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SENATE

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S. No. 2648

Introduced by Senator **JUAN MIGUEL F. ZUBIRI**

EXPLANATORY NOTE

This bill seeks to convert the Mindanao Polytechnic State College in Cagayan de Oro City, Province of Misamis Oriental, into a State University, to be known as the Mindanao University of Science and Technology (MUST).

The main campus of the Mindanao University of Science and Technology shall be in Cagayan de Oro City and the satellite campuses of the Mindanao Polytechnic State College in Jasaan, Misamis Oriental, in Alubijid, Misamis Oriental, in Panaon, Misamis Oriental and in Oroquieta City, are hereby proposed to be integrated.

The proposed conversion of Mindanao Polytechnic State College into a State University is a timely recognition of its capability to be at par with other universities, especially in Mindanao. Its conversion will also address the demand for high level manpower in science and technology needed by the industries and businesses in Northern Mindanao as MUST is envisioned to provide such needed manpower and become instrumental in the progress and development of the region.

The MUST shall primarily provide advanced education, higher technological, professional instruction and training in the fields of arts and sciences, education, engineering and other relevant fields of study. It shall also undertake research and extension in support of the socio-economic development of Mindanao, and provide dynamic and progressive leadership in human resource development in critical skills and competencies required for global competitiveness.

Thus, approval of this bill is earnestly requested.



JUAN MIGUEL F. ZUBIRI

1 to remain and operate within the campus of the University until the existing students
2 shall have completed their high school education. *Provided further*, That the University
3 may operate a reasonably sized laboratory school if it has a College of education.
4

5 **Section 4. Administration** - The University shall have the general powers of a
6 corporation set forth in Batas Pambansa Blg. 68, as amended, otherwise known as the
7 "Corporation Code of the Philippines." The administration of the University and the
8 exercise of its corporate powers shall be vested exclusively in the Board of Regents and
9 the president of the University.
10

11 **Section 5. The Governing Board** - The governing board of the University shall be
12 the Board of Regents, hereinafter referred to as Board, which shall be composed of the
13 following:

- 14 (a) The chairperson of the Commission on Higher Education (CHED),
15 chairperson;
- 16 (b) The president of the University, vice chairperson;
- 17 (c) The chairperson of the Committee on Education, Arts and Culture of the
18 Senate, member;
- 19 (d) The chairperson of the Committee on Higher and Technical Education of the
20 House of Representatives, member;
- 21 (e) The regional director of the National Economic and Development Authority
22 (NEDA), member;
- 23 (f) The regional director of the Department of Science and Technology (DOST),
24 member;
- 25 (g) The president of the federation of faculty associations of the University,
26 member;
- 27 (h) The president of the federation of student councils of the University, member;
- 28 (i) The president of the federation of alumni associations of the University,
29 member;
- 30 (j) Two (2) prominent citizens from the private sector who have distinguished
31 themselves in their profession or fields of specialization of the University,
32 member; and
33

34 The Board of Regents shall appoint the two prominent citizen from among a list
35 of at least five (5) persons qualified in the Province of Misamis Oriental and City of
36 Cagayan de Oro, as recommended by the search committee constituted by the
37 University president, in consultation with the chairperson of CHED, based on the normal
38 standards and qualification for the position.

1 The term of office of the president of the federation of faculty associations, the
2 president of the federation of student councils, and the president of the federation of
3 alumni associations shall be coterminous with their respective terms of office, as set
4 forth in their Constitutions and By-Laws.

5 The two (2) prominent citizens shall serve for a term of two (2) years from the
6 date of appointment.

7
8 **Section 6. *Promulgation and Implementation of Policies*** - The Board shall
9 promulgate and implement policies in accordance with the declared state policies on
10 education and other pertinent provisions of the Constitution, specifically in education,
11 agriculture, science and technology, as well as the policies, standards and thrusts of the
12 CHED under Republic Act No. 7722, otherwise known as the "Higher Education Act of
13 1994".

