **91<sup>st</sup> BOR Meeting**  
14 **CALENDAR OF BUSINESS**

15 **A. PRELIMINARIES**

- 16 1. Call to Order  
17 2. Roll Call and Determination of Quorum  
18 3. Approval of the Provisional Agenda (91<sup>st</sup> BOR Meeting)  
19 4. President's Report

20 **B. UNFINISHED BUSINESS**

- 21 1. Hiring of an External Legal Counsel for the University  
22 2. Nominees for Members of the Search Committee for Private Sector  
23 Representatives (SC-PSR)  
24 3. Proposed Budget for:  
25 a. SC-PSR  
26 b. BOR Investigation Committee  
27 4. Construction/Rehabilitation of Accessibility Facilities for Physically Challenged  
28 Persons  
29 a. Memorandum of Agreement (MOA)  
30 b. Usufruct Agreement  
31 5. BAC Resolution requesting for Time Extension of Reyna construction for the  
32 Renovation and Repair of the VSU Administration Building – at no additional  
33 cost  
34 6. Request of VSU Alangalang for the Change in Signatory of their Land Bank  
35 Account

36 **C. MEETING OF THE EVALUATION COMMITTEE FOR THE PRESIDENCY**



#### 1 IV. PRESIDENT'S REPORT

2 President Edgardo E. Tulin informed the Board that the University Main Campus  
3 received a "bomb threat" that was later found to be false.

4 A two-day "bomb sweep" was conducted by the military on all Main Campus  
5 buildings including the student dormitories and eateries as well as the University  
6 grounds. Just last week, the University conducted a Bomb Threat and Awareness Seminar  
7 to highlight the importance of keeping the academic community, especially the students  
8 and employees, of what should be done in the event something like this were to happen in  
9 the future. Fortunately, this time, nobody got hurt and no harm was done to the VSU  
10 community.

#### 11 V. UNFINISHED BUSINESS

##### 12 A. Blacklisting Complaint

13 The Hon. Chair inquired what this Blacklisting Complaint was all about.

14 President Tulin informed the Board that in the 1<sup>st</sup> Quarter BOR Meeting held  
15 last 18 March 2019, the Board passed BOR Resolution No. 8, s. 2019 on the  
16 dismissal of the Blacklisting Complaint filed by Baybay Printshop against EDS.

17 Chairperson De Vera requested for a brief summary of what was discussed in  
18 the previous BOR Meeting including any instructions from the Board and why this is  
19 being brought up again.

20 President Tulin requested the Board Secretary to make the recap.

21 The Board Secretary informed the Board that in in the 2019 1<sup>st</sup> Quarter BOR  
22 Meeting last 18 March 2019, the Board approved the Finance Committee Report on  
23 the Blacklisting Complaint which recommended the dismissal of the said Complaint.  
24 The instruction of the Board was to route a Referendum to the BOR members. Today,  
25 the Referendum is presented with the signatures of the majority for final deliberation.

26 The Hon. Chair requested for comments from the members of the Board on  
27 the Referendum Resolution dismissing the Blacklisting Complaint.

28 Regent Roy Bernard C. Fiel commented that after going over the Resolution,  
29 he felt that the issue on whether or not there was an attempt by EDS through



1 misrepresentation, to sway the decision of the BAC must squarely be addressed in the  
2 Resolution. This issue has not been squarely addressed in the said Resolution.  
3 However, the BAC Resolution mentioned that *"as part of it's post-qualification  
4 procedure, the BAC does not rely on the indicated technical specifications of the  
5 bidders' offer since this is not required from the bidder because what is required is  
6 only the brand name or the model."*

7 Regent Fiel pointed out that in fact, it was Baybay Printshop that actually  
8 "won" the bidding relative to the document in question. It is for this reason that the  
9 Board should include "as a clause," the statement in the BAC Resolution to the effect  
10 that the BAC never considered or took into consideration the document in question  
11 insofar as awarding the project or sale to EDS or Baybay Printshop. In the Number 2  
12 recommendation indicated in the BAC Resolution 69, s. 2018, the BAC stated, to wit:  
13 *"To declare the complaint of Baybay Printshop against EDS specifically  
14 recommending for its blacklisting for providing false information in order to  
15 influence the outcome of eligibility screening in any other stage of the competitive  
16 bidding, as not having fully established as shown in the above BAC Findings and  
17 recommendations to warrant the blacklisting of EDS."* In other words, the BAC is  
18 saying that "to them, the particular document or documents being introduced as  
19 evidence by Baybay Printshop were never considered by the BAC."

20 The Hon. Chair inquired where will such an addendum be inserted?

21 Regent Fiel suggested that this statement be included as the last statement in  
22 the Resolution.

23 The Board Secretary indicated that he will add it to the existing BOR  
24 Resolution, as suggested.

25 Regent Milo G. Delos Reyes commented that the BAC Resoltuion No. 69, s.  
26 2018 has a problem because it stated that *"they (BAC) is after the Brand."* This is a  
27 very questionable premise.

28 Regent Fiel made two quick observations. First, he was in agreement with the  
29 statement of Regent Delos Reyes that the content of the BAC Resolution has a

1 problem. Second, the BAC did not follow the Blacklisting Procedure because Baybay  
2 Printshop did not pay any fee for the blacklisting complaint. Therefore, the BAC  
3 Resolution cannot be used.

