

Republic of the Philippines
Congress of the Philippines
Metro Manila
Seventeenth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-third day of July, two thousand eighteen.

[REPUBLIC ACT NO. **11186**]

AN ACT CONVERTING THE NORTHWESTERN MINDANAO STATE COLLEGE OF SCIENCE AND TECHNOLOGY (NMSCST) IN THE CITY OF TANGUB, PROVINCE OF MISAMIS OCCIDENTAL INTO A STATE UNIVERSITY TO BE KNOWN AS THE UNIVERSITY OF NORTHWESTERN MINDANAO (UNM) AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. *Conversion.* – The Northwestern Mindanao State College of Science and Technology (NMSCST) in the City of Tangub, Province of Misamis Occidental, is hereby converted into a state university to be known as the University of Northwestern Mindanao (UNM), hereinafter referred to as the University.

SEC. 2. *General Mandate.* – The University shall primarily provide advance education, higher technological, professional instruction and training in the fields of agriculture, fisheries, engineering, arts and sciences, education, business administration and management, health sciences, and other relevant fields of study. It shall also undertake research, extension services, and production activities in support of the socioeconomic development of the Province of Misamis Occidental, and provide progressive leadership in its areas of specialization.

SEC. 3. *Academic Freedom and Institutional Autonomy.* – The University shall enjoy academic freedom and institutional autonomy, pursuant to paragraph 2, Section 5 of Article XIV of the Constitution.

SEC. 4. *Curricular Offerings.* – The University shall offer undergraduate, graduate and short-term courses within its areas of specialization and according to its capabilities, as the Board of Regents may deem necessary to carry out its objectives, particularly in order to meet the needs of the Province of Misamis Occidental and Region X.

The existing high school shall be transferred to the jurisdiction and supervision of the Department of Education (DepEd): *Provided*, That the high school shall be allowed to remain and operate within the campus of the University until the students currently enrolled shall have completed their high school education: *Provided, further*, That the University may operate a reasonably-sized laboratory school under its College of Education in the main campus.

SEC. 5. *Administration.* – The University shall have the general powers of a corporation set forth in Batas Pambansa Blg. 68, as amended, otherwise known as the “Corporation Code of the Philippines”. The administration of the University and the exercise of its corporate powers shall be vested exclusively in the Board of Regents and the President of the University.

SEC. 6. *The Governing Board.* – The governing board of the University shall be the Board of Regents, hereinafter referred to as the Board, which shall be chaired and co-chaired by the Chairperson of the Commission on Higher Education and President of the University, respectively, with the following as members:

- (a) The Chairperson of the Commission on Higher Education (CHED), Chairperson;
- (b) The President of the University, Vice-Chairperson;
- (c) Chairperson of the Committee on Education, Arts and Culture of the Senate;
- (d) Chairperson of the Committee on Higher and Technical Education of the House of Representatives;
- (e) Regional Director of the National Economic and Development Authority (NEDA);
- (f) Regional Director of the Department of Agriculture;
- (g) President of the federation of faculty associations of the University;
- (h) President of the federation of student councils of the University;
- (i) President of the federation of alumni associations of the University;
- (j) Two (2) prominent citizens from the private sector who have distinguished themselves in their profession or fields of specialization and who can primarily contribute to the deployment of on-the-job trainees, interns and graduates of the University; and
- (k) Regional Director of the Department of Science and Technology (DOST).

The Board shall appoint the two (2) prominent citizens from among a list of at least five (5) qualified persons in the Philippines, as recommended by a search committee constituted by the University President, in consultation with the Chairperson of the CHED and the other members of the Board, based on the standards and qualifications for the position. They shall serve for a term of two (2) years from the date of appointment.

The term of office of the President of the federation of faculty associations, the President of the federation of student councils, and the President of the federation of alumni associations shall be coterminous with their respective terms of office, as set forth in their respective constitutions and bylaws.

