



HOUSE OF REPRESENTATIVES

H. No. 4914

BY REPRESENTATIVES JARULA, BACULIO, LAGBAS, ACOSTA, ABAYON,
VILLAR, ANDAYA, LAPUS, TEVES AND SUSANO, PER COMMITTEE
REPORT NO. 1204

AN ACT ESTABLISHING THE MINDANAO UNIVERSITY OF SCIENCE
AND TECHNOLOGY (MUST) IN THE PROVINCE OF MISAMIS
ORIENTAL BY INTEGRATING THE MINDANAO POLYTECHNIC
STATE COLLEGE IN THE CITY OF CAGAYAN DE ORO AND
ALL ITS EXISTING EXTENSION CAMPUSES, AND THE
MISAMIS ORIENTAL STATE COLLEGE OF AGRICULTURE AND
TECHNOLOGY IN THE PROVINCE OF MISAMIS ORIENTAL
AND APPROPRIATING FUNDS THEREFOR

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

1 SECTION 1. *Establishment/Integration.* – There is hereby established a
2 state university in the Province of Misamis Oriental to be known as the
3 Mindanao University of Science and Technology (MUST), hereinafter referred
4 to as the University, by integrating the Mindanao Polytechnic State College in
5 Cagayan de Oro City and all its existing extension campuses, and the Misamis
6 Oriental State College of Agriculture and Technology in the Province of
7 Misamis Oriental. The main campus shall be in Cagayan de Oro City.

8 SEC. 2. *General Mandate.* – The University shall primarily provide
9 advanced education, higher technological, professional instruction and training

1 in the fields of arts and sciences, education, engineering and other relevant
2 fields of study. It shall also undertake research in support of the socioeconomic
3 development of Mindanao and provide progressive leadership in human
4 resource development in critical skills and competencies required for global
5 competitiveness.

6 SEC. 3. *Curricular Offerings.* – The University shall offer
7 undergraduate and graduate courses in the fields of arts and sciences,
8 education, engineering and technology and other degree courses within its
9 distinctive typology and according to its capabilities, as the Board of Regents
10 may deem necessary to carry out its objectives, in order to meet the needs of
11 Mindanao.

12 The existing high schools shall be transferred to the jurisdiction and
13 supervision of the Department of Education (DepEd): *Provided*, That the high
14 schools shall be allowed to remain and operate within the campus of the
15 University until the existing students shall have completed their high school
16 education: *Provided, further*, That the University may operate a reasonably-
17 sized laboratory school, if it has a College of Education.

18 SEC. 4. *Administration.* – The University shall have the general powers
19 of a corporation set forth in Batas Pambansa Blg. 68, as amended, otherwise
20 known as the “Corporation Code of the Philippines”. The administration of the
21 University and the exercise of its corporate powers shall be vested exclusively
22 in the Board of Regents and the president of the University.

23 SEC. 5. *The Governing Board.* – The governing board of the
24 University shall be the Board of Regents, hereinafter referred to as the Board,
25 which shall be composed of the following:

26 (a) The chairperson of the Commission on Higher Education (CHED),
27 chairperson;

28 (b) The president of the University, vice chairperson;

29 (c) The chairperson of the Committee on Education, Arts and Culture
30 of the Senate, member;

1 (d) The chairperson of the Committee on Higher and Technical
2 Education of the House of Representatives, member;

3 (e) The regional director of the National Economic and Development
4 Authority (NEDA), member;

5 (f) The regional director of the Department of Science and Technology
6 (DOST), member;

7 (g) The regional director of the Department of Agriculture (DA),
8 member;

9 (h) The president of the federation of faculty associations of the
10 University, member;

11 (i) The president of the federation of student councils of the
12 University, member;

13 (j) The president of the federation of alumni associations of the
14 University, member; and

15 (k) Three prominent citizens from the private sector who have
16 distinguished themselves in their profession or fields of specialization of the
17 University, members.

18 The Board shall appoint the three prominent citizens from among a list,
19 of at least five persons qualified in the City of Cagayan de Oro and the
20 Province of Misamis Oriental, as recommended by the search committee
21 constituted by the University president, in consultation with the chairperson of
22 the CHED and other members of the Board, based on the normal standards and
23 qualifications for the position.

24 The term of office of the president of the federation of faculty
25 associations, the president of the federation of student councils, and the
26 president of the federation of alumni associations shall be coterminous with
27 their respective terms of office, as set forth in their respective constitutions and
28 bylaws.

