



Republic of the Philippines
CITY COUNCIL
City of Manila

REGULAR SESSION NO. 134

11TH CITY COUNCIL

Begun and held in the City Council on Monday,
the fifteenth day of February, Two Thousand Twenty-One

ORDINANCE NO. 8750

AN ORDINANCE FURTHERMORE AMENDING THE PROVISIONS OF ORDINANCE NO. 7885, AS AMENDED BY ORDINANCE NOS. 8120 AND 8635, ENTITLED: "AN ORDINANCE AUTHORIZING THE CITY GOVERNMENT OF MANILA TO OPERATE THE DALUBHASAAN NG MAYNILA (CITY COLLEGE OF MANILA) AND FOR SUCH OTHER PURPOSES", ENACTED ON APRIL 17, 1995, PURSUANT TO THE REQUIREMENTS OF THE COMMISSION ON HIGHER EDUCATION (CHED) FOR HIGHER EDUCATION INSTITUTIONS (HEIs), PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

PRINCIPAL AUTHORS:

HON. PRISCILLA MARIE T. ABANTE-BARQUIA

and

HON. JOEL R. CHUA
Majority Floor Leader



PREAMBLE

WHEREAS, Universidad de Manila (UDM) has come a long way as an educational institution since it was established by the City Government of Manila back in 1995 as the then City College of Manila (CCM);

WHEREAS, the current administration of the City of Manila, led by Mayor Francisco "Isko Moreno" Domagoso, who is also the ex-officio Chairman of the Board of Regents of UDM, seeks the Commission on Higher Education's (CHED) recognition of UDM as a Higher Education Institution or HEI;

WHEREAS, should UDM obtain HEI status upon due recognition and conferment by CHED, UDM will then be a rightful recipient of various substantial subsidies and/or funding from the National Government that will surely boost UDM's institutional capabilities to provide accessible, free and quality education to the youth of the City of Manila;

WHEREAS, in order for UDM to successfully obtain CHED's "institutional recognition" as an HEI, UDM needs to comply with CHED's requirements as stated under CHED Memorandum Order (CMO) No. 32, Series of 2006 and CMO No. 42, Series of 2016, both CMOs being the bases of CHED's "Validation Tool" entitled: "Compliance to Requirements for Recognition as Higher Education Institution/Certificate of Authority to establish a Higher Education Institution";

WHEREAS, pursuant to CMO No. 32, Series of 2006 and CMO No. 42, Series of 2016, the "Ordinance establishing a local Higher Education Institution," which is Ordinance No. 7885, as amended by Ordinance No. 8120 and Ordinance No. 8635, in the case of UDM, MUST further INCLUDE provisions for the following:

- a. Membership of the Governing Board consistent with those provided under CMO No. 32, Series of 2006, and CMO No. 4, Series of 2016;
- b. Search Committee for the President of the University;
- c. Qualifications of the President of the University;
- d. Continuing appropriation and financial support of the Local Government Unit creating the HEI;
- e. Local Government Unit allotting and/or allotting a real property registered in its name for the exclusive use of the HEI; and
- f. Local Government Unit approving and considering the Project Development Plan and Institutional Development Plan of the HEI in crafting the Local Government Unit's budget and its own corresponding "plans", among others.

WHEREAS, the above-enumerated proposed amendments to Ordinance No. 7885, as amended by Ordinance No. 8120 and Ordinance No. 8635, will bring a huge impact for the betterment of the quality of free education for the youth of the City of Manila for the years and generations to come: NOW, THEREFORE,

Be it ordained by the City Council of Manila, in session assembled, *THAT*:

SECTION 1. Declaration of Policy. – It shall hereby be declared the policy of the City of Manila to be genuinely committed, in consonance with the policy of the State, in promoting the right of all citizens to quality education at all levels and to make such education accessible to all. Moreover, the City of Manila, aware of its obligations to give the poor but talented and gifted students of the City of Manila the opportunity to develop their potentials, is committed to establish another tertiary school to accommodate the graduates of secondary public schools to pursue college education.

The Board shall be composed of the eleven (11) members as follows:

Chairman - City Mayor
Vice Chairman - University President

Nine (9) members of the Board:

- (a) Chairman of the Committee on Education of the City Council (ex-officio)**
- (b) Superintendent of City Schools (ex-officio)**
- (c) President of the Faculty Association**
- (d) President of the Supreme Student Government**
- (e) President of the Alumni Association**
- (f) Two (2) representatives from accredited Non-Governmental Organizations (NGOs), preferably from business or industry sectors**
- (g) Representative from the Association of Local Colleges and Universities (ALCU)**
- (h) Representative from the Department of Science and Technology (DOST)**

All members of the Board, with the exception of the Chairman and the two (2) ex-officio members, shall be appointed by the Mayor of the City of Manila with the consent of the City Council.

