

REPUBLIC ACT NO. 8612

AN ACT CONVERTING THE CENTRAL LUZON
POLYTECHNIC COLLEGE IN CABANATUAN CITY,
NUEVA ECIJA, INTO A STATE UNIVERSITY TO BE
KNOWN AS THE NUEVA ECIJA UNIVERSITY OF
SCIENCE AND TECHNOLOGY, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. The Central Luzon Polytechnic College located in the City of Cabanatuan, Province of Nueva Ecija, with its present branches at San Isidro, Fort Magsaysay at Palayan City and Barangay Sumacab at Cabanatuan City, all in the Province of Nueva Ecija, is hereby converted into a state university to be known as the Nueva Ecija University of Science and Technology, hereinafter referred to as the University.

SEC. 2. The University shall primarily provide advanced instruction and professional training in arts, science and technology, education and other related fields, undertake research and extension services, and provide progressive leadership in these areas.

SEC. 3. The University shall offer undergraduate, graduate and short-term technical 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 and the region.

The existing high school shall be transferred to the jurisdiction and supervision of the Department of Education, Culture and Sports: *Provided*, That the high school shall be allowed to remain and operate within the campus of the University

until the students shall have completed their high school education: *Provided, further,* That the University may operate a reasonably-sized laboratory school, if it has a college of education.

SEC. 4. The University shall have the general powers of a corporation set forth in the Corporation Law. The administration of the University and the exercise of its corporate powers shall be vested exclusively in the Board of Regents.

SEC. 5. *The Governing Board; Manner of Appointment.* –

(a) *Composition* - The governing body is hereby vested in the Board of Regents which shall be composed of the following:

- (i) Chairman of the Commission on Higher Education (CHED), chairman;
- (ii) President of the University, vice chairman;
- (iii) Chairmen of the Congressional Committees on Education and Culture;
- (iv) Regional Director of the National Economic and Development Authority (NEDA) where the main campus of the University is located;
- (v) Regional Director of the Department of Science and Technology (DOST);
- (vi) President of the faculty association;
- (vii) President of the supreme student council or the student representative elected by the student council: *Provided,* That in the absence of a student council president or student representative elected by the student council, the college shall schedule one (1) week for the campaign and election of a student representative;
- (viii) President of the alumni association of the University;
and

- (ix) Two (2) prominent citizens who have distinguished themselves in their professions or fields of specialization chosen from among a list of at least five (5) persons qualified in the city or the province, as recommended by the search committee constituted by the President in consultation with the chairman of the CHED based on the normal standards and qualifications for the position.

The private sector representatives shall be appointed by the Board of Regents upon recommendation of a duly constituted search committee.

(b) *Term of Office* - The presidents of the faculty and alumni associations and the student regent shall sit in the Board until the expiration of their term of office in such capacities.

The prominent citizens shall serve for a term of two (2) years.

In case of vacancy in the office of the president, the officer-in-charge of the University designated by the Board shall serve for the unexpired term only.

The President of the University, whose term may be terminated according to this Act, shall be entitled to full retirement benefits under existing laws.

SEC. 6. Promulgation and Implementation of Policies. – The governing board shall promulgate and implement policies in accordance with the declared state policies on education and other pertinent provisions of the Philippine Constitution on education, science and technology, arts, culture and sports; as well as the policies, standards and thrusts of the CHED under Republic Act No. 7722.

SEC. 7. Powers and Duties of the Governing Board. – The governing board shall have the following specific powers and duties in addition to its general powers of administration and the exercise of all the powers granted to the board of directors of a

corporation under Section 36 of Batas Pambansa Blg. 68, otherwise known as the Corporation Code of the Philippines:

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

(b) 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, to carry out the purposes and functions of the University;

(c) To receive in trust legacies, gifts and donations of real and personal properties of all kinds, to administer and dispose the same when necessary for the benefit of the University, subject to limitations, directions and instructions of the donor, if any. Such donations shall be exempt from all taxes and shall be considered as deductible items from the income tax of the donor; and

(d) To fix the tuition fees and other necessary school charges, such as but not limited to, matriculation fees, graduation fees and laboratory fees, as their respective boards may deem proper to impose after due consultations with the involved sectors.

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

Any provision of existing laws, rules and regulations 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 of Regents for instruction, research, extension or other programs/projects of the University: *Provided*, That all fiduciary fees shall be disbursed for the specific purpose for which they are collected.

If, for reasons beyond its control, the University shall not be able to pursue any project for which funds have been appropriated and allocated under its approved program of expenditures, the Board of Regents 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;

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

(f) To authorize the construction or repair of its buildings, machineries, equipment and other facilities and the purchase and acquisition of real and personal properties, including necessary supplies, materials and equipment. Purchases and other transactions entered into by the University through the Board of Regents shall be exempt from all taxes and duties;

(g) To appoint, upon the recommendation of the president of the University, vice presidents, deans, directors, heads of departments, faculty members and other officials and employees;

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

(i) To approve the curricula, institutional programs and rules of discipline drawn by the administrative and academic councils as herein provided;

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

(k) To award honorary degrees upon persons in recognition of outstanding contribution in the fields of education, public

service, arts, science and technology or in any field of specialization within the academic competence of the University, and to authorize the award of certificates of completion of nondegree and nontraditional courses;

(l) To absorb nonchartered tertiary institutions within their respective provinces in coordination with the CHED and in consultation with the Department of Budget and Management (DBM), and to offer therein needed programs or courses to promote and carry out equal access to educational opportunities mandated by the Constitution;

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

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

(o) To delegate any of its powers and duties provided for hereinabove to the President and/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 institution, to be financed by the CHED 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 universities within the province or the region, under the supervision of the CHED and in consultation with the Department of Budget and Management (DBM), the restructuring of said universities 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 or institution, the proceeds from which

to be used for the development and strengthening of the University;

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

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

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

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

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

(x) To extend the term of the President of the University beyond the age of retirement but not later than the age of seventy (70), whose performance has been unanimously rated as outstanding and upon unanimous recommendation by the search committee.