SEC. 7. *Powers and Duties of the Board.* – In addition to its general powers of administration and the powers granted to the Board of Directors of a corporation under existing laws, the Board shall have the following specific powers and duties:

(a) To promulgate and implement policies in accordance with the declared State policies and the provisions of the Philippine Constitution on education, agriculture, science and technology, as well as the policies, standards and thrusts of the CHED under Republic Act No. 7722, otherwise known as the “Higher Education Act of 1994”;

(b) To promulgate rules and regulations not contrary to law as may be necessary to carry out the purposes and functions of the University;

(c) To receive and appropriate all sums as may be provided for the support of the University in the manner it may determine, in its discretion, in order to carry out the purposes and functions of the University;

(d) To import economic, technical and cultural books and publications;

(e) To fix tuition fees and other necessary school charges, such as matriculation fees, graduation fees and laboratory fees, as the Board may deem proper to impose, upon the recommendation of the University President;

Such fees and charges, including government subsidies and other income generated by the University, shall constitute a special trust fund and shall be deposited in any authorized government depository bank: *Provided*, That in the absence of any government depository bank in the main campus and satellite campuses, such funds may be deposited in any bank in the locality: *Provided, further*, That all interests that shall accrue therefrom shall form part of the same funds for the use of the University.

Any provision of existing law, rule or regulation to the contrary notwithstanding, any income generated by the University from tuition fees and other charges, as well as from the operation of auxiliary services and land grants, shall be retained by the University, and may be disbursed by the Board for instruction, research, extension or other programs/projects

of the University: *Provided*, That all fiduciary fees shall be disbursed for the specific purposes for which these are collected.

(f) To enter into contracts such as those pertaining to:

(1) Loans from government banks to finance infrastructure projects, laboratory equipment and facilities and other income generating projects;

(2) A lease or purchase agreement; and

(3) Other modes of procurement authorized by law.

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

(g) To adopt and implement a socialized scheme of tuition and school fees so that poor but deserving students are given greater access to education, in accordance with Republic Act No. 10931 or the "Universal Access to Quality Tertiary Education Act";

(h) To approve the curricula, instructional programs, and rules of discipline drawn by the Administrative and the Academic Councils herein provided;

(i) To set the policies on admission and graduation of students;

(j) To authorize the construction or repair of its buildings, machinery, equipment and other facilities, and the purchase and acquisition of real and personal property;

(k) To award honorary degrees upon persons in recognition of their outstanding contribution in the fields of education, public service, arts, science and technology, agriculture or in any field of specialization within the academic competence of the University, and to authorize the awarding of certificates of completion of nondegree and nontraditional courses;

(l) To establish and absorb non-chartered tertiary institutions within the Province of Misamis Occidental as branches and centers in coordination with the CHED and in consultation with the Department of Budget and Management (DBM), and to offer therein programs or courses to promote and carry out equal access to educational opportunities, as mandated by the Constitution;

(m) To establish research and extension centers to promote the development of the University and to commercialize research, invention and innovations upon the recommendation of the President;

(n) To appoint the vice presidents, deans, directors, heads of departments;

(o) To delegate any of its powers and duties provided for hereinabove to the President or other officials of the University, as it may deem appropriate, so as to expedite the administration of the affairs of the University;

(p) To authorize an external management audit of the University, to be financed by the CHED, subject to the rules and regulations of the Commission on Audit (COA), and to institute reforms, including academic and structural changes, on the basis of the audit results and recommendations;

(q) To collaborate with other governing boards of state colleges and universities within the Province of Misamis Occidental or Region X, under the supervision of the CHED and in consultation with the DBM, and work towards the restructuring of the University to become more efficient, relevant, productive and competitive;

(r) To enter into joint ventures with business and industry for the profitable development and management of the economic assets of the University, the proceeds from which shall be used for the development and strengthening of the University;

(s) To develop consortia and other economic forms of linkages with local government units (LGUs), institutions and agencies, both public and private, local and foreign, in the furtherance of the purposes and objectives of the University;