14
15 **Section 7. *Powers and Duties of the Board of Regents*** - The Board shall have
16 the following specific powers and duties in addition to its general power of
17 administration and the exercise of all the powers granted to the board of directors of a
18 corporation under existing laws:

- 19
20 (a) To promulgate rules and regulations as may be necessary to carry out the purposes
21 and functions of the University;
- 22 (b) To receive and appropriate all sums as may be provided, for the support of the
23 University, in order to carry out its purposes and functions;
- 24 (c) To import duty-free economic, technical and cultural books and/or publications, upon
25 certification by the CHED that such imported books and/or publication are for
26 economic, technical, vocational, scientific, philosophical, historical or cultural
27 purposes, in accordance with the provisions of the Tariff and Customs Code, as
28 amended;
- 29 (d) To receive in trust legacies, gifts and donations of real and personal properties of all
30 kinds and to administer and dispose of the same when necessary for the benefit of
31 the University, and subject to the limitation, directions and instructions of the donor,
32 if any.

33
34 Such donations shall be exempt from the donor's tax and the same shall be
35 considered as allowable deductions from the gross income in the computation of the
36 income tax of the donor, in accordance with the provisions of the National Internal
37 Revenue Code (NIRC), as amended: *Provided*, That such donations shall not be
38 disposed of, transferred or sold;

1 (e) To fix the tuition fee and other necessary school charges, such as, but not limited to
2 matriculation fees, graduation fees and laboratory fees, as the Board may deem
3 proper to impose, after due consultations with the involved sectors.
4

5 Such fees and charges, including government subsidies and other income
6 generated by the University, shall constitute special trust funds and shall be
7 deposited in any authorized government depository bank, and all interests that shall
8 accrue therefrom shall form part of the same funds for the use of the University.
9

10 Any provision of existing laws, rules and regulation to the contrary
11 notwithstanding, any income generated by the University from tuition fees and other
12 charges, as well as from the operation of auxiliary services and land grants, shall be
13 retained by the University, and may be disbursed by the Board for instruction,
14 research, extension or other programs/projects of the University: Provided, that all
15 fiduciary fees shall be disbursed for the specific purposes for which they are
16 collected.
17

18 If, for reasons beyond its control, the University shall not be able to pursue any
19 project for which the funds have been appropriated and allocated under its approved
20 program of expenditures, the Board may authorize the use of said funds for any
21 reasonable purpose which, in its discretion, may be necessary and urgent for the
22 attainment of the objectives and goals of the University.
23

24 (f) To adopt and implement a socialized scheme of tuition and school fees for greater
25 access to poor but deserving students;

26 (g) To authorize the construction or repair of its buildings, machinery, equipment and
27 other facilities, and the purchase and acquisition of real property, including
28 necessary supplies, materials and equipment;

29 (h) To appoint, upon recommendation of the president of the University, vice presidents,
30 deans, directors, heads of campuses, faculty members, and other officials and
31 employees of the University;

32 (i) To fix and adjust salaries of faculty members and administrative officials and
33 employees, subject to the provisions of the revised Compensation and Position
34 Classification System and other pertinent budget and compensation laws governing
35 hours of service and such other duties and conditions as it may deem proper; to
36 grant them, at its discretion, leaves of absence under such regulations as it may
37 promulgate, any provision of existing law to the contrary notwithstanding; and to
38 remove them for cause on accordance with the requirements of due process of law;

