

[REPUBLIC ACT NO. 10919, July 21, 2016]

AN ACT ESTABLISHING THE UNIVERSITY OF SCIENCE AND TECHNOLOGY OF SOUTHERN PHILIPPINES (USTSP), PROVIDING FOR THE PURPOSE THE AMALGAMATION OF THE MINDANAO UNIVERSITY OF SCIENCE AND TECHNOLOGY (MUST) AND THE MISAMIS ORIENTAL STATE COLLEGE OF AGRICULTURE AND TECHNOLOGY (MOSCAT), AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. *Short Title.* – This Act shall be known as the "University of Science and Technology of Southern Philippines (USTSP) Act".

SEC. 2. *Declaration of Policy.* – It is the declared policy of the State to establish, maintain, and support a complete, adequate and integrated system of higher education relevant to the needs of the people and society, with primary focus on research and development for science and technology.

SEC. 3. *Definition of Terms.* – As used in this Act:

(a) *Auxiliary services* refer to all kinds of services done and rendered by the USTSP other than academic, such as hospital, dental clinic, cafeteria, janitorial, printing press and bookstore;

(b) *Board of Regents* refers to the highest policy-making body of the USTSP;

(c) *Community laboratory* refers to a community adopted by a chartered state university and/or college (SUC) as part of its extension program where research and civic services are conducted by its students and/or faculty;

(d) *Duly recognized faculty association* refers to the association of the faculty members or the instructional staff of the USTSP or the federation of faculty associations of the Mindanao University of Science and Technology (MUST) and the Misamis Oriental State College of Agriculture and Technology (MOSCAT) and other SUCs which may later opt to amalgamate with the USTSP and which has been extended due recognition by its Board of Regents to be its legitimate and lawful faculty association, as manifested by the ratification of two-thirds (2/3) of its members;

(e) *Duly recognized alumni association* refers to the association of the alumni of the MUST and the MOSCAT and other SUCs which may later opt to amalgamate with the USTSP, preferably from their tertiary level programs, and which has been extended

due recognition by its Board of Regents to be the legitimate and lawful organization of its alumni;

(f) *Extension campus* refers to the campus that responds to special needs and demands but does not have an administrative structure separate from that of the main campus;

(g) *Instruction* refers to the set of activities or practices which shall include the following: classroom teaching and learning; supervision and assessment of classroom teaching and learning; curriculum development; staff professional development such as attendance in conferences, seminars, workshops, educational trips or visits; and other related activities which enhance the instructional function of the USTSP;

(h) *Non-chartered tertiary institutions* refer to all public institutions of higher learning in the Philippines primarily offering degree-granting programs, including post-secondary degree-granting vocational and technical educational institutions duly recognized by the Commission on Higher Education (CHED), but which are not covered by enabling laws;

(i) *Socialized scheme of tuition and other instructional fees* refers to a scheme or pattern where the rate of tuition and instructional fees are collected on the basis of family income and/or socioeconomic status of the student, such that the less-economically privileged students shall pay lesser fees than students who are more financially able to afford the cost of formal education; and

(j) *Special trust fund* refers to the total amount collected by the USTSP, either from the collection of fees and other charges from students or the collection from income-generating activities of the USTSP.

SEC. 4. *Coverage.* – This Act shall apply to and cover all colleges and units, academic or nonacademic of the MUST and the MOSCAT now collectively known as the USTSP, including the MUST campuses in Cagayan de Oro City, Jasaan, Misamis Oriental, and Alubijid, Misamis Oriental and the MOSCAT campus in Claveria, Misamis Oriental, the former Balubal Community College in Balubal, Cagayan de Oro City, and all other USTSP campuses that shall be established in the future. The main campus of the USTSP shall be in Alubijid, Misamis Oriental.

SEC. 5. *General Mandate.* – The USTSP, hereinafter referred to as the University, shall provide advance education, higher technological, professional and advance instruction in mathematics, science, technology, engineering, agriculture, and advance research and extension work in human resource development in critical science and technology skills and competencies required for global competitiveness.

SEC. 6. *Curricular Offerings.* – The University shall offer undergraduate, graduate, and postgraduate courses in the fields of mathematics, science and technology, engineering, and agriculture.

The University, however, shall be allowed to maintain and offer high school education with concentration in science and technology that will serve as feeder schools to science and technology courses of the University: *Provided*, That the total number of high school students in a given year shall not exceed five hundred (500).

SEC. 7. *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 who must render full-time service.

The powers and duties of the President of the University, in addition to those specifically provided under this Act, shall be those usually pertaining to the Office of the President of similar universities and those delegated by the Board of Regents.

The administration of the Claveria Campus and the Cagayan de Oro Campus of the University is vested in the Chancellor of the campus insofar as authorized by the Board of Regents.