4 President Tulin informed the Board that in the 1<sup>st</sup> quarter BOR Meeting, the  
5 Finance Committee already discussed their findings. This present BOR Resolution is  
6 actually based on the findings of the Finance Committee.

7 Regent Rosales confirmed that the contents in the BOR Resolution is based on  
8 the findings of the Finance Committee.

9 Regent Fiel indicated that he was withdrawing his earlier suggestion  
10 regarding the modification of the BOR Resolution.

11 Regent Corpin mentioned that one of the recommendations of the Finance  
12 Committee was the need to reorganize the BAC. This is the main problem facing the  
13 University at this point in time. The Finance Committee found a number of  
14 irregularities in the bidding process, yet, the same BAC is still functioning.

15 Regent Corpin informed the Board that the Special BOR Investigation  
16 Committee met this morning to thresh out some of the problematic areas of the Bids  
17 and Award Committees of the University. Given the prevailing situation, the  
18 Committee came up with a decision to reorganize the BAC of the University.  
19 President Tulin was then consulted on the matter and he agreed with the Committee  
20 that it was imperative that the BAC be reorganized immediately. So, instead of  
21 having two (2) BACs, there is now only one (1) BAC.

22 With this development, the Committee advised the President to suspend all  
23 actions of the BAC because some of the Regents are worried that they might continue  
24 to perform their functions and they might again commit the same *faux pas* and put the  
25 University again at a disadvantage. The President informed the Committee this  
26 morning that the members of the BACs, Secretariat, and the TWGs have already  
27 tendered their resignations a few months ago.

28 With this in mind, and apart from this particular Resolution dismissing the  
29 blacklisting complaint, Regent Corpin made a motion that the Board direct the



1 University President to reorganize the Bids and Awards Committees to become only  
2 one (1) BAC for the whole University including the reorganization of the BAC  
3 Secretariat and the TWGs plus require all the members of the new BAC, BAC  
4 Secretariat and the TWGs to attend seminars and workshops on the Procurement  
5 Law, RA 9184.

6 Regent Fiel seconded the motion.

7 The Hon. Chair inquired if there were no objections.

8 The Board passed

9 **Special BOR RESOLUTION NO. 2, s. 2019**

10 **A Resolution Approving the Reorganization of the Bids and Awards**  
11 **Committee (BAC) of the Visayas State University to only One (1) BAC, effective**  
12 **10 April 2019.**

13 President Tulin informed the Board that he is effectively accepting the  
14 resignations of all the BACs including the BAC Secretariat and the TWGs.

15 Chairperson De Vera inquired about the final action of the Board regarding  
16 BOR Resolution No.8, s. 2019 in the light of the withdrawal of the amendment  
17 suggested by Regent Fiel.

18 Regent Corpin indicated that the Board will approve BOR Resolution No. 8, s.  
19 2018, as presented.

20 Chairperson De Vera remarked that the Board now reiterates its support and  
21 approval of BOR Resolution No. 8, s. 2019.

22 Regent Corpin requested that the President undertake the reorganization as  
23 soon as possible.

24 President Tulin inquired from the Hon. Chair how to speed up securing BOR  
25 approval of the new appointments to the new BAC, BAC Secretariat, and TWGs.

26 Chairperson De Vera indicated that the Board has already passed a Special  
27 BOR Resolution authorizing the President to reorganize the BACs into only one (1)  
28 BAC as well as the BAC Secretariat and the TWGs as the President sees fit.

29 Regent Corpin commented that since the Board already took back the powers  
30 of the HoPE in the previous meetings, the President will still be required to report



1 back to the Board the names of the new members for concurrence/approval of the  
2 Board.

3 The Hon. Chair inquired if there was any objection.

4 Hearing none, the Hon Chair declared the motion as carried.

5 The Hon. Chair requested the Board Secretary to route a Referendum on the  
6 new members of the BAC, the BAC Secretariat, and the TWGs as soon as the  
7 President is able to come up with the new memberships.

8 B. Hiring of an External Legal Counsel for the University

9 President Tulin informed the Board that he would like to request authority to  
10 hire an external legal counsel for the University. This will be necessary in the event  
11 the members of the Board are sued, as discussed in the previous BOR meeting.

12 Chairperson De Vera inquired who is acting as the University Legal Counsel.

13 The President informed the Board that the University has hired a Legal  
14 Officer but, there is really a need to hire an External Counsel.

15 The Hon. Chair inquired whether the University is already using the services  
16 of the Office of the Solicitor General (OSG).

17 The President commented that for this case, the University has not engaged  
18 the services of the OSG.

19 Chairperson De Vera informed the Board that for the hiring of an external  
20 counsel, the OSG has to be informed of the need to hire an external legal counsel for  
21 the Governing Board. This external legal counsel that the University will hire will  
22 technically be in the service of the Office of the Solicitor General. The University has  
23 to seek the approval of the OSG before the hiring itself.

24 C. *Nominees for Members of the Search Committee for Private Sector Representatives*

25 President Tulin informed the Board that he mentioned in the 1<sup>st</sup> Quarter BOR  
26 meeting of the need to come up with an SC-PSR because the appointments two (2)  
27 PSRs in the Board, Regent Roy Bernard C. Fiel and Regent Joel R. Caminade will be  
28 expiring on 23 October 2019 as they have already served two (2) full-terms.