- 1 (j) To approve the curricula, instructional programs and rules of discipline drawn by the
2 *Administrative and academic Councils herein provided;*
- 3 (k) To set policies on admission and graduation of students;
- 4 (l) To award honorary degrees upon persons in recognition of their outstanding
5 contribution in the fields of education, public service, arts, science and technology,
6 agriculture or in any field of specialization within the academic competence of the
7 University; and to authorize the awarding of certificates of completion of non-degree
8 and non-traditional courses;
- 9 (m) To establish and absorb non-chartered tertiary institutions within the Provinces of
10 Misamis Oriental and Misamis Occidental as branches and centers in coordination
11 with the Commission on Higher Education (CHED), and in consultation with the
12 Department of Budget and Management (DBM), and to offer therein programs of
13 courses, to promote and carry out equal access to education opportunities as
14 mandated by the Constitution;
- 15 (n) To establish research and extension centers of the University where such will
16 promote the development of the latter;
- 17 (o) To establish chairs in the University and to provide fellowships for qualified faculty
18 members and scholarships to deserving students;
- 19 (p) To delegate any of its powers and duties provided for hereinabove to the president
20 and/or other officials of the University as it may deem appropriate, so as to expedite
21 the administration of the affairs of the University;
- 22 (q) To authorize an external management audit of the University, to be financed by the
23 CHED, subject to COA rules and regulations; and to institute reforms, including
24 academic and structural changes, on the basis of the audit results and
25 recommendations;
- 26 (r) To collaborate with other governing boards of the state colleges and universities
27 within the Provinces of Misamis Oriental and Misamis Occidental of Region 10,
28 under the supervision of the CHED and in consultation with the DBM, and work
29 towards the restructuring of the University to become more efficient, relevant,
30 productive and competitive;
- 31 (s) To enter into joint ventures with business and industry for the profitable development
32 and management of the economic assets of the University, the proceeds from which
33 shall be used for the development and strengthening of the University;
- 34 (t) To develop consortia and other economic forms of linkages with local government
35 units, institutions and agencies, both public and private, local and foreign, in the
36 furtherance of the purpose and objectives of the University;
- 37 (u) To develop academic arrangements for institutional capability building with
38 appropriate institutions and agencies, public and private, local and foreign, and to

- 1 appoint experts/specialists as consultants, part time or visiting or exchange
2 professor, scholars, or researchers, as the case may be;
- 3 (v) To set up the adoption of modern and innovative modes of transmitting knowledge
4 such as the use of information technology, the dual system, open learning, or
5 distance education and community laboratory for the promotion of greater access to
6 education;
- 7 (w) To establish policy guidelines and procedures for participative decision-making and
8 transparency within the University;
- 9 (x) To privatize, where most advantageous to the University, management of non-
10 academic services such as health, food, building or grounds or property
11 maintenance and such other similar activities; and
- 12 (y) To extend the term of the president of the University beyond the age of retirement
13 but not later than the age of seventy (70), whose performance has been unanimously
14 rated by the governing board as outstanding based on the guidelines, qualifications
15 and/or standards set by the Board, after unanimous recommendation by the search
16 committee.

17
18 **Section 8. Meetings of the Board** - The Board shall regularly convene at least
19 once every quarter. However, the chairperson of the Board may, upon three (3) days
20 prior written notice, call special meetings whenever necessary.

21 A quorum of the Board shall consist of majority of all its members holding office
22 at the time of the meeting: *Provided*, That the chairperson of the Board or the president
23 of the University is among those present in the meeting.

24 In the absence of the chairperson of the CHED, a commissioner of the CHED,
25 duly designated by him/her, shall represent him/her in the meeting with all the rights and
26 responsibilities of a regular member: *Provided, however*, That during the meeting, the
27 president of the University as vice-chairperson shall be the presiding officer: *Provided*,
28 *further*, That this *proviso* notwithstanding, the chairperson of the CHED is hereby
29 authorized to designate a CHED commissioner as the regular chair of the Board of
30 Regents, in which case said CHED commissioner shall act as the presiding officer.

31 In case the chairpersons of the Congressional Committees in Education shall not
32 be able to attend the Board meeting, they may duly designate their respective
33 representatives to attend the said meeting, who shall have the same rights and
34 responsibilities as a regular member of the Board.

35 The members of the Board shall not receive any salary but shall be entitled to
36 reimbursements for actual and necessary expenses incurred, either for their attendance
37 in the meetings of the Board or in connection with other official business authorized by
38 resolution of the Board, subject to existing laws and regulations.

