1	MINUTES OF THE 53 rd BOR (S	PECIAL) ME	ETING
2	28 July 2011		
3	Office of the President		
4	Visayas State University		
5	Visca, City of Baybay, Leyte		
6		.,,,	
7	Regents Present:		
8	Hon. Nenalyn P. Defensor Commissioner, Commission of Higher Education	• • • • • • • • • • • • • • • • • • • •	Chairperson
10 11	Hon. Jose L. Bacusmo President, Visayas State University		Vice Chairman
12 13 14 15	Hon. Edgardo J. Angara Chairman, Senate Committee on Education, Arts & Culture Senate of the Philippines Represented by Hon. Mayor Carmen L. Cari		Member
16 17 18	Hon. Juan Edgardo "Sonny" Angara, Jr. Chairman, House Committee on Higher and Technical Educations of Representatives	ition	Member
19	Represented by Mr. Joseph L. Emnas		
20 21 22	Regent Antonio G. Gerundio Regional Executive Director Department of Agriculture Regional Office VIII		Member
23 24	Regent Edgardo E. Tulin President, VSU Federated Alumni Association		Member
25 26	Regent Alan L. Presbitero President, VSU Federated Faculty Association		Member
27 28	Regent Gerald M. Rivera President, Federated University Supreme Student Council		Member
29 30	Regent Edwin C. Codilla Private Sector Representative		Member
31	Not Present:		
32 33 34	Regent Buenaventura C. Go-Soco, Jr. Regional Executive Director NEDA Regional Office VIII		Member
35 36	Regent Felix V. Quero Private Sector Representative	*******	Member
37	Others Present:		
38 39	Mr. Daniel M. Tudtud, Jr. Board Secretary V		Board Secretary
40 41 42	Mr. Ruel Capanzana Executive Assistant Office of Commissioner Nenalyn P. Defensor		
43 44 45	Ms. Vivian V. Balbarino Information Officer I Office of the Board Secretary		

I. ROLL CALL

2	The Hon. Commissioner, Dr. Nenalyn P. Defensor, Chairperson of the VSU
3	Board of Regents, requested the University Secretary to make a roll call of members
4	present for the Board Meeting.

The Board Secretary informed the Honorable Chairperson that there were nine

(9) Regents present and two (2) Regents not present for the 53rd VSU Board of

Regents (Special) Meeting.

The Board Secretary indicated that Regent Buenaventura C. Go-Soco, Jr. is in Manila to attend a special NEDA Meeting while Regent Felix V. Quero is still in the United States of America.

11 II. CALL TO ORDER

12 Chairperson Nenalyn P. Defensor declared a quorum and called the meeting to order at 1:10 P.M.

Chairperson Defensor then led the Board to a short Prayer prior to the start of the 53rd BOR Meeting.

16 III. APPROVAL OF THE AGENDA

The Hon. Chair likewise informed the Board that the CHED Chairperson requires CHED Commissioners to "fill-up a CHED Form" indicating the rationale for the holding of Special BOR Meetings. The CHED Chairperson personally goes over this form and approves its holding. Thus, only items presented in the request form duly approved by the CHED Chairperson will be the subject for BOR discussion during the Special Meeting.

Chairperson Defensor clarified that in the request made by the University, it was indicated that the Special BOR Meeting was necessary "because the Special Allotment Release Order (SARO) has already been released by the DBM and the President needs BOR authorization to be able to utilize the funds".

Chairperson Nenalyn P. Defensor informed the Board that in the spirit of the approval by the CHED Chairperson for the holding of this Special BOR Meeting, the

