

[REPUBLIC ACT NO. 11186, January 10, 2019]

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 XTV 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 Big. 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 future 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 the 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 non-degree 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 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