1 **Section 9. *The University President*** - The University shall be headed by a
2 president, who shall render full time service. He/She shall be appointed by the Board,
3 subject to the guidelines, qualifications and/or standards set by the Board, upon
4 recommendation of a duly constituted search committee. He/she shall have a term of
5 four (4) years and shall be eligible for reappointment for another term: *Provided*, That in
6 order to effect a smooth transition to a state university, the incumbent president of the
7 Mindanao Polytechnic State College shall serve as the first president of the University.

8 In case of vacancy in the office of the president by reason of death, compulsory
9 retirement, resignation, removal for cause or incapacity of the president to perform the
10 functions of his/her office, the Board shall designate an officer-in-charge of the
11 University within six months from date of vacancy, pending the appointment of a new
12 president.

13 In case of vacancy in the office of the president as mentioned in the immediately
14 preceding paragraph, his/her successor or the officer-in-charge shall hold office for the
15 unexpired term only.

16 The powers and duties of the president of the University, in addition to those
17 specifically provided in this Act shall be those usually pertaining to the office of the
18 president of similar universities, and those delegated by the Board.

19 The salary of the president of the University shall be in accordance with the
20 Revised Compensation and Position Classification System and shall be comparable to
21 that being received by the presidents of similar educational institutions.

22 Within six (6) months before the expiration of the term of office of the incumbent
23 president of the University, the Board shall constitute the Search Committee for the
24 Presidency (SCP).

25 The president of the University shall be assisted by vice-presidents, who shall be
26 appointed by the board upon recommendation of the president.

27
28 **Section 10. *The Administrative Council*** - There shall be an Administrative
29 Council consisting of the president of the University as chairperson, vice-presidents,
30 deans, directors, and other officials of equal rank as members, whose duty is to review
31 and recommend to the Board the policies governing the administration, management
32 and development of the University.

33
34 **Section 11. *The Academic Council*** - There shall be an Academic Council with
35 the president of the University as chairperson and all members of the academic staff
36 with the rank of not lower than assistant professor as members.

37 The Academic Council shall have the power to review and recommend the
38 curricular offerings and rules of the discipline of the University, subject to the approval of

1 the Board of Regents. It shall fix the requirements for the admission of students, as well
2 as for their graduation and conferment of degrees, subject to review and/or approval of
3 the Board of Regents through the president of the University. It shall have the
4 disciplinary power over students of the University and shall formulate academic policies
5 and rules and regulations on discipline, subject to the approval of the Board of Regents.
6

7 **Section 12. *The Secretary of the University*** - The Board shall appoint a
8 secretary, who shall serve as such for both the Board and the University and shall keep
9 all records and proceedings of the Board. He/She shall serve upon each member of the
10 Board the appropriate notice of the Board's meetings.
11

12 **Section 13. *The Treasurer of the University*** - The Treasurer of the University
13 shall be the ex officio treasurer of the University.
14

15 **Section 14. *Faculty*** - No political beliefs, gender preference, cultural or
16 community affiliation or ethnic origin, and religious opinion or affiliation shall be a matter
17 of inquiry in the appointment of faculty members of the University: *Provided*, That said
18 appointment shall be subject to the guidelines, qualifications and/or standards set by the
19 Board. *Provided further*, That no member of the faculty shall teach for or against any
20 particular church or religious sect.
21

22 **Section 15. *Scholarship Program/Admission*** - The University shall provide a
23 scholarship program and other affirmative action programs to assist poor but deserving
24 students who qualify for admission to the University.
25

26 No student shall be denied admission to the University by reason of sex, religion,
27 cultural or community affiliation or ethnic origin.
28

29 **Section 16. *Academic Freedom and Institutional Autonomy*** - The University shall
30 enjoy academic freedom and institutional autonomy, pursuant to paragraph 2, Section 5
31 of Article XIV of the Constitution.
32

33 **Section 17. *Authority to Loan or Transfer Apparatus/Equipment/Supplies and***
34 ***Detail of Personnel*** - The heads of the bureaus and offices of the national government
35 are hereby authorized to loan or transfer, upon the request of the President of the
36 University, such apparatus, equipment or supplies as may be needed by the University,
37 and to detail employees for duty therein when, in the judgment of the head of bureau or
38 office, such apparatus, equipment, supplies or services of such employees can be
spared without serious detriment to public service.