1	only approved Agenda pertains to the disposition of funds that the University got	
2	from the Department of Budget and Management (DBM) which is not part of the	
3	University's GAA".	
4	The Hon. Chair indicated that the item under Unfinished Business shown in	
5	the Agenda for the 53 rd BOR Meeting should be dropped and directed the President to	
6	justify the inclusion of the other items in the Agenda.	
7	President Bacusmo informed the Hon. Chair that he would like to include a	
8	few other items due to its urgency, on top of the already approved item, as follows:	
9	Item 1. Approval for the construction and utilization of funds from the DBM;	
10 11	Item 2. <u>Construction of a Property/Supply Office and Storage Building at the Isabel Campus;</u>	
12	Item 3. Creation of a University Professor position;	
13	Item 4. <u>Authority to designate VSU Cashier as eDST Account Owner</u> ;	
14	Item 5. <u>Upgrading of Faculty based on NBC 461 4th Cycle</u> ; and	
15	Item 6. <u>Purchase of Private Land located inside VSU premises</u> .	
16	Chairperson Defensor inquired whether the University undertakes a "pre-	
17	Board Meeting" and inquired from the President whether the additional items of the	
18	Agenda, like the creation of a University Professor position, passed "through	
19	channels".	
20	The President replied that the University does not practice this.	
21	Item 1: Approval for the construction and utilization of funds from the DBM	
22	The Hon. Chair indicated that this item will be discussed.	
23 24	Item 2: Construction of a Property/Supply Office and Storage Building at the Isabel Campus	
25	The Hon. Chair indicated that this item will be discussed.	
26	Item 3: An Additional University Professor position	
27	The Hon. Chair also requested an explanation on the difference between a	
28	Professor 6 and a University Professor position.	
29	Regent Tulin replied that insofar as the University Professor position is	
30	concerned, it is also governed by NBC 461.	

Regent Presbitero commented that the University Professor position is the "highest academic rank" a faculty can aspire for and the most prestigious academic position. Thus, this is not just about salary grade. The NBC has a definite process to obtain this rank. For instance, there is a *colatilla* set by the NBC such that the number of University Professors at any single time "should not exceed 5% of the total number of accredited Professors in the University on top of the other conditions also indicated in the NBC".

Chairperson Defensor suggested that: "maybe the President should study this further".

President Bacusmo replied that: "there is no need to study further because the University is just trying to maximize on our vacant positions. The DBM informed Administration that it can open one more position for University Professor. It is up to the Faculty if it doesn't want to avail of one more University Professor position".

Regent Presbitero informed the Board that he will be giving out some documents pertaining to the stipulations and provisions of NBC 461 *vis-à-vis* the University Professor position. This is the same issue presented by Prof. Emeritus Solita Monsod on the conferment of University Professor position on Dr. Emerlinda Roman.

Chairperson Defensor indicated that "due to the conflicting positions of Administration and the Faculty and on account of the many documents that the Board will have to read, this item will be deferred until the next regular BOR Meeting".

Item 4: Authority to designate VSU Cashier as eDST Account Owner

Chairperson Defensor mentioned that this was also an item in the other Boards and inquired from the President what this Memo was all about.

The President indicated that this is a Memo comes from the BIR on the need to have a designated eDST Account Owner or else face possible penalties.

The Hon. Chair indicated that this item will be discussed.

Item 5: Upgrading of Faculty based on NBC 461 4th Cycle

The Hon. Chair requested more information from the President on what will now happen to the faculty with new ranks. This proposal also entails money because without the budget, the money that will be used to pay the faculty with the new ranks or new grades will come from the University's income. The Hon. Chair inquired whether the University has enough income to pay for the salary increases.

The President replied that there is a Certification attached showing the amount needed to pay the new rates for the faculty per NBC 461 4th Cycle results.

The Hon. Chair suggested that Administration and the Faculty should thoroughly discuss Items 3 and 5 and decided that: "since there is a pending question in Item 3 which is NBC related, and this Item 5 is also NBC related, then both Items should be deferred until the next regular meeting".

Item 6: Purchase of Private Land within VSU premises

The Hon. Chair requested more information from the President.

The President informed the Board that there are still private lands within the University premises, lands that were not given up when PD1170 went into effect. The President then requested for the presence of Ms. Jeanette B. Israel who will be reporting on this.

Chairperson Defensor inquired whether all documentation are available and whether this has been coursed through the Administrative Council.

President Bacusmo replied that this item passed through the University Administrative Council.

The Hon. Chair indicated that this item will be discussed.

Chairperson Defensor again requested for a motion to approve the Agenda, as amended.

President Jose L. Bacusmo moved for the approval of the Agenda, as amended.

