Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Thirteenth Congress

First Regular Session

HOUSE BILL NO. 152

Introduced by Honorable Constantino G. Jaraula

EXPLANATORY NOTE

This Bill was filed with the 12th Congress as House Bill No. 4582, with the following Explanatory Note:

"This Bill seeks to convert the Mindanao Polytechnic State College (MPSC) in Cagayan de Oro City into a state university and establishing a campus in Barangays Upper Lumbia, Cagayan de Oro City and Lourdes, Alubijid, Province of Misamis Oriental.

"Progress has come to Misamis Oriental. The province is host to the Cagayan de Oro-Iligan Corridor industrialization program, the implementation of which will cover the period up to the year 2015. The program aims to develop the area as an industrial zone.

"In this era of globalization, the Philippines cannot afford to lag behind. There is a need of a university of science and technology in Mindanao to provide the college level counterpart of the Philippine Science High Schools and to internationalize the Philippine science and technology education.

"The broad scope of the program requires a large number of well-trained manpower. However, the Mindanao Polytechnic State College, given its present status, cannot fully provide the Manpower requirements. Presidential Decree 1431, as amended by Republic Act No. 7102, converting this institution instruction and training, and promotion and research in the fields of industrial technology, engineering, agriculture, forestry and maritime studies.

"The local officials, residents and the academic community clamor for the conversion of this institution into a university to enable it to expand its academic programs. As a university, the institution can initiate a comprehensive manpower development program designed to accelerate and improve the delivery of manpower training services in support of the Cagayan de Oro-Iligan Corridor Industrialization Program, BIMP-EAGA and the whole island of Mindanao.

"An evaluation of the resources of the institution and its accreditation level indicate that it has the capability to become a state university in terms of additional site and facilities, educational programs, academic research, extension services, financing and general administration. Its organizational structure and staffing pattern do have the potential to undertake programs and projects state universities are normally engaged in. Most important of all, autonomy will greatly enhance the capability of this institution to provide globally competitive education and academic training."

In view of the foregoing, approval of this bill, which was filed and approved by the 12th Congress but was not acted upon by the Senate at the time of its adjournment, is earnestly recommended.

CONSTANTINO G. JARAULA

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Thirteen Congress

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HOUSE BILL NO. 152

Introduced by Honorable Constantino G. Jaraula

AN ACT
CONVERTING THE MINDANAO POLYTECHNIC STATE COLLEGE INTO A STATE UNIVERSITY TO BE KNOWN AS THE MINDANAO UNIVERSITY OF SCIENCE AND TECHNOLOGY APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

Section 1. Conversion. The present Mindanao Polytechnic State College, located in Cagayan de Oro City is hereby converted into the Philippine University of Science and Technology (PUST), hereinafter referred to as the University.

A campus for Bio-Resource Center shall be established in Barangay Upper Lumbia, Cagayan de Oro City, and another campus for Environmental Engineering in Barangay Lourdes, Municpality of Alubijid, Province of Misamis Oriental.

Section 2. Powers and Functions of the University – In addition to the general powers of a corporation set forth in the Corporation Code of the Philippines, the University shall exercise the following powers and functions:

a. Provide scientific technological and professional instructions and training through a dynamic, relevant and globally competitive tertiary and advanced curricular programs in science and technology.
b. Promote advanced studies, research and extension services and progressive leadership in bioresource management, engineering, sciences, technical teach education, and other courses needed in the socio-econimic development of the Cagayan-Iligan corridor and other regions of Mindanao;
c. Develop courses at the graduate level along its fields of specialization to respond to the needs of developing professional in the academic community in the region;
d. Provide scholarships and/or part-time job opportunities to deserving students from low-income families;
e. To acquire, purchase, own, administer, lease, mortgage or sell or otherwise dispose of any land, building, or property of whatever kind and nature, whether movable or immovable, or any interest therein;

f. To enter into any lawful arrangement for sharing profits, union of interest, joint ventures, or cooperation with nay corporation, association, partnership, person or entity, domestic or foreign, in the carrying on of any transaction deemed necessary or incidental for the attainment of the objectives of the University.

Section 3. The Board of Regents. The administration and the exercise of corporate powers of the University are vested exclusively in the Board of Regents herein established and in the President of the University insofar as authorized by said Board.

Section 4. Composition of the Board. The Board of Regents, hereinafter referred to as the Board, shall be composed of the following:

Chairman – Chairman of the Commission on Higher Education (CHED)
Vice Chairman – University President
Members:

- Chairman of the Senate Committee on Education or his representative;
- Chairman of the House Committee on Education or his representatives;
- Chairman of the House Committee on Mindanao Affairs or his representatives;
- Director General of the National Economic Development Authority;
- Secretary of the Department of Budget and Management or his representative;
- President of the Alumni Association of the University;
- Two (2) prominent citizens of Misamis Oriental who have distinguished themselves in the field of science and technology or business who shall be appointed by the Chairperson of CHED to serve for a term of three (3) years, unless sooner removed for cause, dies, becomes incapacitated to resigns: Provided, that in case of removal for cause, death, incapacity or resignation, the replacement shall serve for a new term of three (3) years.