The appointment of the representative from the ALCU shall be subject to the confirmation of the President of the national ALCU. The appointment of the representative from the DOST, who shall hold rank not lower than director, shall be subject to the confirmation of the DOST Secretary.

All appointive members of the Board shall serve a term of six (6) years, or until their successors shall have been appointed and qualified; PROVIDED, however, that the representatives from the Faculty, Alumni Association, and the Supreme Student Government be co-terminus with their respective tenure of office.

The Regional Director of the Commission on Higher Education (CHED), or his/her duly designated representative may be invited as a resource person during board meetings.

SEC. 6. Requirements and Allowances of the Members of the Board. – All members of the Board shall be citizens of the Philippines. They shall serve without compensation other than the reasonable allowance for attendance in Board meetings and for official business duly authorized by the Board.

SEC. 7. Vacancy. – In case of vacancy in the Board by reason of resignation, death, or other forms of incapacity of any member of the Board, such vacancy shall be filled by appointment of the Mayor: PROVIDED, that, the appointee shall serve only for the unexpired portion of the vacated term.

SEC. 8. Conflict of Interest. – Members of the Board shall not have any business interest, directly or indirectly, in any aspect of University operations.

SEC. 9. General Powers of the Board of Regents. – The University shall have the general powers set out under Section 35 of Republic Act No. 11232, otherwise known as the Revised Corporation Code of the Philippines, all other applicable powers of corporations under Title IV of said Code, and such other functions as are necessary to carry out the purposes of the corporation and administration of the said university, and the exercise of its corporate powers are hereby vested exclusively in the Board of Regents and the President of the University insofar as authorized by the Board.

SEC. 10. Powers and Duties of the Board of Regents. – The Board of Regents shall have the following powers and duties, in consonance with existing laws and in addition to its general powers under Section 9 hereof:

1. To establish policies, guidelines and procedures for participative decision-making;
2. To develop academic arrangements and linkage for institutional capability building with appropriate institutions and agencies, both public and private, local and foreign;
3. To institutionalize research and extension programs;
4. To receive and appropriate such sums of money, properties, or materials as may be provided by Ordinance of the City of Manila for the support of the University;
5. To provide for the establishment of undergraduate and graduate schools, specifically in, but not limited to, Science and Technology, considering the priorities of the City and national needs;
6. To approve the courses of study and rules of discipline recommended by the University Council as hereafter provided for, and to fix tuition and other fees;
7. To determine/approve curricular programs and course offerings in response to the needs and demands of the community provided that these should comply with the provisions of CMO No. 10, S. 2005;
8. To promulgate policies on admission, retention and graduation of students;
9. To confer degrees for which graduating students are qualified, and honorary degrees and titles upon persons in recognition of their wisdom, statesmanship, or service in government and to society, as well as in due regard to eminence in philosophy, science, technology, literature, and community service;
10. To provide fellowships and scholarships for students, faculty and staff on the basis of merit;
11. To establish professional chairs in the University's colleges and to provide or arrange for the maintenance or endowment of such chairs;
12. To provide for academic ranks and approve the appointment for teaching personnel and to fix the compensation commensurate with such ranks;
13. To receive from the City of Manila assistance to augment the internal sources of funds, as may be provided, for the support of the University in the manner it may determine, and its discretion, to carry out the purposes and functions on the University. Such fees and charges, including government subsidiaries and other income generated by the University, shall constitute its regular fund and shall be deposited in any authorized government depository bank, and all interests that shall accrue therefore shall form part of the same fund for the use of the University. If, for reason of control, the University shall be able to pursue any project 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 purpose which, in its discretion, may be necessary and urgent for the attainment of objectives and goals of the University;
14. To provide a reasonable system of compensation and fringe benefits such as housing, medical, and health insurances, scholarships for direct descendants of University personnel, legal support in case of litigation and other benefits as may be allowed by the Salary Standardization Law and other compensation laws. Such compensation benefits shall be for all University officials, faculty, and staff, full time or part time, as applicable. Non-pecuniary benefits shall be in accordance with rules and regulations on hours of service, and such other conditions as the Board may deem proper;
15. To receive in trust, tax free, all legacies, gifts, donations, and grants of real and personal properties, and any other form of donation, and to administer the same for the benefit of the University or any part thereof in accordance with the instructions of the donor, or in default thereof, in such manner as it may determine;