(t) To establish professorial chairs in the University and to provide fellowships for qualified faculty members, and scholarships to deserving students;

(u) To develop academic arrangements for institutional capability building with appropriate institutions and agencies, public and private, local and foreign, and to appoint experts/specialists as consultants, part-time, visiting or exchange professors, scholars, researchers, as the case may be;

(v) To fix and adjust the salaries of faculty members and administrative officials and employees, subject to the Revised Compensation and Position Classification System and other pertinent budget and compensation laws governing the hours of service and such other duties and conditions as it may deem proper; to grant them, at its discretion, leaves of absences under existing law; and to remove them for cause in accordance with the requirements of due process of law;

(w) To set up the adoption of modern and innovative modes of transmitting knowledge such as the use of information technology, the dual training system, open distance learning, and community laboratory for the promotion of greater access to education;

(x) To establish policy guidelines and procedures for participative decision-making and transparency within the University;

(y) To privatize, where most advantageous to the University, the management of nonacademic services such as health, food, building or grounds or property maintenance and such other similar activities;

(z) To appropriate in trust legacies, gifts and donations of real and personal property of all kinds and to administer and dispose of the same, when necessary, for the benefit of the University and subject to the instructions of the donor, if any;

(aa) To extend the term of the President of the University beyond the age of retirement, but not beyond the age of seventy (70): *Provided*, That the President's performance has been unanimously rated by the Board as outstanding, based on the guidelines, qualifications and standards it has set, and after unanimous recommendation by the search committee; and

(bb) To hear cases and complaints concerning erring employees and faculty members as referred to it by the President of the University.

SEC. 8. *Meetings of the Board.* – The Board shall regularly convene once every three (3) months. Whenever necessary, the Chairperson of the Board may call, upon three (3) days' prior written notice, a maximum of two (2) special meetings within the same period.

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

In case the CHED Chairperson cannot attend a meeting of the Board, a CHED Commissioner duly designated by the CHED Chairperson as representative to the meeting, shall have all the rights and responsibilities of a regular member: *Provided, however*, That in the said meeting, the President of the University, as Vice-Chairperson, shall be the presiding officer: *Provided, further*, That this *proviso*, notwithstanding, the Chairperson of the CHED is hereby authorized to designate a CHED Commissioner as the regular Chairperson of the Board, in which case said CHED Commissioner as the regular Chairperson of the Board shall act as the presiding officer.

In case the Chairpersons of the Senate and House Committees on Education shall not be able to attend the Board meeting, they may duly designate their respective representatives to attend the meeting, who shall have the same rights and responsibilities as a regular member of the Board.

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

SEC. 9. *The University President.* – The University shall be headed by a President, who shall render full-time service and who shall be appointed by the Board, subject to the guidelines, qualifications and standards set by the Board, upon

recommendation of a duly constituted search committee. The University President shall have a term of four (4) years and shall be eligible for reappointment for another term: *Provided*, That in order to effect the smooth transition of the NMSCST into a state university, the incumbent president of the NMSCST shall serve as the first President of the University.

Within six (6) months before the expiration of the term of office of the incumbent President, the Board shall constitute the Search Committee for the Presidency (SCP).

In case of vacancy in the Office of the President by reason of death, compulsory retirement, resignation, removal for cause, or incapacity of the President to perform the functions of the office, the Board shall designate an Officer-in-Charge (OIC) of the University within six (6) months from the date of vacancy, pending the appointment of a new President: *Provided*, That the OIC shall serve only the unexpired portion of the term.