The members of the board shall serve without compensation in whatever form: Provided, that actual and necessary expenses they incurred in attending board meetings and/or in pursuance of an official business duly authorize by the Board may be reimbursed.

Section 5. Powers of the Board. In addition to its general powers of administration, the board shall have the following powers and duties:

a) enact rules and regulations not contrary to law as may be necessary to carry out the purpose and functions of the University;
b) receive and appropriate all sums of money which shall be provided for the support of the University;
c) import free of taxes and other customs duties commodities, materials and equipment for educational and technological programs; Provided, that such commodities, materials and equipment are not available locally;
d) receive, in trust, legacies, gifts and donations of real and personal properties of all kinds and to administer the same for the benefit of the University and in accordance with the terms and conditions therein provided. Such donations shall be exempt from taxes, both local and national, and shall be deductible fully from the donor's gross income tax;

e) fix tuition fees and other necessary school charges. Such fees and charges, including government subsidies as provided in the General Appropriations Act and other income generated by the University shall constitute special tryust funds and shall be deposited in any authorized government depository bank. Any and all interests which shall accrue therefrom shall form part of the same funds for the use of the University;

f) Any provision of the existing laws to the contrary notwithstanding, income generated by the University may be disbursed by the board for the (1) professional development, health, welfare and other similar benefits of the faculty members and personnel of the University; (2) acquisition, construction and maintenance of needed instructional and auxiliary facilities, equipment, building and other infrastructures; and (3) for any purpose necessary for the attainment of the objectives of the University;

g) Authorize the use of funds originally appropriated for projects which have not materialized for reasons beyond the control of the University for any other purpose which the Board may deem necessary for the attainment of the goals of the University including those funds stipulated under the General Appropriations Act

h) Authorize the construction or rehabilitation of buildings, machinery, equipment and other facilities of the University;

i) To acquire, purchase, own, administer, lease, mortgage or sell or otherwise dispose of any land, building, airport facility, or property of whatever kind and nature, whether movable or immovable, or any interest therein in the pursuit of its purposes and objectives: Provided, that purchases and other transactions entered into by the University through the Board shall be exempt from all taxes and duties;

j) Confirm the appointment and/or designation of vice presidents, deans, directors, heads of department, faculty members and other officials and employees of the University upon the recommendation of the University President;

k) Fix and adjust salaries of faculty members and administrative officials and employees;

l) Approve academic curricula, institutional programs, and rules of discipline prepared by the University Council as herein provided;

m) Confer degrees upon successful candidates for graduation;

n) Confer honorary degrees to persons who have distinguished themselves in the fields of science and technology;

o) Establish external studies in areas where no schools are offering similar academic programs, consortia and linkages with local and international universities and agencies;

p) Establish professorial chairs in the University, provide fellowships for qualified faculty members, and scholarships to deserving students;

q) Create and establish additional colleges and/or campuses, as the Board may deem necessary.

r) Promulgate policies to internationalize the higher education programs of the University;

Section 6. Quorum. Quorum of the Board shall consist of the majority of all members holding office on the date of the meeting; Provided, however, that among those present is the Chairman of the Commission on Higher Education (CHED) or the University President.

Section 7. Board Meetings. The board shall convene regularly once every three (3) months; Provided, however that the Chairman may call a special meeting whenever necessary.

Section 8. The University President. The University shall be headed by the University President, hereinafter referred to as the President, to be appointed by the Board upon the recommendation of a search committee it shall create for this purpose. The President shall hold office for a fixed term of six (6) years without reappointment, unless he sooner reaches the age of compulsory retirement, resigns, or otherwise becomes incapacitated to discharge the functions of his office, or is removed for cause: Provided, that the incumbent president of the Mindanao Polytechnic State College ipso facto become the first president of the University without the need of appointment until his current term of office shall expire.

The powers and duties of the President, in addition to the powers specifically provided for in this Act, shall be those usually pertaining to the Office of a President of a University.

Section 9. Powers of the President. The President shall be the chief executive of the University and shall have the following powers and responsibilities:

a) Provide leadership for the University, protect its academic integrity, and ensure the observance and implementation of the policies laid down by the Board;
b) Exercise, consistent with and in pursuance of the mandate of the University, primary authority and responsibility over the following areas: (1) development planning and resource allocation; (2) grants and endowments; (3) fund raising projects; and (4) external relations and public affairs.
c) Formulate integrated and comprehensive plans for the University, including academic research, physical development and fiscal plans;
d) Coordinate the activities of the various units of the University, review and appraise their performance, and recommend appropriate action to the Board;
e) Designate officers-in-charge of the units of the University for a period not exceeding 6 months, without prejudice to the authority of the deans and unit heads to designate officers-in-charge in their respective units;
f) Transfer or promote personnel of the University, as hereinafter provided, fix their work schedules, grant leave of absence, and approve their special detail, additional assignments, additional compensation, resignation and retirement in accordance with the policies approved by the Board;
g) Establish a review procedure for all disciplinary actions which may be appealed to the Office of the President, and set up a scheme for redress of grievances;
h) Award fellowships to members of the faculty as well as scholarships to deserving students, in accordance with the rules and regulations prescribed by the Board;

i) Prepare and submit for the approval of the Board the budget of the University;
j) Submit to the Board an annual report on the operation of the University, and such other reports that the Board may require;
k) To prescribe rules and regulations for the proper management of the University pursuant to its mandate;
l) Implement policies to internationalize the higher education programs of the University;
m) To exercise such other powers and discharge such other functions which may be delegated by the Board.

