

REPUBLIC OF THE PHILIPPINES }
CONGRESS OF THE PHILIPPINES }
 Third Regular Session

S. No. 2233
H. No. 6450

REPUBLIC ACT NO. 8365

AN ACT CONVERTING THE RIZAL TECHNOLOGICAL COLLEGES INTO A STATE UNIVERSITY, TO BE KNOWN AS THE RIZAL TECHNOLOGICAL UNIVERSITY, AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. The Rizal Technological Colleges in the City of Mandaluyong, including its branches in the City of Pasig, Municipality of Antipolo in the Province of Rizal, and Municipality of Kawit in the Province of Cavite, is hereby converted into a state university to be known as the Rizal Technological University, hereinafter referred to as the University. The main campus of the University shall be in the City of Mandaluyong.

SEC. 2. The University shall primarily provide highly professional, scientific, technological, and special instructions in the fields of engineering and technology education, business and entrepreneurial technology, and the arts and sciences. It shall also promote research, extension and advance studies in its areas of specialization.

The University shall pursue and endeavor to lead in the development of work-integrated learning through partnership with industry and involvement of students in civic activities. Cooperative education shall provide an important educational component and technical proficiency in the development of human resource capital.

SEC. 3. The existing high school shall continue to operate as a laboratory for the teacher education programs of the University. The size of its enrollment shall be determined by the Department of Education, Culture and Sports.

SEC. 4. The University may open new branches in consortium with other academic institutions only within the City of Mandaluyong and the Province of Rizal. For this purpose, the partner concerned shall, in addition to funds appropriated under the regular university budget, provide funds for the infrastructure and manpower needs of the branches thus established, until otherwise provided in the agreement. All properties acquired for the use of the University shall be donated to and titled in the name of the University unless there are legal impediments thereto. Such branches shall offer highly specialized courses in science and technology in accordance with detailed studies on the needs of business, industry and government in the localities to be served. For this purpose, the University President shall appoint a committee to study the feasibility of opening up such branches. Such committee shall include as members, at least a representative each from the business and the industry sector.

The University shall, within a reasonable time from the approval of this Act, develop and fully utilize its real property situated in the Municipality of Baras, Province of Rizal, as a site for science and technological researches and agricultural technology projects.

SEC. 5. The University may enter into agreements with local governments for the support of any of its branches: *Provided*, That the said agreements shall not in any way impair the autonomy of the University. Under such agreements, the local government shall provide funds to the University in support of university programs in addition to the regular yearly national appropriation of the University. Such funds provided by the local government shall be dealt with in accordance with Section 4 of this Act.

SEC. 6. The governing body of the University shall be vested in the Board of Regents, hereinafter referred to as the Board, which shall be composed of the following:

- a) The Chairman of the Commission on Higher Education (CHED), chairman;
- b) The president of the University, vice chairman;

c) The chairmen of the Congressional Committees on Education and Culture;

d) The regional director of the National Economic and Development Authority (NEDA) where the main campus of the University is located;

e) The president of the federation of faculty associations;

f) The president of the federation of student councils or the student representative elected by such federation: *Provided*, That in the absence of a federation president or student representative elected by the federation, the University shall schedule one (1) week for the campaign and election of a student representative;

g) The president of the federation of alumni associations of the University; and

h) 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) qualified persons in the city or province where the school is located, 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 upon recommendation of the duly constituted search committee.

For the purpose of paragraphs (f) and (g) of this section, the associations of faculty, alumni, and student councils in each branch of the University shall organize themselves to form their respective federations.

The presidents of the federation of faculty associations and alumni associations and the federation of student councils shall sit in the Board until the expiration of their respective terms of office in such capacities.

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

SEC. 7. 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 donors, 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 school fees and charges, such as, but not limited to, matriculation fees, graduation fees and laboratory fees, as their respective boards may deem proper and reasonable 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 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 they are collected.

If, for reasons beyond its control, the University, shall not be able to pursue any projects for which funds have been appropriated and, allocated under its approved program of expenditures, the Board may authorize the use of said funds for any reasonable purposes 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, material and equipment. Purchases and other transactions entered into by the University through the Board shall be exempt from all taxes and duties;

g) To appoint, upon recommendation of the president of the University, vice presidents, deans, directors and 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 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; 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 field 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 certificate of completion of non-degree and non-traditional courses;

l) To absorb non-chartered tertiary institutions as branches, centers, stations, etc., within the City of Mandaluyong and the Province of Rizal 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 CHED and to institute reforms, including academic and structural changes, on the basis of audit results and recommendations;

q) To collaborate with other governing boards of State universities and colleges within the National Capital Region and

Region IV, where it may be feasible, under the supervision of the CHED and in consultation with the DBM, the restructuring of said colleges and 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, the proceeds from which shall be used for the development and strengthening of the same;

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, 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 of non-academic services such as health, food, building, 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. The Board shall regularly convene at least once every quarter. The chairman of the Board may call a special meeting whenever necessary: *Provided*, That members are notified in writing at least three (3) days prior to said meeting.