SEC. 10. *Powers and Duties of the University President.*

– The administration of the University shall be vested in the President of the University, who shall exercise the following powers and functions:

(a) Carry out the general policies laid down by the Board, and within the lines of said general policies;

(b) Exercise general supervision over the University, including businesses and financial operations, all offices, members of the teaching staff, and employees of the University;

(c) Accept the resignation of faculty member/s and employee/s, which shall be reported to the Board in its meeting immediately following the resignation;

(d) Exercise general supervision over extracurricular activities of students and to issue adequate rules for the organization and operation of student organizations;

(e) Authorize the renewal of appointments of faculty members and employees for not more than one (1) year if their continued service is necessary, and if funds are available for the purpose;

(f) Authorize the transfer of faculty members and employees from one (1) department or unit of the University to

another, with the written consent of the faculty member or employee concerned: *Provided*, That such transfer shall not result in a demotion in rank and salary, and it is with the consent of the head of the unit;

(g) Serve as the official center of communication between the faculty, employees and students of the University, on the one hand, and the Board, on the other hand;

(h) Prepare an annual report to the Board on the work and accomplishments for the previous year and the needs for the current year;

(i) Present to the Board the annual budget of the University, with the estimates of income and expenditures;

(j) Execute and sign, in behalf of the University, all contracts, deeds and other instruments necessary for the proper conduct of the business of the University, unless otherwise therein provided;

(k) Authorize the enforcement of discipline and to maintain satisfactory academic standards in all of its units;

(l) Exercise the right to modify or disapprove any action or resolution of any university, faculty or administrative body, if the interest of the University so requires. Should the President exercise such power, the decision shall be communicated in writing to the body immediately affected, and shall state the reason for the action. Thereafter, the President shall accordingly inform the Board, which may take any action it may deem appropriate in connection therewith;

(m) Exercise such other powers as elsewhere provided in this Act, or as authorized by the Board, such as those usually pertaining to the Office of the President of a University. The President may delegate in writing any of these specific functions to the chancellors, campus directors or to any office in the University;

(n) Recommend to the Board, upon consultation with the Vice President for Academic Affairs and University Deans and Heads of Nonacademic Units, as the case may be, suitable persons to fill the vacancies and new positions, and to make

such other arrangements as to meet emergencies that occur during periods when the Board is not in conference so that the work of the University will not be hampered;

(o) Authorize or deny permission to members of the faculty to accept training grants, scholarships, assistantships, or invitations to conferences sponsored by other agencies or organizations;

(p) Authorize the change of the leave status of the faculty from that of teacher's leave to that of cumulative leave, or vice versa, on the recommendation of the Vice President for Academic Affairs and respective college deans concerned;

(q) Hold officers, teachers, and employees responsible for the full discharge of their duties, and when necessary, after consultation with the Vice President for Academic Affairs, University Deans and Administrative Officers, to initiate the necessary proceedings for their separation from the service for cause;

(r) Report to the Board all cases of erring employees or faculty members for the Board to appoint a committee to hear the case;

(s) Invite, from time to time, scholars of eminence and other persons who have achieved distinction in some learned professions or careers, to deliver a lecture or a series thereof; and

(t) Exercise such other powers as are required pursuant to the provisions of this Act, or by the Charter of the University, or as may be specially authorized by the Board, such as those usually pertaining to the office of a president of similar universities. The President may delegate in writing any of these specific functions to any official within the University.

SEC. 11. *Offices under the Office of the President.* – The line offices directly under the Office of the President shall include the Office of the Vice Presidents for Academic Affairs, Research and Extension; Center for Information and Communications Technology; Office of Finance and Management Services; and Office of the Administrative Services.

The Staff Offices of the President shall include the University and Board Secretary, the Executive Assistants, and Planning and Development.

The salary of the President of the University shall be in accordance with the Revised Compensation and Position Classification System, as modified by Joint Resolution No. 4 dated June 17, 2009 and other pertinent budget and compensation laws, and shall be comparable to that being received by the Presidents of similar educational institutions.

The President of the University shall be assisted by the Vice President/s, who shall be appointed by the Board upon the recommendation of the President.

SEC. 12. *The Secretary of the University.* – The Board shall appoint a Secretary, who shall serve as such for both the Board and the University and who shall keep all records and proceedings of the Board. The Secretary shall serve upon each member of the Board the appropriate notice of the Board meetings.