1	Regent Antonio G. Gerundio seconded the motion.
2	The Chair declared the Agenda for the 53 rd BOR Meeting, adopted.
3	CALENDAR OF BUSINESS
4	A. NEW BUSINESS
5	I. Matters for Approval
6	1. Approval for the construction and utilization of funds from the DBM
7 8	Construction of a Property/Supply Office and Storage Building at the Isabel Campus;
9	3. Authority to designate VSU Cashier as eDST Account Owner
10	4. Purchase of Private Land located inside VSU premises.
11	B. ADJOURNMENT
12	IV. NEW BUSINESS
13	A. Matters for Approval
14 15	1. Approval for the Construction and Utilization of Funds from the DBM in Accordance with the Proposed Timetable of Activities
16	The Hon. Chair likewise indicated her personal paradigms, as follows:
17	First paradigm: "all benefits that can be accessed, should be given to employees";
18	Second paradigm: "as much as possible, utilize wisely all allocations given to the
19	agency so that little or nothing is ever unused that will have to be returned
20	to the National Treasury".
21	Chairperson Nenalyn P. Defensor pointed out that based on her personal
22	paradigms, these became the main reasons why this special BOR Meeting was
23	set. The amount given by the DBM is not from the GAA released to VSU but a
24	special release for a specific purpose, the construction of a new Library facility.
25	The Hon. Chair narrated that the President had informed her that the DBM had
26	already released the SARO and it was now with the University.
27	The Hon. Chair narrated that she explained to the CHED Chairperson, Dr
28	Patricia B. Licuanan, the urgency and necessity of conducting a special VSU BOR
29	meeting, to wit: "in two days, it will be August. The University will have only five

months to spend the P9.5 million or face the risk of having to return the money to the National Treasury".

Chairperson Defensor further narrated that when she left Manila, the weather there was very stormy. She had even requested her driver to wait until after the plane left because she was afraid the flight would be cancelled on account of the bad weather. However, she was very pleasantly surprised that it was so sunny when she arrived in Tacloban City.

The Hon. Chair then requested the President to make the presentation.

President Bacusmo informed the Board that the University has to bid out for the design of the proposed Library Building in accordance with the law. The next bidding will be for the construction, after the design stage. In the proposal, the specifications of what should be in the first floor, is established.

The Hon. Chair indicated that she thought the University already had a design and was now ready for the construction part.

President Bacusmo replied that the money for this new Library was "heaven sent" and the University did not have any inkling it was forthcoming.

Nonetheless, the designing component will be immediately dealt with.

Regent Presbitero commented that there are questions on why the University has to build a "new Library" when the existing library facility is still very much functional. Maybe this new money could be used to build academic buildings which the University is in need of very badly.

The President replied that indeed, the existing Library is still very functional. However, usage by students and other interested parties has dropped sharply over the years because of its location, which is on the top most portion of the University campus.

The Hon. Chair inquired from the Student Regent if this was indeed the case.

The Student Regent, Mr. Gerald M. Rivera, informed the Board that indeed, most of the students have been discouraged from visiting the Library because of its location.

The Faculty Regent commented that when Dr. F.A. Bernardo planned out the buildings, their specific locations had "special meanings".

Chairperson Defensor replied that the University buildings are very spread out because of its vast land holding. Some of its buildings, including the Administration Building, is designed like a "resort" and projects a very "romantic" setting. However, in terms of functionality, there is so much wasted space that could otherwise have been used.

The Hon. Chair inquired whether the SARO actually indicated that this money was to be used for the new Library building. If it did specify, it is not possible to "divert" said funds for the construction of another structure except a new Library. To do otherwise will tantamount to "graft and corruption" because said funds shall have been re-aligned or "technically malversed".

The President replied that the SARO clearly indicated that the funds be used for the construction of a new Library building in the Main Campus. The President also indicated that Administration is planning to convert the present Library to become an academic building once the new Library shall have been completed.

The President also mentioned that Dr. Bernardo, the first President of ViSCA is in the campus and was supportive of the idea to have the new Library beside the University Computer Center because today's libraries around the world are "hitched on the digital world".

Chairperson Defensor clarified that apparently, everybody like the idea of constructing a Library nearer to everybody and there has been no objection to the proposal. It is also very clear in the SARO that it is not possible to change anything.

The Hon. Chair requested the President to outline the steps that will be undertaken relative to the utilization of the funds released by the DBM.