1 The President informed the Board that he already provided the two 92) other  
2 nominees for the SC-PSR who are representatives of the Academic Community as  
3 well as the private sector.

4 The Hon. Chair commented that the decision point of the Board, at this point,  
5 is really whether the Board will define the limits of expertise that the Board will  
6 expect from the Private Sector Representatives or whether the Board will opt to make  
7 it general and open to all. In some of the other SUC Governing Boards, the Board  
8 identifies areas where it needs further expertise. For example, VSU is now facing a  
9 number of legal cases and it may benefit (the University) if it will take in a lawyer as  
10 a Private Sector Representative. Other areas where VSU may need additional  
11 expertise include procurement and construction. This is what the Board has to make a  
12 decision on.

13 The Hon. Chair explained that he would like to find out what the Board feels  
14 vis-à-vis the qualifications of potential PSRs who can be considered by the Board. It  
15 is high time that the expertise of the PSRs be determined now so that during the  
16 Search Process it is clear that the Board is limiting the Search to PSRs with certain  
17 types of expertise.

18 The Board Secretary informed the Board that in 2015, the Board passed BOR  
19 Resolution No. 36, s. 2015. The Board Secretary then read the salient points included  
20 in the said Resolution.

21 Chairperson De Vera reiterated that there may be a need to amend this BOR  
22 Resolution No. 36, s. 2015 by incorporating particular expertise expected from  
23 potential PSRs as may be identified as important by the present Board and need not  
24 be very open to all interested parties. For instance, a Number 8 in the Guidelines can  
25 be added to incorporate the following: *"In consideration of the need of the Board of  
26 Regents to harness expertise that is/are crucial to the operations of the Board and the  
27 development of the Visayas State University, the Search Committee shall give priority  
28 to applicants for PSR possessing expertise in the following fields..."* Identification of  
29 fields of expertise comes before the processing and screening of nominees. This is the



1 first decision point. If, on the other hand, the Board decides to adopts the existing  
2 BOR Resolution No. 36, s. 2015, then the Guideline becomes very generic in  
3 character and the Search Committee can accept nominees for PSR from all kinds of  
4 fields and backgrounds.

5 The Board Secretary indicated that indeed if the Board decides on limiting the  
6 expertise to a number of fields only, this can be integrated under a new BOR  
7 Resolution, series 2019.

8 The Hon. Chair indicated if this is what the Board will approve, this should be  
9 a special provision in the new BOR Resolution which is an amendment of the old  
10 BOR Resolution. Under this Special provision, there will be additional criteria that  
11 will be clearly define what level of expertise is desired. In this way, the SC-PSR will  
12 be guided on these types of PSR nominees.

13 Regent Corpin commented that based on the "old" BOR Resolution, it  
14 mentions, to wit: "Nominees for PSRs must come from Industry and Business  
15 Professions related to the legal mandate of VSU." This in itself is already limiting.  
16 However, there is a need to "expand the University's horizons" especially at this  
17 time, the University and the Board need some expertise in certain field.

18 The hon. Cahir inquired from President Tulin what expertise does the  
19 University need that can best be dealt with by the Board.

20 President Tulin indicated that the University would like to include Technology  
21 Protection/commercialization/Transfer, Internationalization, and Legal expertise.

22 Chairperson De Vera clarified that what the Board is saying is that the Search  
23 Committee shall give priority to these three (3) areas of expertise. This new provision  
24 will be incorporated as Number 8 in the SC-PSR Guidelines. The Nominees for  
25 members of the SC-PSR will be included in the new BOR Resolution.

26 The Board Secretary informed the Board that President Tulin has nominated  
27 Dr. Juanito Quero as the Private Sector Representative, and Dr. Ma. Juliet Ceniza as  
28 the Academic Community Representative.



1 Chairperson De Vera inquired whether Dr. Quero has not ever been connected  
2 with VSU.

3 The Board Secretary indicated that Dr. Quero is an entrepreneur and real  
4 estate agent has not been connected with the University in any way.

5 The Hon. Chair indicated that the Secretariat will be composed of the Office  
6 of the University/Board Secretary and the Representative of the Office of the CHED  
7 Chairperson.

8 No objection was raised.

9 The Board passed

10 **Special BOR RESOLUTION NO. 3, s. 2019**

11 **A Resolution Approving the Nominees for the Search Committee and**  
12 **Secretariat for Private Sector Representatives in the VSU Governing Board**  
13 **including the Revision of the Guidelines in the Selection of the Private Sector**  
14 **Representatives, subject to the Submission of the Revised Guidelines for the SC-**  
15 **PSR.**

16 D. Proposed Budget for the SC-PSR

17 The Board Secretary informed the Board that he is proposing for a Budget for  
18 the Search Committee for Private Sector Representatives.

19 The Hon. Chair suggested that this also be incorporated in the Resolution.

20 This can be routed by Referendum following existing procedures.

21 E. Proposed Budget for the Special BOR Investigation Committee

22 The Board Secretary informed the Board that he is proposing for a budget for  
23 the Special BOR Investigation Committee. This Committee was created during the 1<sup>st</sup>  
24 quarter BOR Meeting to investigate the procurement process followed by BAC 1 of  
25 the University for the Procurement of Goods-18-28. This Committee met for the first  
26 time this morning to discuss the steps to be undertaken *vis-à-vis* the procurement  
27 processes in the University.