29 The three prominent citizens shall serve for a term of two years from the
30 date of appointment.

1 SEC. 6. *Board of Advisers.* – There shall be constituted a Board of
2 Advisers which shall be composed of the following: (a) the mayors of
3 Cagayan de Oro City and the municipalities of the provinces of Misamis
4 Oriental and Misamis Occidental; (b) the governors of Misamis Oriental and
5 Misamis Occidental; (c) the members of the House of Representatives of the
6 congressional districts in the provinces of Misamis Oriental, Misamis
7 Occidental and Cagayan de Oro City; and (d) the regional/provincial/district
8 director of the Technical Education and Skills Development Authority
9 (TESDA) for the development and enhancement of technical-vocational
10 education and training programs of the University. The members shall choose
11 from among themselves the chairperson of the board of advisers.

12 Two additional members of the Board of Advisers may be appointed by
13 the Board upon recommendation of the president.

14 The Board of Advisers shall meet with the Board at least once a year to
15 assist it in aligning its policies and plans with the cultural, political,
16 socioeconomic development needs of Cagayan de Oro City and the provinces
17 of Misamis Oriental and Misamis Occidental in particular, and Mindanao in
18 general, and with the demands of global competitiveness.

19 SEC. 7. *Promulgation and Implementation of Policies.* – The Board
20 shall promulgate and implement policies in accordance with the declared State
21 policies on education and other pertinent provisions of the Philippine
22 Constitution on education, agriculture, science and technology, as well as the
23 policies, standards and thrusts of the CHED under Republic Act No. 7722,
24 otherwise known as the “Higher Education Act of 1994”.

25 SEC. 8. *Powers and Duties of the Board of Regents.* – The Board shall
26 have the following specific powers and duties, in addition to its general powers
27 of administration and the exercise of all the powers granted to the board of
28 directors of a corporation under existing laws:

29 (a) To promulgate rules and regulations as may be necessary to carry
30 out the purposes and functions of the University;

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

4 (c) To import duty-free economic, technical and cultural books and/or
5 publications, upon certification by the CHED that such imported books and/or
6 publications are for economic, technical, vocational, scientific, philosophical,
7 historical or cultural purposes, in accordance with the provisions of the Tariff
8 and Customs Code, as amended;

9 (d) To solicit and receive in trust legacies, gifts and donations of real
10 and personal properties of all kinds and to administer and dispose of the same
11 when necessary for the benefit of the University, and subject to the limitations,
12 directions and instructions of the donor, if any.

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

18 (e) To fix the tuition fees and other necessary school charges, such as,
19 but not limited to, matriculation fees, graduation fees and laboratory fees, as
20 the Board may deem proper to impose, after due consultations with the
21 involved sectors.

22 Such fees and charges, including government subsidies and other
23 income generated by the University, shall constitute special trust funds and
24 shall be deposited in any authorized government depository bank, and all
25 interests that shall accrue therefrom shall form part of the same funds for the
26 use of the University.

27 Any provision of existing laws, rules and regulations to the contrary
28 notwithstanding, any income generated by the University from tuition fees and
29 other charges, as well as from the operation of auxiliary services and land
30 grants, shall be retained by the University, and may be disbursed by the Board

1 for instruction, research, extension or other programs/projects of the
2 University: *Provided*, That all fiduciary fees shall be disbursed for the specific
3 purposes for which they are collected.

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

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

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

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

18 (i) To fix and adjust salaries of faculty members and administrative
19 officials and employees, subject to the provisions of the Revised Compensation
20 and Position Classification System and other pertinent budget and
21 compensation laws governing hours of service and such other duties and
22 conditions as it may deem proper; to grant them, at its discretion, leaves of
23 absence under such regulations as it may promulgate, any provision of existing
24 law to the contrary notwithstanding; and to remove them for cause in
25 accordance with the requirements of due process of law;

26 (j) To approve the curricula, instructional programs and rules of
27 discipline drawn by the administrative and academic councils herein provided;

28 (k) To set policies on admission and graduation of students;

29 (l) To award honorary degrees upon persons in recognition of their
30 outstanding contribution in the fields of education, public service, arts, science

1 and technology, agriculture or in any field of specialization within the
2 academic competence of the University; and to authorize the awarding of
3 certificates of completion of nondegree and nontraditional courses;

4 (m) To establish and absorb nonchartered tertiary institutions within
5 the City of Cagayan de Oro and the Province of Misamis Oriental as branches
6 and centers in coordination with the CHED, and in consultation with the
7 Department of Budget and Management (DBM), and to offer therein programs
8 or courses, to promote and carry out equal access to educational opportunities
9 as mandated by the Constitution;

10 (n) To establish research and extension centers of the University where
11 such will promote the development of the latter;

12 (o) To establish chairs in the University and to provide fellowships for
13 qualified faculty members and scholarships to deserving students;

14 (p) To delegate any of its powers and duties provided for hereinabove
15 to the president and/or other officials of the University as it may deem
16 appropriate, so as to expedite the administration of the affairs of the
17 University;