The President indicated that the first step that the Administration do is to bid out the design for the building. The President pointed out that based on the proposal the construction will be done "by Administration". The President, however, expressed doubts whether this can be done on account of the "very slow process of coursing the purchases through the Supply Office" which may not really beat the deadline for the utilization of the released funds. Thus, Administration is now seriously looking at getting a "contractor" to do the job.

The Hon. Chair inquired whether the University is allowed to do this?

The President replied that the SARO makes an assumption that a contractor will be used for the actual building construction.

The Hon. Chair then pointed out the proposed itemized expenditures for the P9.50 million DBM fund release (Phase I), as follows:

- 1. Consultancy & Architectural Design Services P 2.00 million
- 2. Site Development 2.00 million
- 3. Construction (Phase I) 5.50 million
- P 9.50 million

The Hon. Chair instructed the President to "show the design of the proposed Library and how Phase I will look like" in the next regular meeting of the Board.

The President promised to do this.

The Hon. Chair further instructed the President to make sure that the design plans ensure that even with the construction done by phase/module, it ensures that whatever that will be completed by end of Phase 1 will be fully useable. The Hon. Chair narrated that she has seen many "grand projects" turn into "white elephants" because of lack of funds to complete these projects. The

Hon. Chair expressed her hope that this project will see fruition of plans and design.

President Bacusmo informed the Board that the Vice President for Administration and Finance personally assured him that by the end of Phase 1 construction, there will already be 500m² of livable space ready for use.

Regent Presbitero commented that nowhere in the Timetable is it indicated that the University will end up with a useable building at the end of the Phase 1 construction. The Faculty Regent suggested that the assurance made by the VP for Administration and Finance, to wit: "that by the end of Phase 1 construction, there will already be 500m² of livable space ready for use", be included in the Timetable for approval by the Board of Regents.

Chairperson Defensor replied that this assurance by the VP for Administration and Finance should be placed as the 2nd colatilla in the motion to approve, to wit: "Approving the proposed utilization of the P9.5 million for the construction of the proposed library, *Provided*, That it complies with the requirements of RA. 9184 and *Provided Further*, That by the end of Phase 1 construction, there will already be 500m² of livable space ready for use".

The Hon. Chair pointed out to the President that what the Faculty Regent is requesting is that the building design to be presented to the Board for approval should be modular such that even if no other monies will be forthcoming, the said structure will still be useable.

Regent Edwin C. Codilla pointed out that the building design bidders should be advised of this criteria.

The Hon. Chair indicated that this is the job of the President.

The President indicated that this will be included.

Regent Joseph L. Emnas inquired how different this proposed library will be compared with contemporary libraries of today.

President Bacusmo replied that this library will have more computers and electronics in use. Further, it will also be an eco-friendly or "Green" building.

Chairperson Defensor commented that maybe, this library will be an ELIDE component.

President Jose L. Bacusmo moved for the approval for the proposed utilization of the P9.5 million from the Department of Budget and Management for the construction of the proposed library, <u>Provided</u>, <u>That</u> it complies with the requirements of RA. 9184 and <u>Provided Further</u>, <u>That</u> by the end of Phase 1 construction, there will already be 500m² of livable space ready for use, as mdofied.

Regent Edwin C. Codilla seconded the motion.

The Board passed

BOR Resolution No. 63, s. 2011

Approving the proposed utilization of the P9.5 million from the Department of Budget and Management for the construction of the proposed library, <u>Provided, That</u> it complies with the requirements of RA. 9184 and <u>Provided Further, That</u> by the end of Phase 1 construction, there will already be 500m² of livable space ready for use, as modified.

2. <u>Construction of a Property/Supply Office and Storage Building at the Isabel Campus</u>

Chairperson Defensor inquired whether a representative from the Isabel Campus could make the presentation.

The President replied that there is no one from the Isabel Campus present in this Special BOR Meeting.

The Board Secretary requested permission to speak on behalf of the Isabel Campus having been a former Dean of the said campus. The Board Secretary informed the Board that since the time he became dean in 2003, the campus has not had a space of its own and as a result, has been "moved around" the different classrooms of the college. It is really high time that the Property/Supply Office be provided with its own separate building so that all the purchased supplies and materials can be safely and securely stocked.

The Hon. Chair commented that for a small building, the estimated cost of P1.95 million is quite steep.