28 Chairperson De Vera inquired what the Budget is supposed to be used for.

29 The Board Secretary informed the Board that the budget was for travel and  
30 other expenses whenever the Committee will meet to discuss issue related to Goods-  
31 18-28.

1 Chairperson De Vera inquired whether there is still a need for this Committee.

2 President Tulin suggested that since the Committee already met this morning,  
3 maybe we will defer this for now.

4 Regent Fiel commented that indeed the Investigation Committee made a  
5 recommendation insofar as the BAC, the BAC Secretariat, and the TWG are  
6 concerned. However, Baybay Printshop is yet to officially receive a copy of the  
7 Dismissal of the Protest.

8 Regent Field indicated that the Board is not sure whether Baybay Printshop is  
9 willing to escalate the problem. If ever this happens, the Investigatin Committee  
10 might be forced to revisit the evidences that were just reviewed this morning in  
11 response to any escalation and the threat that Baybay Printshop might pursue against  
12 the Governing Board.

13 Regent Corpin requested that the President just serve a copy of the Resolution  
14 of the Board. Perhaps later, the Board will be able to know the actions after he  
15 receives it.

16 F. *Construction/Rehabilitation of Accessibility Facilities for Physically Challenged*  
17 *Persons*

18 President Tulin informed the Board that this a facility that will be built by the  
19 Department of Public Works and Highways (DPWH) for physically challenged  
20 persons. This facility will be constructed along the expanded National Highway  
21 traversing the University Main Campus in Baybay.

22 Chairperson De Vera indicated that this is a donation from the DPWH.

23 The President replied that indeed, this facility will be donated by the DPWH  
24 upon its completion.

25 Regent Fiel brought to the attention of the Board the following provisions  
26 contained in Letter A and Letter B, as follows:

27 Letter A: The obligations of DPWH: 1. Turn over the completed building and  
28 facilities; and 2. Monitor quarterly, the maintenance and operation of the  
29 facility.



1           Letter B: VSU Baybay shall, on the other hand, accept the completed facility and  
2           undertake the operation, maintenance and safekeeping of the facility and  
3           have it open to the travelling public 24 hours of the day, 7 days a week.

4           Regent Fiel pointed out that these stipulations should be taken into  
5           consideration in relation to the objective of the said project which states, "*Whereas,*  
6           *the said facility is constructed to cater to the personal needs of the travellers and*  
7           *motorists during a long drive.*" This implies that the construction of the facility is for  
8           the use and the convenience of motorists. This purpose belongs to and is an obligation  
9           of the DPWH and not to a University.

10           In relation to this, Regent Fiel inquired from the Board whether the University  
11           has the authority or mandate to set aside a budget for "*the operation, maintenance*  
12           *and safekeeping of the facility and have it open to the travelling public 24 hours of*  
13           *the day, 7 days a week.*" Is the University allowed to do this for a facility that is not  
14           even for the use of the University's faculty and students and strictly reserved for use  
15           by the motoring public?

16           President Tulin commented that the use of this facility is not confined to the  
17           motoring public only. It can also be used by the University's constituents. This  
18           facility will be located in front of the Market area where employees and students  
19           usually converge. This facility can be used by the General Public, as well. Of course,  
20           the University will see to it that the facility is clean and useable.

21           Regent Fiel suggested that if this will really redound to the well-being of the  
22           general populace, then it is necessary that a Third Clause be included: "the students,  
23           employees and the general populace of the University" on top of Travellers and  
24           Motorists, as already specified in the MOA.

25           The Board Secretary commented that the 5<sup>th</sup> Whereas statement needs to be  
26           clarified further as to who actually owns the facility, after it is turned over, because it  
27           vaguely states: *Whereas the completed project shall be turned over to VSU Baybay*  
28           *for the maintenance and operation on the use of its facilities to the Public.*  
29           Apparently, it is still owned by the DPWH.



1 President Tulin explained that the whole facility will be donated by DPWH to  
2 VSU Main. The 5<sup>th</sup> Whereas Clause simply emphasizes that maintenance and  
3 operation of the facility is now the responsibility of the University. Of course, the  
4 University will maintain the facility, no question about this.

5 The Hon. Chair suggested that the provisions be reworded appropriately since  
6 this facility is being donated by the DPWH to the University. What exactly is this  
7 facility to be donated and how will the DPWH monitor this facility?

8 The Board Secretary informed the Board that the facility is actually a set of  
9 comfort rooms located in one building. The design of the building is like that of a  
10 barn. The DPWH is asking for authority to use almost 500 square meters of  
11 University land in the vicinity of the VSU Market.

12 Chairperson De Vera commented that he thought this was some sort of  
13 specialized facility that will be constructed by the DPWH. If this facility to be  
14 donated is a comfort room, why will it be open to the public?

15 Regent Rosales commented that the DPWH project did not really say that it  
16 will be building a Comfort Room although it said that it was a facility to cater to the  
17 personal needs of the travellers.

18 Regent Fiel commented that the MOA must be read and interpreted together  
19 with the second attachment, the Deed of Usufruct. In the Deed of Usufruct, the Board  
20 is the Grantor (on behalf of the University) usufructuary rights to the Grantee  
21 (DPWH) so that it may construe this facility for physically challenged persons. So, if  
22 the Board is the one giving the usufruct over a parcel of VSU land, can it be said that  
23 DPWH really owns the facility?