A majority of all members holding office shall constitute a quorum for board meetings: *Provided*, 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 the vice chairman shall be the presiding officer.

The members shall serve without compensation, but they shall be reimbursed for necessary expenses incurred in their attendance of meetings of the Board or in connection with their official business authorized by resolution of the Board.

SEC. 9. 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, upon 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.

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.

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

The salary of the president of the University shall be subject to the existing compensation and position classification system and shall be comparable to that being received by other presidents of similar educational institutions of like standing.

In order not to disrupt the operation of the institution and to insure the smooth transition from its status as a college to that of a university, the incumbent president of the College, if qualified, shall serve the unexpired portion of his term as the first president of the new university, subject to the limitations provided herein.

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

SEC. 11. 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 for appropriate action of the Board. 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.

SEC. 12. The administrative and academic councils may create standing committees from among its members. The president of the University may appoint an executive committee with the vice presidents and other members from both councils to act on matters of common concern.

SEC. 13. There shall be a secretary of the University who shall be appointed by the Board upon the recommendation of the president of the University. He shall keep such records and

exercise such powers as may be determined by the Board. He shall head the University secretariat which shall take charge of the recording and reporting of proceedings of the Board, the administrative and academic councils and the historical events of the University.

SEC. 14. The Treasurer of the Philippines shall be the *ex officio* treasurer of the University.

SEC. 15. No religious opinion or affiliation shall be a matter of inquiry in the appointment of faculty members of the University: *Provided, however,* That no member of faculty shall teach for or against any particular church or religious sect.

SEC. 16. No student shall be denied admission to the University by reason of sex, nationality, religion, political affiliation, physical handicap, culture, or economic situation.

SEC. 17. The University shall enjoy academic freedom.

SEC. 18. On or before the fifteenth day of the third month after the opening of the regular classes each year, the Board shall file with the Chairman of CHED and to both Houses of Congress, a detailed report on the progress, conditions and needs of the University.

SEC. 19. All assets, fixed and movable, personnel and records of the Rizal Technological Colleges in the City of Mandaluyong and its branches in the City of Pasig, in the Municipality of Antipolo in the Province of Rizal, and in the Municipality of Kawit in the Province of Cavite, as well as liabilities or obligations, are hereby transferred to the University: *Provided, however,* That the positions, rights and security of tenure of personnel employed therein under existing laws prior to the absorption by the University are not impaired: *Provided, further,* That the incumbent members of existing position shall remain in the same status until otherwise provided by the Board. All parcels of land belonging to the government and occupied by the Rizal Technological Colleges in the City of Mandaluyong and its existing branches and those previously titled under the name

of the Rizal Technological Colleges are hereby declared to be the property of the Rizal Technological University 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 provinces, municipalities or cities where they are located.

SEC. 20. All accounts and expenses of the University shall be audited by the Commission on Audit or its duly authorized representative.

SEC. 21. 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 judgement of the head of the bureau or office, such apparatus, equipment, supplies or services of such employees can be spared without detriment to the 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 official service.

SEC. 22. It shall be the continuing policy of the University to accept the affiliation and/or integration within its operation of any existing tertiary institutions within the City of Mandaluyong and the Province of Rizal, whose program can contribute largely and effectively to the attainment of its objectives: *Provided, however*, That in case of integration, the CHED is hereby authorized to determine and approve that the existing tertiary institutions be integrated as part of the University. In this particular case, it is understood that all funds, properties, and other assets as well as obligations of the integrated schools shall be transferred to the University.

SEC. 23. The amount needed to carry out the provisions of this Act shall be charged against the current year's appropriations of the Rizal Technological Colleges. Thereafter, such amount as may be necessary for the continued operation and maintenance of the Rizal Technological University shall be included in the annual General Appropriations Act.

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. Within a 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 the 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. 26. 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. 27. All other powers, functions, 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. 28. 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. 29. This Act shall take effect upon its approval.

Lapsed into law on October 11, 1997 without the President's signature, pursuant to Sec. 27(1), Article VI of the Constitution.