SEC. 8. *Governing Board.* – The governing board of the University shall be the Board of Regents, hereinafter referred to as the Board, which shall be composed of the following:

- (a) The Chairperson of the CHED, Chairperson;
- (b) The President of the University, Vice Chairperson;
- (c) The Chancellors of Cagayan de Oro and Claveria Campuses, members;
- (d) The Chairperson of the Committee on Education, Arts and Culture of the Senate, member;
- (e) The Chairperson of the Committee on Higher and Technical Education of the House of Representatives, member;
- (f) The Director-General of the National Economic and Development Authority (NEDA), member;
- (g) The Secretary of the Department of Science and Technology (DOST), member;
- (h) The President of the federation of faculty associations of the University, member;
- (i) The President of the federation of student councils of the University, member;
- (j) The President of the federation of alumni associations of the University, member;
- (k) Four (4) prominent Chief Executive Officers (CEOs) of duly recognized national or multinational corporations who have distinguished themselves in the fields of specialization of the University or who have entered into a partnership with the University, members; and
- (l) Two (2) prominent academicians in the Philippines who have distinguished themselves in the fields of specialization of the University through their publication and track record in research.

The President of the Philippines shall appoint the four (4) prominent CEOs of

national or multinational corporations and the two (2) prominent academicians from among a list prepared by the University President, in consultation with the Chairperson and other members of the Board, based on the standards and qualifications for the position.

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 serve in the Board only for the duration of their respective terms of office, as set forth in their respective constitutions and bylaws.

The four (4) prominent CEOs of national or multinational corporations shall serve for a term of four (4) years from the date of appointment while the two (2) prominent academicians shall serve for a term of two (2) years and may be reappointed by the President of the Philippines for another term.

SEC. 9. Rights and Responsibilities of Board Members. – The members of the Board shall have all the rights and responsibilities of a regular member of the Board as set forth in Batas Pambansa Blg. 68, as amended, otherwise known as "The Corporation Code of the Philippines".

The right of the students, faculty members and alumni presidents to be represented in the Board shall automatically rise from their election and qualification into their respective offices as student regent, faculty regent and alumni regent.

The private sector representatives must take their oaths of office as hereinafter provided for before they could assume as members of the Board.

SEC. 10. Representatives of Board Members Coming from the Government. – If the Chairpersons of the Senate Committee on Education, Arts and Culture and the House Committee on Higher and Technical Education, as well as the Secretaries of the NEDA and the DOST, are unable to attend any regular meeting or special session of the Board, they may designate in writing their representatives to the meeting which the designees shall present to the Board Secretary before the start of the meeting: *Provided*, That the NEDA and the DOST shall be represented by their respective Regional Directors. They shall be entitled to seat, voice and vote.

SEC. 11. Selection, Appointment and Qualifications of the Four (4) CEOs of National or Multinational Corporations and the Two (2) Prominent Academicians. – A search committee shall be formed and constituted by the President of the University, in consultation with the Chairperson of the Board. The search committee shall take charge of recruiting, consulting with potential candidates and recommending to the President of the University and the Chairperson of the Board at least six (6) prominent CEOs of private corporations and four (4) prominent academicians for possible appointment by the President of the Philippines as members, representing the national or multinational sector, and the academe. The search committee shall conduct a thorough background check of the candidates.

The search committee to be formed and constituted by the President of the University and approved by the Board Chairperson shall have five (5) members who shall elect from among themselves their Chairperson.

The members of the Board representing the private sector shall be Filipino citizens:

Provided, That should a CEO be of foreign nationality, the CEO shall be represented by a Filipino member of the corporation. Upon appointment, they shall assume office after taking their oaths before the Chairperson of the Board or the Chairperson's duly designated representative.

SEC. 12. *Terms of Office.* – The Chairperson/President/ Head of faculty and alumni associations and the Student Regent shall serve in the Board only for the duration of their terms of office as set forth in their respective constitutions and by laws: *Provided*, That in the event that the student representative loses status, either by graduation from the University, dismissal, transfer to another school, or other causes, a student representative shall be thus elected through an election conducted for the purpose.

SEC. 13. *Meetings/Sessions.* – The Board may hold either regular meetings or special sessions:

(a) Regular Meetings – The Board must regularly convene once every quarter on the first week of every quarter.

(b) Frequency, Date and Venue of Regular Meetings – The frequency of the meetings of the Board over and above its quarterly meeting, and the date and the venue of regular meetings shall be determined by the Board itself: *Provided*, That the Board members shall receive the authorized allowance only for four (4) regular meetings and two (2) special meetings.

(c) Special Sessions – Special sessions of the Board may be held only upon the call of its Chairperson or Vice Chairperson: *Provided*, That the members of the Board have been duly notified in writing three (3) days prior to the date of the meeting.

(d) Responsibility of the President – The President of the University shall be responsible for making the necessary preparations to ensure the smooth conduct of its Board's regular meetings or special sessions.

Board members may petition the Chairperson or Vice Chairperson in writing for the conduct of a special session.

SEC. 14. *Quorum.* – A majority of all the members of the Board holding office at the time of its regular meeting or special session shall constitute a quorum for the said regular meeting or special session.

No regular meeting or special session of the Board, however, shall be validly held or could legally occur without the presence of either the Chairperson of the Board or the President of the University who is the Vice Chairperson thereof

SEC. 15. *Presiding Officer.* – The CHED Chairperson, who is the Chairperson of the Board, shall preside over the regular meetings or special sessions thereof except as hereinafter provided for.

In the absence of the CHED Chairperson, a CHED Commissioner duly designated in writing by the CHED Chairperson as regular Chairperson of the Board shall preside during regular meetings and special sessions of the Board; *Provided*, That in the absence of the CHED Commissioner duly designated as regular Chairperson of the