24 Regent Corpin explained that in the concept of Usufruct, the grantee does not  
25 and cannot own and simply acknowledges that someone else is the owner.

26 Regent Fiel agreed with the statement of Regent Corpin. However, because  
27 the Board is giving usufructuary rights over the land to DPWH, that carries with it the  
28 authority and this should be clearly indicated in the MOA. In the MOA, the Board is

1 now giving DPWH the authority to construct the facility over the land where they  
2 have usufructuary rights only.

3 Regent Corpin inquired should the Board have to approve the MOA or Deed  
4 of Usufruct only or both. It might later appear that there are some inconsistent  
5 provisions in the two (2) documents. Maybe the University's in-house lawyer should  
6 study both the MOA and the Deed of Usufruct for any inconsistencies.

7 President Tulin informed the Board that this was already reviewed by the  
8 University's Legal Counsel.

9 Director Edgardo M. Esperancilla commented that what the DPWH is  
10 constructing is something like a Rest Area, which is common abroad, where travellers  
11 can drop by to use the rest rooms and maybe purchase some supplies or eat snacks.

12 The President pointed out that this is the reason why this facility is located  
13 near the VSU Market area.

14 Director Esperancilla commented that if this is the case, maybe a number of  
15 motorists passing through the VSU area will drop by to use the facility and even to  
16 shop around. Further, a small fee is levied for all those who use the rest rooms to  
17 make the facility sustainable in the long term. This arrangement needs to be approved  
18 by the Board, as well.

19 President Tulin indicated that he was thinking of making users pay a token fee  
20 of P5.00 per use. To be used for the maintenance of the facility.

21 Director Esperancilla suggest that this should also be incorporated in the  
22 MOA to enable the University to collect a token fee for the purpose of maintaining  
23 the facility and the rest rooms.

24 Regent Rosales requested for a picture of how this facility will look like.

25 Chairperson De Vera suggest to the President to present a picture or design of  
26 the facility for the appreciation of the Board.

27 Regent Corpin indicated that he understands that the DPWH needs to have  
28 this approved rather urgently, to just ask for a Sketch Plan of the facility.



1 Regent Fiel added that maybe even a justification why it needs an area of 469  
2 square meters while the facility itself will only occupy an area of 60 square meters.

3 Regent Corpin pointed out that given the area being required by the DPWH  
4 for this facility, what other development plan does the University have on this place  
5 especially after this facility is completed and turned-over to the University. Maybe,  
6 the University prepare a short concept paper on how to operate this.

7 Chairperson De Vera expressed his agreement on the need for a short concept  
8 paper on how the University intends to maintain over the long term this facility.  
9 When a facility is open to the public at all hours over a long period of time,  
10 maintenance issues become problematic. Running a public toilet is a difficult task and  
11 an expensive one as well. It is for this reason that many government run toilet  
12 facilities are closed. They have not figured a way of how to maintain it.

13 Chairperson De Vera suggested that the Board defer action on this item until  
14 the next BOR meeting.

15 G. *BAC Resolution Requesting for Time Extension of Reyna Construction for the*  
16 *Renovation and Repair of the VSU Administration Building – at no additional cost*

17 The President informed the Board that the VSU Main Campus administration  
18 building is now under repair and renovation. The contractor, Reyna Construction, has  
19 request for an extension of time to finish their work. The BAC 1 has recommended a  
20 60-day extension, at no additional cost.

21 The Board Secretary commented that the Contractor informed him that he  
22 actually requested for a 90-day extension, but the BAC 1 only recommended 60-days.

23 Regent Delos Reyes inquired whether there is a proposed Program of Work  
24 covering the requested extension period?

25 The Board Secretary informed the Board that the Contractor sent a PERT-  
26 CPM chart, as well as an activity and percentage accomplishment document. These  
27 are the different activity areas and percentage accomplishment:



1 C1 – *Repair of Ceilings and other structures damaged by Typhoon Yolanda.*

2 Reason for not 100% accomplishment: Lack of lumber for repair of damaged  
3 wooden ceiling joints. Under the contract, the Contractor was supposed to use  
4 lumber but due to its scarcity, the Contractor opted to use steel ceiling joints.

5 C2 – *Construction of a New Board Room.*

6 Percent accomplishment: 0%

7 Reason for 0% accomplishment: 1) the design for the Board Room was  
8 submitted to the Contractor only 1 month after the Contractor started its  
9 operations; and 2) the electrical design for the Board Room did not match the  
10 loading because it did not take into consideration the additional loads like  
11 airconditioning and others.

12 C3 – *Repair of the Office of the University/Board Secretary*

13 Percent accomplishment: 0%

14 Reason for 0% accomplishment: No vacant office space where the affected  
15 office personnel and their documents and equipment could temporarily transfer.

16 C4 – *Repair of the Office of the University President.*

17 Reason for not 100% accomplishment: Delay in the electrical plan and the  
18 addition of a partition, as an after-thought.

19 Regent Delos Reyes commented that the BAC 1 should not have proceeded  
20 with the awarding for this project without the proper detailed engineering design. The  
21 PERT-CPM only talks of the target dates for finishing a particular aspect of the  
22 construction. There should have been a detailed design and a program of work.

23 Regent Corpin commented that because the Contractor was able to come up  
24 with a PERT-CPM, it can be assumed that they were given a detailed engineering  
25 design, a work timeframe, the bill of quantities, and others. Were they provided with  
26 all of these, Mr. President?