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

22 (r) To collaborate with other governing boards of the state colleges and
23 universities within the Provinces of Region X, under the supervision of the
24 CHED and in consultation with the DBM, and work towards the restructuring
25 of the University to become more efficient, relevant, productive and
26 competitive;

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

1 (t) To develop consortia and other economic forms of linkages with
2 local government units institutions and agencies, both public and private, local
3 and foreign, in the furtherance of the purpose and objectives of the University;

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

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

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

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

17 (y) To extend the term of the president of the University beyond the
18 age of retirement but not beyond the age of seventy (70), whose performance
19 has been unanimously rated by the governing board as outstanding based on
20 the guidelines, qualifications and/or standards set by the Board, after
21 unanimous recommendation by the search committee.

22 SEC. 9. *Meetings of the Board.* – The Board shall regularly convene at
23 least once every quarter. However, the chairperson of the Board may, upon
24 three days' prior written notice, call a maximum of two special meetings
25 whenever necessary.

26 A quorum of the Board shall consist of majority of all its members
27 holding office at the time of the meeting: *Provided, however,* That the
28 chairperson of the Board or the president of the University is among those
29 present in the meeting.

1 In the absence of the chairperson of the CHED, a commissioner of the
2 CHED, duly designated by him/her, shall represent him/her in the meeting with
3 all the rights and responsibilities of a regular member: *Provided, however,*
4 That during this meeting, the president of the University as vice chairperson
5 shall be the presiding officer: *Provided, further,* That this *proviso*
6 notwithstanding, the chairperson of the CHED is hereby authorized to
7 designate a CHED commissioner as the regular chair of the Board, in which
8 case said CHED commissioner shall act as the presiding officer.

9 In case the chairpersons of the Congressional Committees on Education
10 shall not be able to attend the Board meeting, they may duly designate their
11 respective representatives to attend the said meeting, who shall have the same
12 rights and responsibilities as a regular member of the Board.

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

18 SEC. 10. *The University President.* – The University shall be headed by
19 a president, who shall render full time service. He/she shall be appointed by
20 the Board, subject to the guidelines, qualifications and/or standards set by the
21 Board, upon recommendation of a duly constituted search committee. He/she
22 shall have a term of four years and shall be eligible for reappointment for
23 another term.

24 Within six months before the expiration of the term of office of the
25 incumbent president of the MUST, the Board shall constitute the Search
26 Committee for the Presidency (SCP).

27 In case of vacancy in the office of the president by reason of death,
28 compulsory retirement, resignation, removal for cause or incapacity of the
29 president to perform the functions of his/her office, the Board shall designate

1 an officer-in-charge of the University within six months from date of vacancy,
2 pending the appointment of a new president.

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

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

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

13 The president of the University shall be assisted by a vice president for
14 academic affairs, a vice president for administrative affairs, and a vice
15 president for research, extension and planning who shall be designated by the
16 Board upon recommendation of the president. *Campus directors and other*
17 *officials of the University shall also be designated by the Board upon*
18 *recommendation of the president.*

19 SEC. 11. *The Chancellors.* -- Chartered campuses shall have a
20 chancellor to be appointed by the Board upon recommendation of the
21 president, who shall choose from among the shortlist of candidates provided by
22 the duly constituted search committee.

23 The chancellor may be assisted by a vice chancellor for academic affairs
24 and a vice chancellor for administrative affairs, who shall be appointed by the
25 Board upon recommendation of the president who shall choose from among
26 the recommendees submitted by the chancellor without prejudice to the
27 appointment of more than two vice chancellors when so warranted.

28 Existing extension campuses shall have a chancellor, if they satisfy the
29 criteria set forth by the governing board and their resolution to this effect.

1 When existing campuses of the University do not meet the criteria set
2 above, the campus shall be headed by a director who shall render full time
3 service. He/she shall be designated by the Board upon recommendation of the
4 president, subject to the guidelines, qualifications and/or standards set by the
5 Board.

6 SEC. 12. *The Administrative Council.* – There shall be an
7 administrative council consisting of the president of the University as
8 chairperson, vice presidents, deans, directors and other officials of equal rank
9 as members, whose duty is to review and recommend to the Board the policies
10 governing the administration, management and development of the University.

11 SEC. 13. *The Academic Council.* – There shall be an academic council
12 with the president of the University as chairperson and all members of the
13 academic staff with the rank of not lower than assistant professor as members.

14 The academic council shall have the power to review and recommend
15 the curricular offerings and rules of discipline of the University, subject to the
16 approval of the Board . It shall fix the requirements for the admission of
17 students, as well as for their graduation and conferment of degrees, subject to
18 review and/or approval of the Board through the president of the University. It
19 shall have the disciplinary power over students of the University and shall
20 formulate academic policies and rules and regulations on discipline, subject to
21 the approval of the Board.