SEC. 13. *The Treasurer of the University.* – The Treasurer of the Philippines shall be the *ex officio* Treasurer of the University.

SEC. 14. *The Administrative Council.* – There shall be an Administrative Council consisting of the President of the University as Chairperson, and the vice presidents, deans, directors and other officials of equal rank as members, whose duties are to review and recommend to the Board policies governing the administration, management and development plans of the University.

SEC. 15. *The Academic Council.* – There shall be an Academic Council to be composed of the President of the University, who shall act as Chairperson, and all academic staff with the rank of at least an assistant professor, as members.

The Academic Council shall have the power to review and recommend the curricular offerings and rules of discipline of the University, subject to the approval of the Board. It shall fix the requirements for the admission of students, as well as for their graduation and conferment of degrees, subject to review and approval by the Board through the President of the University. It shall have the disciplinary power over students of the University and shall formulate academic policies and rules and regulations on discipline, subject to the approval of the Board.

SEC. 16. *The Faculty.* – No political belief, gender preference, cultural or community affiliation or ethnic origin, and religious opinion or affiliation shall be a matter of inquiry in the appointment of faculty members of the University: *Provided*, That said appointment shall be subject to the guidelines, qualifications and standards set by the Board: *Provided, further*, That no member of the faculty shall teach for or against any particular church or religious sect.

SEC. 17. *Scholarship Program/Admission.* – The University shall provide a scholarship program and other affirmative action programs to assist poor but deserving students who qualify for admission to the University.

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

SEC. 18. *Authority to Loan or Transfer Apparatus/Equipment/Supplies and Detail of Personnel.* – The heads of the bureaus and offices of the national government are hereby authorized to loan or transfer, upon the request of the President of the University, such apparatus, equipment or supplies as may be needed by the University, and to detail employees for duty therein when, in the judgment of the head of bureau or office, such apparatus, equipment, supplies or services of such employees can be spared without serious detriment to public service.

The employees so detailed shall perform such duties as required of them by the President of the University, and the time so employed shall be counted as part of their regular services.

Municipalities, cities and the Province of Misamis Occidental or other nearby LGUs in the province may appropriate funds to support infrastructure, scholarship programs, facilities and laboratories and research activities of the University.

SEC. 19. *Assets, Liabilities and Personnel.* – All assets, real and personal, personnel and records of the NMSCST, as well as liabilities or obligations, are hereby transferred to the University. The positions, rights and security of tenure of faculty members and personnel therein employed under existing laws prior to the conversion into a University shall be respected.

All parcels of land belonging to the government occupied by the NMSCST, including its extension campuses, are hereby transferred to the University, and shall be titled under that name: *Provided*, That should the University cease to exist or be abolished or should such aforementioned parcels of land be no longer needed by the University, the same shall revert to the LGUs concerned.

SEC. 20. *Tax Exemption.* – The importation of economic, technical and cultural books or publications, which are for economic, technical, vocational, scientific, philosophical, historical or cultural purposes made by the University upon certification by the CHED and the TESDA shall be exempt from customs duties in accordance with the provisions of Republic Act No. 10863, otherwise known as the “Customs Modernization and Tariff Act (CMTA)”.

All grants, bequests, endowments, donations and contributions made to the University to be used actually, directly and exclusively by the University shall be exempt from donor’s tax and the same shall be considered as allowable deduction from the gross income of the donor for purposes of computing the taxable income of the donor in accordance with the provisions of the National Internal Revenue Code of 1997, as amended.

SEC. 21. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be charged against the current year’s appropriations of the NMSCST. Thereafter, such sums as may be necessary for the continued operation and maintenance of the UNM shall be included in the annual General Appropriations Act.