27 President Tulin replied in the affirmative.

28 Regent Delos Reyes indicated if these were provided, why then were they not  
29 able to finish on-time?

1 The Board Secretary commented that he was told that one of the reasons  
2 forwarded for the general delay in the construction activities if that the employees  
3 found difficulty vacating their offices and so, repair and renovation could not go full-  
4 blast.

5 Regent Fiel inquired whether the bidders, during the pre-bid conference, were  
6 told of this situation where there are employees in the Administration Building will  
7 still be holding office, while repairs and renovations were to be undertaken. This is  
8 important because this is now being used as an excuse for the delay.

9 President Tulin commented that the bidders were told in advance that the  
10 employees will still be in their offices while the repairs and renovations will be made.  
11 To this effect, the winning Contractor requested that they be permitted to work  
12 overtime at night, on weekends and even during holidays.

13 Regent Delos Reyes inquired whether the University Engineer is closely  
14 supervising the on-going repair and what is his recommendation.

15 The President informed the Board that the head of the General Services Office  
16 is supervising the on-going work and being a member of the BAC 1, he is also  
17 recommending for a 60-day work extension, at no additional cost to the University.

18 Regent Fiel inquired from the President regarding the 26 February letter form  
19 the Contractor to the BAC 1 stating therein the reasons for requesting for a 90-day  
20 extension of construction work which include: 1) the non-availability of electrical plan  
21 for the Board Room; and 4) other supporting plans/designs and other repair activities  
22 are not available. Does the supervising engineer of the project and the BAC 1 in  
23 agreement to these reasons meaning that they did not provide the necessary plans to  
24 the Contractor?

25 President Tulin commented that this is probably the reason why the BAC  
26 reduced the request from 90-days to only 60 days.

27 Regent Fiel inquired, what do you mean reduced?

28 President Tulin indicated that that the BAC 1 believes that they already  
29 provided the plans, including the electrical plans, to the Contractor.



1 Regent Fiel clarified that in other words, Reason No. 1 and Reason No. 4  
2 forwarded by the Contractor in his letter are not true and that the BAC 1 is saying that  
3 *"it did provide the Contractor with the completed detailed electrical plan for the*  
4 *Board Room?"*

5 President Tulin suggested that the Board refer back to the BAC 1 Resolution  
6 itself.

7 Regent Delos Reyes again inquired what is probably the legitimate reason for  
8 the extension, why it was delayed, or what is the purpose of the delay?

9 The Board Secretary commented that the main reason for the delay is the  
10 presence of the employees while the repair and renovation activities are on-going.

11 Chairperson De Vera commented that it is really difficult to have an on-going  
12 repair and renovation while all the employees are still working in their respective  
13 offices. The problem arises when Administration bids out projects, it feels very  
14 enthusiastic about and believe it can be done, and Contractors agree because they  
15 simply want to win the project. Eventually, the Contractors ask for time extension.

16 The Hon. Chair pointed out that in the CHED Central Office, just the  
17 waterproofing of the roofing had to be stopped because of the foul odor emitted by  
18 the waterproofing materials and the CHED employees complained of the foul smell.  
19 Quite surely, the Contractor will to be able to complete this work on schedule. This is  
20 a reality that has to be faced and accepted.

21 President Tulin agreed with the assessment of the Hon. Chair because there  
22 are times when the employees working in the Administration Building request for a  
23 repairs work stoppage because of the noise and air pollution. The workers have to  
24 continue their work after office hours and in the evenings. Work delays such as these  
25 do really happen.

26 Regent Fiel commented that reasons Number 2 and 3 are legitimate stumbling  
27 blocks for the Contractor. However, reasons Number 1 and 4 have been verified by  
28 the Supervising Project Engineer to be true? Based on the BAC 1 resolution, this is  
29 the conclusion one gets reading the Whereas Clause No. 6 which states, to wit:

1 "...The BAC through its Resident Project Engineer verified all the reasons cited by  
2 the Contractor and acted favorably to extend the project duration but for sixty (60)  
3 calendar days only."

4 This means that Administration failed to provide the detailed electrical plan  
5 (reason No. 1) as well as the other plans and designs (reason No. 2). This reflects  
6 badly on the BAC 1 and if the Board does give an extension, the Board should add a  
7 colatilla or caveat to the BAC.

8 Regent Corpin indicated that the BAC should be given a stiff warning.

9 The Board Secretary informed the Board that the BAC 1 and the BAC 2 have  
10 been dissolved when the President accepted their resignations effective immediately.  
11 Given this fact, it would be advisable that the Board approve the 90-day extension  
12 requested by the Contractor before any slippage costs will be levied against the  
13 contractor.

14 Chairperson De Vera was amenable to this suggestion so as to preclude  
15 having to deal with a second extension request from the Contractor with a very  
16 specific instruction to the Contractor that NO OTHER EXTENSION will be given.

17 Regent Delos Reyes added that Management should talk to the Contractor  
18 insofar as the plans for the construction are concerned. There is really a need to have  
19 better coordination with the Contractor.

20 The Board passed

21 **BOR RESOLUTION NO. 59, s. 2019**

22 **A Resolution Approving a One-Time 90-day Extension of the Project**  
23 **INFRA 18-15 Starting 7 May 2019 until 6 August 2019.**

24 **H. Request of VSU Alangalang for the Change in Signatory of their Land Bank Account**

25 President Tulin informed the Board that there has been a change in leadership  
26 in the VSU Alangalang Campus. The new Dean is Dr. Judith B. Jomadiao who took  
27 over from Dr. Manuel S. Rona. The request is necessary so that operations in the  
28 VSU Alangalang will not be hampered.