The President informed the Board that Isabel does not have gravel. The land form in and around Isabel is calcareous soil which is basically limestone and therefore cannot be used for construction.

Board Secretary pointed out that aggregates come from Ormoc City or even as far as Kananga, Leyte.

Regent Presbitero stated, for the record that "the Dean of the Isabel Campus has been doing a very good job".

The Hon. Chair inquired whether the funds to be used will come from the Main Campus or the Isabel Campus.

President Bacusmo replied that the funds will come from the income of the Isabel Campus.

Regent Antonio G. Gerundio pointed out that the Certification from the College Accountant only indicates that there is P700,000.00 available for this purpose.

The President explained that the construction will be done by phase as indicated in the proposal. For the moment, the Isabel Campus will be undertaking Phase I of the said construction and this will cost about P700,000.00. In the next coming periods, when the College will be able to have additional income, another phase in the construction will continue.

The President suggested to Chairperson Defensor that on her way to Palompon tomorrow, time permitting, to make a brief stop in VSU Isabel and look at the Apartelle of the College. This building was initially started with meager College funds a few years ago, but with the help of the Municipality of Isabel, it was completed.

Chairperson Defensor clarified that the Board will approve only the request of P1.955 million to be sourced from College income.

The Hon. Chair requested for a motion to approve.

1	President Jose L. Bacumso moved for the approval for the construction of
2	a Property/Supply Office and Storage Building at the Isabel Campus with a budget
3	of P1,955,000.00 to be sourced from College income, as presented.
4	Regent Carmen L. Cari seconded the motion.
5	The Board of Regents passed
6	BOR RESOLUTION NO. 64, s. 2011
7 8 9	A Resolution Approving the construction of a Property/Supply Office and Storage Building at the Isabel Campus with a budget of P1,955,000.00 to be sourced from College income, as presented.
10 11	3. Request for Authority to Designate the VSU Cashier as the eDST Account Owner
12	Chairperson Defensor commented that this is based on a memorandum
13	from the Bureau of Internal Revenue (BIR).
14	The Board Secretary mentioned to the Board that this request is based on
15	Revenue Regulation No. 7-2009 dated 29 June 2010 which seeks to replace the
16	use of Documentary Imprinting Machines (DESIMs) with the Electronic
17	Documentary Stamp Tax (eDST) system in the payment and/remittance of
18	documentary stamp tax liabilities and affixture of the prescribed documentary
19	stamp tax on taxable documents.
20	The Hon. Chair indicated that the other Board also made similar requests,
21	so this is in order. The Hon. Chair then requested for a motion to approve.
22	Regetn Antonio G. Gerundio moved for the approval for the request for
23	authority to designate the VSU Cashier as the eDST Account Owner, as presented.
24	Regent Carmen L. Cari seconded the motion.
25	The Board of Regents passed
26	BOR RESOLUTION NO. 65, s. 2011
27 28 29	A Resolution Approving the request for authority to designate the VSU Cashier as the eDST Account Owner, for and on behalf on VSU, as presented.

4. Purchase of Private Land Located Inside VSU Premises

Chairperson Defensor requested for a clear presentation of the proposal from the President.

The President informed the Board that the University is currently working on the acquisition of three (3) parcels of land: two (2) in the Main Campus and one (1) in the Tolosa Campus. The two private lands in the Main Campus came about because the owners did not want to sell their properties during the establishment of the Philippine Root Crop Research and Training Center (PRCRTC) pursuant to Presidential Decree 1107. PD 1107 provided for the expansion of lands for the PRCRTC totaling 335 hectares. Just recently, the owners have approached Administration volunteering to sell their parcels of land.

Chairperson Defensor then stated that before bringing issues on land to the Board, there should complete staff work, to include:

- the Office of the Solicitor General should first be consulted on the legality of such an act for the guidance of the Board on the matter; and
- the Office of the COA Resident Auditor should also be consulted and a written advice from them should be secured.

The Hon. Chair pointed out that although this particular parcel of land is owned by a Fermin Piamonte and an advice from the Office of the Solicitor General has been secured, said advice clearly indicated, to wit: "We respectfully suggest that prior approval by the COA Resident Auditor be secured before the VSU proceeds to purchase Lot No. 7229". Although the OSG has opined that purchasing said land at the offered price is justifiable, there is nonetheless, the need to secure the permission of the COA Resident Auditor.