SEC. 22. *Development Plan, Management Audit, Organizational/Administrative/Academic Structure.* – Within the period of one hundred twenty (120) days after the approval of this Act, the University shall accomplish the following:

(a) Submit a five (5)-year development plan, including its corresponding program budget to the CHED, for corresponding recommendation to the DBM;

(b) Undergo a management audit in cooperation with the CHED; and

(c) Set up its organizational, administrative, as well as academic structure, including the appointment of key officials of the University.

SEC. 23. *Annual Report.* – On or before the fifteenth (15th) day of the second month after the opening of the regular classes each year, the Board shall file with the Office of the President of the Philippines, through the Chairperson of the CHED, and with both Houses of Congress, a detailed report on the progress, conditions and needs of the University.

SEC. 24. *Suppletory Application.* – The provisions of Republic Act No. 8292, otherwise known as the “Higher Education Modernization Act of 1997”, shall be an integral part of this Act and shall serve as part of the Governing Charter of the University.

SEC. 25. *Parity Clause.* – All other powers, functions and privileges, responsibilities and limitations to state universities and their officials under existing laws shall be deemed granted to or imposed upon the University and its officials whenever appropriate.

SEC. 26. *Compliance with CHED Requirements.* – The provisions of this Act notwithstanding, the conversion of the institution into a state university shall become effective only upon the determination and declaration by the CHED, based on the recommendation of a panel of experts it shall constitute for the purpose, that the institution has complied with the requirements for a university status based on CHED Memorandum Order No. 46, series of 2012 (Policy Standards to Enhance Quality Assurance (QA) in Philippine Higher Education, through the Outcomes-Based and Typology-Based QA): *Provided*, That the panel may issue such a recommendation when the institution has substantially complied with the requirements for the grant of university status.

The following operational requirements for a university, as established by the CHED, shall be complied with:

(a) Faculty members must possess relevant degrees in their areas of specialization, as required by the CHED, and shall have participated in research and development activities in their respective disciplines, as evidenced by refereed publications and other scholarly outputs;

(b) A comprehensive range of degree programs in all levels, from basic post-secondary to doctoral programs;

(c) Viable research programs in specific (disciplinal and multidisciplinary) areas of study that produce new knowledge, as evidenced by refereed publications, citations, inventions, and patents, among others;

(d) Comprehensive learning resources and support structures, to include libraries, practicum laboratories, relevant educational resources, and linkages with the relevant disciplinal and professional sectors, to allow students to explore basic, advance, and even cutting edge knowledge in a wide range of disciplines or professions;

(e) Active and ongoing linkages and affiliation with other research institutions in various parts of the world that would ensure that the research activities of the University are functioning at current global standards; and

(f) Outreach activities that allow the students, faculty, and research staff to apply the new knowledge they generate to address specific social development problems broadly defined.

The institution shall retain its status prior to the effectivity of this Act until it is able to comply with the requirements provided herein.

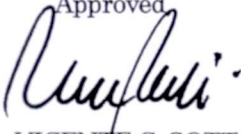
SEC. 27. *Implementing Rules and Regulations.* – Within sixty (60) days from the effectivity of this Act, the Board, in consultation with CHED, shall formulate the rules and regulations to fully implement the provisions of this Act.

SEC. 28. *Separability Clause.* – If, for any reason, any part or provision of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force and effect.

SEC. 29. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 30. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved



VICENTE C. SOTTO III
President of the Senate

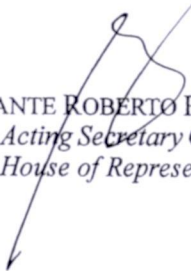


GLORIA MACAPAGAL-ARROYO
*Speaker of the House
of Representatives*

This Act which originated in the House of Representatives was passed by the House of Representatives and the Senate on October 10, 2018.



MYRA MARIE D. VILLARICA
Secretary of the Senate



DANTE ROBERTO P. MALING
*Acting Secretary General
House of Representatives*

Approved: **JAN 10 2019**



RODRIGO ROA DUTERTE
President of the Philippines

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