16. To disburse the appropriated funds in accordance with the line item expenditure of the University as determined by the Board, subject to limitations imposed by law: PROVIDED, that any or all funds allocated and accruing to the University shall be put and kept under its name and account and PROVIDED FURTHER, that any surplus for unappropriated amount at the end of each year shall remain with the coffers and considered as savings of the University as may be allowed by the Local Government Code and other budgeting laws. Likewise, there shall be a budget allocation for the accreditation of programs to be provided by the City of Manila. The form, content, manner, procedure in approving appropriations for the University shall strictly follow the procedure for approving appropriations for other departments and offices of the City of Manila, including but not limited to, presentation of proper documentation, justification, and accomplishment reports as required by the Local Government Code and other budgetary laws;
17. To prescribe rules of its own governance, to establish the governance structure of the University, and to enact for the governance of the University such general policies and regulations as are consistent with the purposes of the University as defined in Section 3 of this Ordinance;
18. To promulgate rules and regulations of discipline governing University officials, faculty, and staff members, including removal from the service for cause, after due process;
19. To ensure the efficient management of non-academic services such as medical and dental, guidance and counseling, canteen, buildings, grounds, property maintenance and similar services;
20. To appoint the President of the University upon recommendation of the Search Committee;
21. To confirm appointments of other school officials, teaching and non-teaching personnel, appointed by the President of the University;
22. To delegate any of its powers and duties provided herein to the President of the University and/or other officials of the University as it may deem appropriate so as to expedite the administration of the affairs of the University;
23. To invite representatives from other government or private entities as resource person(s) of the Board;
24. In coordination with the City Council of Manila, to provide for the regular support for the development, operation and maintenance of the University;
25. To recommend to the City Council of Manila policies on tertiary education and other related development legislation on effective governance and management; and
26. To exercise such other powers and duties not inconsistent with laws as may be necessary or essential to carry out its purposes.

The Board of Regents shall promulgate policies in accordance with the declared state policies on higher education, as well as the policies, standards and thrusts of the CHED under Republic Act. No. 7722 and other pertinent laws.

SEC. 11. Processes. – Actions and processes against the Board of Regents shall be served on the University President or the Board Secretary thereof.

SEC. 12. Meetings of the Board of Regents. – The Board of Regents shall hold its regular meetings at least once a month, or in special meetings as may be deemed necessary by the Chairman and the University President. A majority of the members shall constitute a quorum to transact business. The University President shall determine and prepare the agenda of all meetings of the Board. All acts of the Board shall be collegial, and no member may take action on any matter on his/her own. At the end of each fiscal year, the Board shall submit an annual report to the Mayor and the City Council.

SEC. 13. Administration of the University. – The responsibility of University administration shall devolve upon the University President and its officials.

SEC. 14. University Council. – There shall be a University Council, consisting of the President of the University and all members of the faculty of the University holding the rank of professor, associate professor and assistant professor. Subject to existing laws, the Council shall have the power to prescribe the course of study and rules of discipline, provided those matters are first approved by the Board of Regents. Subject to the same limitations, it shall fix the requirements for admission to any college of the University, as well as for graduation and the conferment of degrees. The Council alone shall have the power to recommend students or other to be recipients of degrees. Through its President or committees, it shall have disciplinary powers over the students within the limits prescribed by the rules of discipline approved by the Board of Regents.

SEC. 15. University President. – The President of the University, who is the Chief Academic and Executive Officer of the University, shall be appointed by the Board of Regents, upon the recommendation of a duly constituted Search Committee, for a term of six (6) years, subject to reappointment, unless sooner removed for cause, such as, incapacity, incompetence, dishonesty and/or final conviction of a crime involving moral turpitude and other grave offenses as decided upon a competent court of law.

The President of the University shall hold an appropriate earned doctoral degree with at least five (5) years of relevant administrative experience.

The President of the University shall receive salary, emoluments and fringe benefits commensurate with his/her position and qualification as determined by the Board as may be allowed by law. The powers and duties of the President of the University, in addition to this specifically provided for in this Ordinance, shall be those pertaining to the Office of the President of the University.

SEC. 16. Search Committee for the University President. – The Search Committee for the President of the University shall have five (5) members to be appointed by the Board of Regents, with members each representing the academe, Civil Service Commission (CSC), CHED, ALCU and an accredited NGO preferably from business or industry sector. Said members shall elect amongst them a Chairman and a Vice Chairman, six (6) months before the expiration of the term of office of the incumbent President of the University.