The Hon. Chair the requested the Board Secretary to put into record that she raised the following important questions related to the proposal to acquire Lot No. 7229, as follows:

1. is the land "titled"?

1	2. has the "land title" been reconstituted considering that it was issued when the
2	Philippines was still under the tutelage of the United States of America?
3	3. how did the University ascertain the "authenticity" of the land title?
4	4. has the University checked the said records with the Registry of Deeds?
5	5. who is paying the taxes on the land?
6	The President informed the Board that Ms. Jeanette B. Israel is the person
7	in-charge of the Land Titling Unit of the University. Ms. Israel has undertaken all
8	the necessary steps required for the verification and assessment of the pieces of
9	land voluntarily offered for sale to the University.
10	Regent Presbitero also inquired whether the University is indeed in
11	possession of valid "documents".
12	Chairperson Nenalyn P. Defensor laid out the position of the Board of
13	Regents on this matter, to wit: "The Board does not have any problem with the
14	request as there is no objection raised. However, the Board wants to have proof
15	that the papers are in order".
16	Ms. Israel assured the Hon. Chair that she is in possession of the required
17	papers.
18	Chairperson Defensor reminded Ms. Israel that she should first consult a
19	lawyer preferably knowledgeable about real estate and show these documents
20	because she is not a lawyer. The board has to be extra sure that all the documents
21	pertaining to this piece of land that will be shown to the Board is clean,
22	unencumbered and that the ownership of such land is beyond question.
23	The Hon. Chair continued that there may be a need to secure from the
24	Registry of Deeds a certification indicating that the land is free of any "lean" and
25	the ownership is "clear" meaning it is in the names of the people selling the said
26	land. The original land title has to be in the possession of the University so that it

can be ascertained whether there are "annotations" in said title.

To this end, Chairperson Defensor inquired from the President whether the University has a lawyer in its employ and if so, to request such a lawyer to assist the University in this regard.

President Bacusmo replied that the University has a lawyer in its employ. The President requested that the Board approve the purchase of this piece of land (Piamonte) and place the other requirements suggested by the Board as part of the colatilla in the BOR Resolution.

Chairperson Defensor clarified that the only thing that the Board will approve at this time is that "Administration will proceed with the documentary evidence preparation attendant to the proposal to purchase said piece of land". The Board will re-evaluate once all the documentary evidences are in order and only then will the Board again tackle the issue of whether or not to purchase said piece of land.

The Hon. Chair reiterated that Administration should request its lawyer to help sort out the documents.

The President inquired whether this decision by the Board will also hold true for the Tolosa land. The Tolosa land in question is part of the land donated by the late Miguel Romualdez for the establishment of the Daniel Z. Romualdez Memorial School of Fisheries now the VSY Tolosa Campus. Unfortunately, this donation was not perfected thus, there is now a legal issue relative to said donation. This piece of land is now being offered "for sale" by the family of Ms. Imelda Romualdez Marcos.

The President mentioned that this piece of land is important to the University based on the agreement forged between the University and the DepEd wherein the University is obligated to "transfer" to the DepEd two (2) hectares of land where the DepEd can build its own facilities. The extension for this "transfer" expires this September 2011.

The President narrated that the lawyers of the Romualdez family through Mr. Alfredo "Bejo" Romualdez, suggested in a meeting that the fastest way of

1	securing the said piece of land is to just purchase it especially because it is being
2	offered at a very low price.
3	The Hon. Chair replied that if this is the only way to get hold of the
4	property, then the University must purchase it but only after all the legal
5	requirements are met and all legal questions are answered.
6	V. ADJOURNMENT
7	After all items were discussed, Chairperson Nenalyn P. Defensor thanked
8	everybody for their presence and requested for a motion to adjourn the meeting.
9	Regent Carmen L. Cari moved for the adjournment of the 53 rd BOR Meeting.
10	Regent Antonio G. Gerundio seconded the motion.
11	The 53 rd Board of Regents Meeting (Special) of the Visayas State University was
12	adjourned at 2:34 P.M.
13	Certified True and Correct
	to in Daniel
14 15	DANIEL M. TUD TUD, JR. Board Secretary
16	Attested:
17 18	NENALYN P. DEFENSOR Chairperson