Section 10. Vacancy in the Office of the President. In case of vacancy in the Office of the President the Board shall have authority to designate an officer-in-charge of the University pending the appointment of a successor; Provided, however, that the new President so appointed shall hold office only for the unexpired term of his predecessor.

Section 11. Compensation. The salary of the President shall be fixed by the Board which shall be comparable to the salaries received by presidents of similar institutions in the Asian region.

Section 12. Retirement Benefits. The president shall be entitled to full retirement benefits under existing laws, unless he is removed from office for cause.

Section 13. University Council. There shall be a University Council, hereinafter referred to as the council, composed of a Vice President/s, Deans, Heads of Academic Units, Professors, Assistant and Associate Professors, and chaired by the President.

Section 14. Powers and Functions of the University Council. Subject to the approval of the Board upon the recommendation of the President, the Council shall exercise the following functions:

a) Prescribe the course of study, curricula and rules of discipline of students;
b) Fix the requirements for admission to any college or unit of the University and for graduation and awarding of degrees;
c) Recommend recipients of degrees and diplomas;
d) Exercise disciplinary powers over students pursuant to the rules prescribed by the Board;
e) Create committees as it may deem necessary for the performance of its functions.

Section 15. The University Secretary. There shall be a Secretary of the University appointed by the president subject to the confirmation by the Board. The Secretary shall keep all the records of the University. He shall also concurrently act as the secretary of the Board.

Section 16. The University Treasurer. The treasurer of the Republic of the Philippines shall serve as ex-officio treasurer of the University.

Section 17. College Deans. The professors and instructors of each college shall constitute its faculty under the supervision of a Dead. The Dean shall be designated by the university president subject to the confirmation of the Board.

Section 18. The Faculty. Professors and instructors seeking appointment in the University shall be exempt from Civil Service examinations or regulations: Provided, however, that copies of their appointment shall be submitted to the Civil Service Commission solely for records purposes.

In the appointment of the members of the faculty religious and political affiliations shall not be considered not inquired into: Provided, however, that no member of the faculty shall teach for or against any religious belief.

Poor performance rating as determined by the board after due notice and hearing, shall be a valid cause for removal of any member of the faculty.

Section 19. Admission of Students. No student shall be denied admission to the University by reason of sex, ethnic membership, political affiliations or religious beliefs;

Section 20. Fiscal Autonomy. The annual appropriation for the development and operation of the University shall be in the form of a block grant and the Board shall have its full fiscal autonomy in the allocation thereof to the various programs of the University.

Section 21. Transfer of Personnel. All the regular personnel and members of the faculty of the Mindanao Polytechnic state college are hereby transferred to the University without loss or impairment of rights, status, rights and privileges under existing laws.

Section 22. Transfer of Assets and Liabilities. All assets, fixed or movable, and records as wells as the liabilities and obligations of the Mindanao Polytechnic State College are hereby transferred to the University. Ownership of all government-owner lands presently occupied by the Mindanao Polytechnic State College are hereby transferred to the University, and shall be accordingly titled under its name.

Section 23. Post Audit. The policies established by the board for the operation and development of the University shall be the sole basis in the post audit to be conducted by the Commission on Audit (COA).

Section 24. Annual Report. On or before the thirtieth day of the second month following the end of every school year, the board shall submit to the President of the Philippines and to both Houses of Congress a detailed report on the progress, condition and needs of the University.

Section 25. Board of Visitors. The President of the Republic of the Philippines, the Senate President and the Speaker of the House of Representatives shall constitute the Board of Visitors of the University. Members of the Board, or any one of them, shall attend the University's annual commencement exercises. The Board of Visitors may examine the properties, course of study, and the financial condition of the University.

Section 26. Heads of departments, bureaus and offices of the national government are hereby authorized to detail employees and transfer or load such apparatus, equipment and supplies as may be needed by the University. Employees so detailed shall serve in the University in accordance with terms specified in the detail order.

Section 27. The Commission on Higher Education is directed to take such steps as are necessary for the immediate implementation of this Act.

Section 28. The amount of One Hundred Million Pesos (P100,000,000.00) is hereby appropriated for site development of the Main Campus and the additional University campus to be established in Barangays Upper Lumbia, Cagayan de Oro City and Lourdes, Alubijid, Misamis Oriental.

Section 29. All existing appropriations for the Mindanao Polytechnic State College are hereby transferred to the University thereafter, the sum for the continued operations and maintenance of the University shall be included in the General Appropriations Act.

Section 31. Repealing Clause. All laws, decrees, orders, and regulations, or parts thereof, inconsistent with this Act are hereby repealed or modified accordingly.

Section 32. Effectivity. This Act shall take effect immediately after its publication in two (2) newspapers of general circulation.

Approved,