29 Chairperson De Vera inquired if there were any comments, suggestions or  
30 objections.



1 Hearing none, the Hon. Chair declared the request Approved.

2 The Board passed

3 **BOR RESOLUTION NO. 60, s. 2019**

4 **A Resolution Approving the Change in Signatory for All Transactions**  
5 **between VSU Alangalang and the Land Bank of the Philippines – Tacloban City**  
6 **Branch, from Dr. Manuel S. Rona to Dr. Judith B. Jomadiao, effective upon**  
7 **BOR approval.**

8 **VI. MEETING WITH THE EVALUATION COMMITTEE FOR THE PRESIDENCY**

9 Chairperson J. Prospero E. De Vera III welcomed the Chairperson of the  
10 Evaluation Committee for the Presidency (ECP) of VSU, Dr. Jose V. Camacho, Jr., the  
11 Dean of the Graduate School, UP at Los Baños, into the BOR Meeting.

12 The Board Secretary informed the Board that the other members of the ECP were  
13 also present for this consultative meeting, as follows: Dr. George M. Colorado, Regional  
14 Director of CHED RO-8; Mr. Oliver Cam, the President of the Philippine Chamber of  
15 Commerce and Industry (PCCI) – Region 8 representing the Private Sector; and Dr.  
16 Beatriz C. Jadina, Professor of the Department of Soil Science, VSU Main, the Academic  
17 Sector Representative. Pres. Milabel E. Ho, President of the Western Mindanao State  
18 University, representing the PASUC is still on her way to CHED because her flight from  
19 Mindanao was delayed.

20 Chairperson De Vera again welcomed everybody to the BOR Meeting. The Hon.  
21 Chair explained to the ECP members that the decision point for the Governing Board is  
22 whether it will approve the use of a “generic evaluation instrument” which is usually used  
23 or whether the Board will use a more “tailor-fitted evaluation instrument” that will give  
24 more emphasis in certain areas the Board wants to be evaluated.

25 The “generic evaluation instrument” is the standard tool used by many  
26 Evaluations Committees. However, the present VSU Governing Board might want to  
27 give specific instructions to the ECP to focus on additional areas that they would want to  
28 look at. For instance, the Board may want the ECP to actually visit the campuses of VSU  
29 and also conduct intensive interviews in each of the campuses.

1 The Hon. Chair indicated that he will leave it to the discretion of the members of  
2 the Governing Board on what they expect the ECP will do and to give their thoughts on  
3 this.

4 Chairperson De Vera requested the chair of the ECP to give the Board a general  
5 description of how the group intends to proceed with the evaluation.

6 ECP Chairperson, Dr. Jose V. Camacho, Jr., thanked the Hon CHED Chair and  
7 Chair of the BSU Board of Regents, the opportunity to be part of the evaluation process.  
8 Dr. Camacho informed the Board that the ECP for VSU has not yet met as a group as this  
9 is still the first time they will all be meeting.

10 Regent Fiel suggested that under Accomplishment Criteria PART 1: *Leadership*  
11 *and Governance*, Number 6 of Letter C – Extent in the Provision of Mentoring Services  
12 and Partnership Agreements to Small Academic Institutions - it should also include  
13 Industry Partners, as part of the Criteria.

14 Mr. Oliver Cam suggested that another criteria that should probably be included  
15 in PART 2: *Linkaging, Networking and Partnerships* – to include applied research and  
16 community extension programs of the university that have real impact in the business  
17 community. This should be given more emphasis because VSU is in the Eastern Visayas,  
18 and agriculture is a real challenge in the Region, one of the less developed regions in the  
19 country, and considering that VSU is the premier agricultural university in Region 8.

20 The Hon. Chair commented that because VSU is the Number 1 SUC in Region 8,  
21 his expectations are very much different if the SUC were Level 2, 3, or even 4. For being  
22 the Leader among the SUCs in the Region, the ECP should look at “how VSU helped  
23 other SUCs in the Region.” This has a lot to do with improvements in research capability,  
24 development of linkages, and others like undertaking collaborative projects with the other  
25 SUCs.

26 Regent Fiel informed the board that he applied for a possible partnership of the  
27 Sugarcane Industry with an SUC for research on Farm Mechanization. As a result of that  
28 request, the incumbent Chair of the Sugarcane Mills Development Council (SMDC), the  
29 engineer coordinator of SMDC and himself, met with 4 University representatives last 10



1 April 2019. The results of the meeting were very positive and the University  
2 representatives will come up with a Concept Paper and a short proposal to be submitted  
3 to the DOST. We thank VSU for this.

4 The Hon. Chair mentioned that the CHED has been providing incentives to SUCs  
5 to further strengthen their academic disciplines by awarding Centers of Excellence (COE)  
6 and Centers of Development (COD) to SUCs who have met the levels of excellence  
7 and/or development required by the CHED. Thus, if VSU has a Center of Development,  
8 the incentive funds provided by the CHED can be used to uplift it to become a Center of  
9 Excellence. Once it becomes a COE, the funds can be used to nurture other disciplines to  
10 also become COD or COE. This is the expectation. However, in many instances, the  
11 COD and COE are used only for Accreditation purposes. It is purely symbolic of the  
12 accomplishments of the SUC and there is no attempt to help other SUCs grow.