1 The employees so detail shall perform such duties as required of them by the
2 president of the University, and the time so employed shall be counted as part of their
3 regular services.

4
5 **Section 18. *Assets, Liabilities and Personnel*** - All assets, fixed and movable,
6 personnel and records of the Mindanao Polytechnic State College as well as liabilities or
7 obligations, are hereby transferred to the University: *Provided, however,* That the
8 positions, rights and security of tenure of faculty members and personnel therein
9 employed under existing laws prior to the conversion into a University shall be
10 respected.

11 All parcels of land belonging to the Government and occupied by the Mindanao
12 Polytechnic State College in the main campus and satellite/external campuses,
13 including the 292 hectares of land in Lourdes, Alubijid, Misamis Oriental awarded by the
14 government to Mindanao Polytechnic State College through Presidential Proclamation
15 No. 739, are hereby transferred and declared to be property of the Mindanao University
16 of Science and Technology, and shall be titled under that name: *Provided,* that should
17 the University cease to exist or be abolished or should such parcels of land
18 aforementioned be no longer needed by the University, the same shall revert to the
19 original owner/s.

20
21 **Section 19. *Appropriations*** - The amount necessary to carry out the provisions of
22 this Act shall be charged against the current year's appropriations of the Mindanao
23 Polytechnic State College, except the sums needed to continue the operations of the
24 existing high school. Thereafter, such sums as may be necessary for the continued
25 operation and maintenance of the Mindanao University of Science and Technology shall
26 Be included in the annual General Appropriations Act.

27
28 **Section 20. *Development Plan, Management Audit, Organizations/***
29 ***Administrative / Academic Structure*** - Within the period of one hundred twenty (120)
30 days after the approval of this Act, the University shall accomplish the following:

- 31
32 (a) Submit a five (5) year development plan, including its corresponding program
33 budget to the CHED, for corresponding recommendation to DBM;
34 (b) Undergo a management audit in cooperation with CHED; and
35 (c) Accordingly set up its organizational, administrative as well as academic
36 structure, including the appointment of the University key officials.

1 **Section 21. *Filing of Report*** - On or before the fifteenth (15th) day of the second
2 month after the opening of the regular classes each year, the Board shall file with the
3 Office of the President of the Philippines through the chairperson of the CHED, and with
4 both Houses of Congress, a detailed report on the progress, conditions and needs of
5 the University.

6
7 **Section 22. *Suppletory Application*** - The provisions of Republic Act. No. 8292,
8 otherwise known as the “Higher Education Modernization Act of 1997”, shall be an
9 integral part of this Act and shall serve as part of the Governing Charter of the
10 University.

11
12 **Section 23. *Parity Clause*** - All other powers, functions and privileges,
13 responsibilities and limitations to State Universities and/or their officials under existing
14 laws shall be deemed granted to or imposed upon the University and/or its officials
15 whenever appropriate.

16
17 **Section 24. *Implementing Rules and Regulations*** - The Board of Regents, in
18 consultation with the Commission on Higher Education (CHED), shall formulate the
19 guidelines to fully implement the provisions of this Act.

20
21 **Section 25. *Separability Clause*** - If, for any reason, any part or provisions of this
22 Act is declared invalid or unconstitutional, the remaining parts or provisions not affected
23 shall remain in full force and effect.

24
25 **Section 26. *Repealing Clause*** - All laws, presidential decrees, executive orders,
26 rules and regulations contrary to or inconsistent with the provisions of this Act are
27 hereby repealed or modified accordingly.

28
29 **Section 27. *Effectivity*** - This Act shall take effect fifteen (15) days after its
30 publication in two (2) newspapers of general circulation.

31
32 Approved.