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STATE UNIVERSITY

OFFICE OF THE
PRESIDENT




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Memorandum No. 553
Series of 2024

TO: DR. MICHELLA A. CALDA

RE: Stern Warning Regarding the Sale of Authored Books to Students


FROM: DR. PROSE IVY G. YEPES
University President

DATE: July 1, 2024

This office, in coordination with the Legal Office, received and reviewed your response to the Show Cause Order issued concerning the sale of books you authored to your students. After careful consideration, it has been determined that your actions, while perhaps conducted in good faith, have created a conflict of interest due to your dual roles as both the author and instructor.

As a result, this office issues a stern warning to refrain from engaging in such conduct in the future. This practice is not in alignment with the principles and ethical standards expected of our faculty members.

We trust that you understand the gravity of this situation and will take all necessary steps to ensure that such an incident does not recur. Your adherence to these guidelines is important to maintain the integrity and trust that the university upholds.

For your information and usual support.

cc: File
OIC, Legal Office

OFFICE OF THE PRESIDENT

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V05 06-06-2024
No. **24-553**

OP #458
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VISAYAS
STATE UNIVERSITY

LEGAL
OFFICE

June 10, 2024

DR. PROSE IVY G. YEPES
President
Visayas State University

- *Am* 6/18/24

Dear Dr. **Yepes**:

This office received a note from the Office of the President requesting for information and appropriate action regarding the responses of Dr. Michelle A. Calda concerning the show cause order issue. After reviewing Dr. Calda's responses, the following are the recommendations of this office:

As the chairman of the preliminary investigation committee on the matter leading to the show cause order, the undersigned recalled that the committee only pointed out Dr. Calda's practice of selling copies of books she authored to her students, which were being used as references in her subject. The committee identified this as creating a conflict of interest given her dual roles as author and instructor.

Upon reviewing Dr. Calda's explanation, as a lawyer and technically speaking, there was indeed a conflict of interest. However, based on Dr. Calda's response letter, the undersigned interpreted that she was acting in good faith and was unaware of the violation or prohibition. Therefore, this office recommends issuing a stern warning to Dr. Calda to refrain from such actions in the future. Any repetition of this conduct will result in the filing of an Administrative case.

Thank you and God bless.

R. Guinocor
ATTY. RYSAN C. GUINOCOR
OIC Chief Legal Officer

LEGAL OFFICE

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FM-VSU-03
V3 06-06-2024
No.24-88

OP#167
5/28

Subj: Show Cause Order Response

Ref: OP email sent by Les Andres Pamaos dated May 22, 2023

May 25, 2024

Dr. Prose Ivy G. Yepes
University President
Visayas State University

Thru: **Atty. Rysan C. Guinocor**
OIC, Legal Officer
Visayas State University

Dear Dr. Yepes:

Greetings of peace!

I started writing the book when I worked as a clinical instructor at Colegio de San Lorenzo Ruiz de Manila, Catarman, Northern Samar, from 2007 to 2010. It has been my concept since I worked in the academe, which is why the concepts of the book were taken from my lectures in previous years. However, I needed to learn how to do this process in 2010.

When I started working here in 2010, I needed more time to finalize it due to heavy workloads while raising my kids. Hence, it was only copyrighted in 2022. I sold copies of the printed materials to those who wanted to get a copy so it would be easier for the students to follow my discussion. Most students availed, but some did not. It was in the first semester of the SY 2022-2023. I was not the dean when I sold the printed copies. My designation as dean to replace Mrs. Magno started on January 18, 2023 (just last year). When I became the college dean, another faculty handled the subject. So, I only sold the materials once.

Honestly, I did not know about the law that the books developed as a government employee is a government property. I thought that a government employee must work 40 hours a week. So, I thought, I could work on other things for my professional growth until Atty. Guinocor informed me in June 2023. Also, I was not aware that it is prohibited in this institution. My apologies for not reading the policies of this institution.

Considering the explanation from an article: "An author of a work is entitled to resale rights which subsist during his lifetime plus fifty (50) years after his death. In case of works of joint authorship, the resale right shall be reckoned from the moment of creation plus fifty

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they need to learn and explain it to the Patient well before administering it. Hence, some books are needed at the hospital as gadgets are not allowed per hospital policy to prevent the students from taking photos/videos during duty hours. For this reason, digital access is not possible in the hospital. Noncompliance with the hospital policies can result in the termination of the contract between VSU and the Hospitals.

Since this is the university's concern, as it is not ethical; I recommend that the university provide enough books at the library so they can borrow them for the whole month and renew or return them in good condition. Another option is to let faculty members borrow some books and give them to the students. I hope it is not an additional burden to the faculty member to borrow books from the library for their students. It will be their responsibility to pay once lost or damaged. Or maybe they can have PDFs on their phones, but phones should be collected by the faculty and given back to them if they need digital resources. However, some students' lounges have no lockers and are shared with other affiliates. Hence, it is an additional burden to the faculty. I wish you can help us think of best ways to avoid compromising learnings at the clinical area, the patients, the hospitals as well as this university.

I am hoping I was able to explain my side regarding this matter.

Thank you and my apologies for this incident.

Sincerely yours,



Michelle A. Calda
Faculty

Recd 09/14/24

OFFICE OF
THE PRESIDENT



To: Atty. Ryan C. Guinocor

FOR YOUR:

- | | |
|--|---|
| <input type="checkbox"/> Study | <input type="checkbox"/> Comment/Recommendation |
| <input checked="" type="checkbox"/> Appropriate Action | <input type="checkbox"/> Notation and Return |
| <input checked="" type="checkbox"/> Information | <input type="checkbox"/> Dissemination |

REMARKS:

For your information and
appropriate action. TY