13 Chairperson De Vera informed the Board that because of this finding, there is an  
14 upcoming CHED Guideline to the effect that when a discipline is identified as a COE,  
15 there is a need to propose a "project." Otherwise, if no project is proposed, the CHED  
16 will withdraw the COE status in the next cycle. It is now the responsibility of the top  
17 SUC of the Region to help uplift the programs of the other SUCs in the Region that may  
18 have the same or almost similar programs.

19 The Hon. Chair reiterated that he would like to see how VSU links up with other  
20 SUCs in the Region like in having joint research programs. This is what the ECP may try  
21 to look into.

22 Regent Fiel suggested that in PART 3: *Sustainability of Operations* – should also  
23 include Accounting as part of the basic components of an enterprise: production, finance,  
24 and accounting. I hope this can be incorporated.

25 The Board Secretary informed the Board that the University has come up with a  
26 sizeable range of products which have business potentials. Before the University makes  
27 an attempt to "sell" the products, it also backward integrates the production system so  
28 that there will be a steady supply of raw materials once the product is commercialized.

1 What is really badly needed are businessmen who would like to undertake commercial-  
2 scale production of some of the more promising products produced by the University.

3 The Hon. Chair commented that there is no issue on increasing productivity as far  
4 as the SUC is concerned or turning raw agricultural products into finished products. The  
5 big gap comes "after producing the finished product." How does the SUC link up with  
6 the private sector. Different SUCs are figuring this out, differently. Some SUCs believe  
7 only the SUC is capable of commercializing their products. This is not the correct idea  
8 because SUCs were never meant to be a business enterprise. There is really a need to  
9 link-up with private enterprises for the commercialization of the products. Packaging,  
10 labeling and shelf-life of products have, quite recently, improved by leaps and bounds.  
11 But, securing the interest of the private businessmen is still a challenge.

12 Director Esperancilla commented that it would be unfair that the President will be  
13 evaluated on something that is not part of his mandate. Rather, he needs to be evaluated  
14 on the work he has done when he was elected to become President. If he is given a  
15 second term, his mandate should include his Business /Public Sector Continuity Plan for  
16 the University and his succession Plan for the University. There is also a need to  
17 "measure" the morale value index of the faculty and staff within the University in the  
18 near future.

19 Regent Delos Reyes commented that there is nothing exemplary in the criteria.  
20 Maybe what the ECP should look into is the personal commitment the President made on  
21 while he was still running for President. This is the SONA commitment of the President  
22 and to what extend has the President been able to deliver on his SONA commitments to  
23 the University when he became President. This is what the ECP should also look into.

24 Chairperson De Vera expressed his agreement that the ECP should also look into  
25 what the President has committed and what he was able to deliver to the University.

26 Regent Gulles also indicated he would like to add a Number 4 – Auxiliary Support  
27 Service after Number 3 in Letter A, PART 1.

28 Regent Corpin suggested that maybe it would be best to let the ECP meet among  
29 themselves first and maybe report back to the Board at some future time.



1 Chairperson De Vera explained that he would like the ECP not to rush things so  
2 that the Committee can do the interviews and really study the documents, as much as  
3 possible. There is still around six (6) months before the end of the 1<sup>st</sup> Term of President  
4 Tulin on 29 October 2019.

5 The Hon. Chair inquired from Dr. Camacho how much time he would need to  
6 conduct the Evaluation.

7 Dr. Camacho informed the Board that he would like to meet the other members of  
8 the SCP immediately after the BOR Meeting. The first thing that will be discussed will be  
9 the Evaluation Instrument. The ECP will try its best to integrate the suggestions of the  
10 members of the BOR in the new Evaluation Instrument which will be routed for  
11 Approval by the members of the BOR prior to the actual conduct of the Evaluation.

12 Dr. Camacho indicated that he will report back to the Board in the next BOR  
13 Meeting.

14 The Hon. Chair pointed out that one of the challenges facing the ECP is the need  
15 to travel to all the External Campuses of the University where an actual interview with  
16 the constituents will be conducted. These campuses are quite far from the Main Campus  
17 and the ECP has to allot sufficient time for this.

18 Director Esperancilla also suggested that the Committee will not only look for  
19 Areas for Improvement but also look at Best Practices or even Good Practices of the  
20 University because these can be passed on to other SUCs in the Region.

21 Chairperson De Vera suggested the ECP meet immediately.

## 22 VII. ADJOURNMENT


23 After all items were discussed, Chairperson J. Prospero E. De Vera III requested for a  
24 motion to adjourn the 91<sup>th</sup> BOR Meeting.

25 Regent Meylene C. Rosales moved for the adjournment of the 91<sup>th</sup> Board of Regents  
26 meeting.

27 Regent Milo G. Delos Reyes seconded the motion.

1 Chairperson J. Prospero E. De Vera III thanked everybody for their presence and  
2 adjourned the 91<sup>st</sup> Board of Regents (BOR) Meeting of the Visayas State University at 5:30  
3 P.M.

4 Certified True and Correct

5   
6 DANIEL M. TUdTUD, JR.  
7 Board Secretary

8 Attested:

9 **J. PROSPERO E. DE VERA III, PhD.**  
*Chairperson*