SEC. 8. *Meetings; Quorum.* – The Board of Regents shall regularly convene at least once every quarter. However, the Chairman of the Board of Regents may, upon three (3) days' prior written notice, call a special meeting whenever necessary.

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

In the absence of the Chairman of the CHED, a commissioner of the CHED, duly designated by him, shall represent him in the meeting with all the rights and responsibilities of a regular member: *Provided, however,* That in the said meeting, the President of the University as vice chairman shall be the presiding officer.

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

SEC. 9. *The Administration.* – The administration of the University shall be vested in the President of the University who shall render full-time service. He shall be appointed by the Board of Regents, upon the recommendation of a duly constituted search committee. He shall have a term of four (4) years and shall be eligible for reappointment for another term: *Provided,* That this provision shall not adversely affect the term of the incumbent.

The President shall be assisted by a vice president for academic affairs who shall be appointed by the Board upon the former's recommendation without prejudice to the appointment of more than one vice president when so warranted.

In case of vacancy by reason of death, resignation, removal for cause or incapacity of the President to perform the functions of his office, the Board shall have the authority to designate an officer-in-charge pending the appointment of a new president.

In case of vacancy in the office of the president as mentioned in the immediately preceding paragraph, his successor shall hold office for the unexpired term.

SEC. 10. *Administrative Council.* – There shall be an administrative council consisting of the President of the University as chairman, the vice president(s), deans, directors and other officials of equal rank as members, and whose duty is to review and recommend to the Board of Regents policies governing the administration, management and development planning of the University for appropriate action.

SEC. 11. *Academic Council.* – There shall be an academic council with the President of the University as chairman and all members of the instructional staff with the rank of not lower than 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 appropriate action of the Board of Regents. It shall fix the requirements for admission of students as well as for graduation and the conferment of degrees subject to review and/or approval by the Board of Regents through the President of the University.

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 shall keep all records and proceedings of the Board. He shall communicate to each member of the Board notice of meetings.

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

SEC. 14. No religious opinion or affiliation shall be the matter of inquiry in the appointment of faculty members of the State University: *Provided, however,* That no member of the faculty shall teach for or against any particular church or religious sect.

SEC. 15. The University shall provide a scholarship program and other affirmative action programs to assist poor but deserving students to qualify for admission to the University.

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

SEC. 16. The University shall enjoy academic freedom.

SEC. 17. On or before the fifteenth day of the second month after the opening of the regular classes each year, the Board shall file with both Houses of Congress a detailed report on the progress, conditions and needs of the University.

SEC. 18. The heads of bureaus and offices of the national government are hereby authorized to loan or transfer, upon 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 bureau or office, such apparatus, equipment, supplies or services of such employees can be spared without serious detriment to the public service. 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 service.

SEC. 19. The University may accept the affiliation and/or integration within its operation of any existing national school within the province whose programs can contribute largely and effectively to the attainment of its objectives, in coordination with the CHED and in consultation with the DBM: *Provided*, That funds, properties and other assets, as well as obligations of the integrated school, shall be transferred to the University.

SEC. 20. All assets, fixed and movable, records and personnel of the Central Luzon Polytechnic College, as well as liabilities or obligations, are hereby transferred to the University: *Provided, however*, That the positions, rights and security of tenure of personnel therein employed under existing laws prior to its absorption by the University are not impaired: *Provided, further*, That the incumbents of the positions shall remain in the same status until otherwise provided for by the Board. All parcels of land belonging to the government, occupied by the Central Luzon Polytechnic College are hereby declared to be the property of the Nueva Ecija University of Science and Technology and

shall be titled under that name: *Provided, finally*, That should the University cease to exist or be abolished or should such parcels of land aforementioned be no longer needed by the University, the same shall revert to the Province of Nueva Ecija.

SEC. 21. The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the Central Luzon Polytechnic College, except the sum needed to continue the operations of the existing high school. Thereafter, such sums as may be necessary for the continued operation and maintenance of the Nueva Ecija University of Science and Technology shall be included in the annual General Appropriations Act.

SEC. 22. Within the period of one hundred twenty (120) days after the approval of this Act, the University shall accomplish the following:

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

(2) Undergo a management audit in cooperation with CHED;

(3) Accordingly set up its organizational, administrative as well as academic structure, including the appointment/designation of University key officials; and

(4) Set in motion the establishment of at least four (4) separate degree-granting units, one of which is in the arts and sciences and another, at the graduate level.

SEC. 23. Members of the faculty of the University at the tertiary level shall be exempt from any civil service examination as a requisite for appointment, without prejudice to the right of the Board to impose other professional examination requirements intended to maintain high academic standards.

SEC. 24. The provisions of Republic Act No. 8292, otherwise known as the "Higher Education Modernization Act of 1997," shall form as an integral part of this Act and together shall serve as the governing charter of the University.

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

SEC. 26. All laws, presidential decrees, executive orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 27. This Act shall take effect upon its approval.

Lapsed into law on March 27, 1998 without the President's signature, pursuant to Sec. 27(1), Article VI of the Constitution.