22 SEC. 14. *The Secretary of the University.* – The Board shall appoint a
23 secretary, who shall serve as such for both the Board and the University and
24 shall keep all records and proceedings of the Board. He/she shall serve upon
25 each member of the Board the appropriate notice of the Board's meetings.

26 SEC. 15. *The Treasurer of the University.* – The Treasurer of the
27 Philippines shall be the *ex officio* treasurer of the University.

28 SEC. 16. *Faculty.* – No political beliefs, gender preference, cultural or
29 community affiliation or ethnic origin, religious opinion or affiliation shall be a
30 matter of inquiry in the appointment of faculty members of the University:

1 *Provided*, That said appointment shall be subject to the guidelines,
2 qualifications and/or standards set by the Board: *Provided further*, That no
3 member of the faculty shall teach for or against any particular church or
4 religious sect.

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

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

10 SEC. 18. *Academic Freedom and Institutional Autonomy*. – The
11 *University* shall enjoy academic freedom and institutional autonomy, pursuant
12 to Paragraph 2, Section 5 of Article XIV of the Constitution of the Republic of
13 the Philippines. The integrated institutions shall continue to enjoy fiscal
14 autonomy even after their integration into the *University* under this Act.

15 SEC. 19. *Authority to Loan or Transfer Apparatus/Equipment/Supplies*
16 *and Detail of Personnel*. – The heads of the bureaus and offices of the national
17 government are hereby authorized to loan or transfer, upon the request of the
18 president of the *University*, such apparatus, equipment or supplies as may be
19 needed by the *University*, and to detail employees for duty therein when, in the
20 judgment of the head of bureau or office, such apparatus, equipment, supplies
21 or services of such employees can be spared without serious detriment to the
22 public service.

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

26 SEC. 20. *Assets, Liabilities and Personnel*. – All assets, real and
27 personal, personnel and records of the Mindanao Polytechnic State College
28 and all its existing extension campuses, and the Misamis Oriental State College
29 of Agriculture and Technology, as well as liabilities or obligations, are hereby
30 transferred to the *University*. The positions, rights and security of tenure of

1 faculty members and personnel therein employed under existing laws prior to
2 their integration with the University shall be respected.

3 All parcels of land belonging to the government occupied by the
4 Mindanao Polytechnic State College and the Misamis Oriental State College of
5 Agriculture and Technology are hereby declared to be the property of the
6 MUST, and shall be titled under that name: *Provided*, That should the
7 University cease to exist or be abolished or should such parcels of land
8 aforementioned be no longer needed by the University, the same shall revert to
9 the respective provinces and cities where these are located.

10 SEC. 21. *Appropriations.* – The amount necessary to carry out the
11 provisions of this Act shall be charged against the current year's appropriations
12 of the Mindanao Polytechnic State College and the Misamis Oriental State
13 College of Agriculture and Technology, except the sums needed to continue
14 the operations of the existing high schools. Thereafter, such sums as may be
15 necessary for the continued operation and maintenance of the MUST shall be
16 included in the annual General Appropriations Act.

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

- 21 (a) Submit a five-year development plan, including its corresponding
22 program budget to the CHED, for corresponding recommendation to the DBM;
23 (b) Undergo a management audit in cooperation with the CHED; and
24 (c) Accordingly set up its organizational, administrative as well as
25 academic structure, including the appointment of University key officials.

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

1 SEC. 24. *Suppletory Application.* – The provisions of Republic Act
2 No. 8292, otherwise known as the “Higher Education Modernization Act of
3 1997”, shall be an integral part of this Act and shall serve as part of the
4 governing charter of the University.

5 SEC. 25. *Transitory Provisions.* – In order to effect a smooth transition
6 to a state university, the Board shall appoint an officer-in-charge and within
7 one year shall constitute the SCP and appoint a president.

8 The Board shall initially be composed of its *ex officio* members as
9 identified in Section 5 of this Act. The officer-in-charge of the University shall
10 act as acting vice chairperson of the Board, pending the appointment of the
11 first president of the University.

12 SEC. 26. *Parity Clause.* – All other powers, functions and privileges,
13 responsibilities and limitations to state universities and/or their officials under
14 existing laws shall be deemed granted to or imposed upon the University
15 and/or its officials whenever appropriate.

16 SEC. 27. *Implementing Rules and Regulations.* – The Board shall
17 formulate the guidelines to fully implement the provisions of this Act.

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

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

24 SEC. 30. *Effectivity.* – This Act shall take effect fifteen (15) days after
25 its publication in two newspapers of general circulation.

Approved,