SEC. 17. Other University Officials, Academic and Non-Academic Personnel. – The Executive Vice President, Vice President, deans, directors, registrars, administrative officers, accountants, faculty and non-teaching personnel shall be appointed by the President of the University, subject to the confirmation of the Board of Regents. Provided that the Vice President for Academic Affairs must be a holder of an earned doctoral degree; provided, further, that their appointments shall be pursuant to existing civil service laws, rules, and regulations.

In the appointment of professors, instructors, and other personnel of the University, no religious tests shall be required, nor shall the religious opinions or affiliations be made a matter of examination or inquiry.

SEC. 18. Structure and Organization. – The President shall recommend to the Board for approval, the structure and organization of the University which shall define efficiently and effectively its operations for the achievement of its goals and objectives.

SEC. 19. Board Secretary and University Legal Counsel. – The Board of Regents shall appoint a Board Secretary, upon the recommendation of the University President, who shall be responsible for the documentation of the minutes of the board meetings, board resolutions and any other duties and/or functions to be assigned by the Board pertaining to the affairs, duties and functions of the latter.

There shall be a separate University Legal Counsel to be appointed by the University President, subject to the confirmation of the Board, who shall handle all legal matters concerning all facets of university affairs.

SEC. 20. Board of Visitors. – The Mayor, the Vice Mayor, and the Members of the City Council shall constitute the Board of Visitors of the University. As Chairman of the Board of Visitors, the Mayor shall convene the Board in order to discharge its duties, such as attendance in graduation ceremonies, making visits at the University, as it may deem necessary and other visitorial duties and privileges as may be provided by law.

SEC. 21. Assured Continuous Appropriation and Financial Support for the University. – The City Council shall appropriate funds for the operations of the University, the regular Annual appropriations of which shall be included in the Executive Budget of the Office of the City Mayor as lump sum appropriation or such amount thereof to support and sustain the full operation and maintenance of the University; PROVIDED, that the City Council may appropriate additional funds for special programs and/or projects which may be deemed necessary to be undertaken by the University, outside of its regular annual appropriation subject to the presentation of proper documentation, justification and accomplishment reports as required by the Local Government Code and other budgetary laws.

SEC. 22. Allocation of City Owned Real Property as Site for the University. – The City of Manila shall allocate a real property, through a usufruct agreement between the City and the University, with appropriate size and location pursuant to the applicable provisions of the Building Code of the Philippines, as the school site of the University.

SEC. 23. Project and Institutional Plans of the University. – Any and all project and/or institutional plans of the University, as approved by the Board of Regents, shall be submitted to and approved by the City Council to ensure that said plans of the University shall be incorporated and/or integrated into the formulation of the corresponding plans and budget of the City Government of Manila.

SEC. 24. Emblem, Color and Seal. – The University shall adopt its emblem, color, seal and other appurtenances consistent with the reflective of the Philippine culture and values that shall enhance the uniqueness and dignity of the Filipino identity.

SEC. 25. Progress Report. – The Board of Regents, shall file with the CHED, the Mayor, and the City Council an annual detailed report, setting forth the progress, condition, and needs of the University.

SEC. 26. Reportorial Requirements and Auditing of Accounts. – The University shall submit an annual report to the Mayor, through the Local Finance Committee and the City Council containing the financial statements, statements of assets and liabilities, actual projected income from tuition fees and other revenue sources, contracts and investments entered into, including programs of expenditures, accomplished reports on the utilization of funds from the City and other sources, and other necessary reports. All accounts and disbursements of the University shall be audited by the Commission on Audit.

SEC. 27. Oversight Committee and Sunset Review. – An Oversight Committee composed of the Mayor, the Vice Mayor, the President of the University and their designated representatives shall constitute the oversight committee to oversee the transition in terms of setting up the University's procurement, payroll, and revenue collection systems and such other systems and processes that are critical of the University's operation.

It shall likewise conduct a review on the grant of fiscal autonomy to the University upon the lapse of five (5) years from the approval hereof.

SEC. 28. Transitory Provisions. – Upon signing of this Ordinance by the Mayor, the University shall submit, in thirty (30) days, its enhanced organizational chart and operations manual to the Mayor. The Local Finance Committee shall transfer the necessary fund of the University for the current fiscal year subject to the submission of pertinent documentation and justification as required by the Local Government Code and other budgetary laws.

SEC. 29. Rules of Construction. – No statutory or other issuances shall diminish the powers, rights, privileges and benefits accorded to the University under this Ordinance or enjoyed at present by it under other issuances not otherwise modified or repealed under this Ordinance, unless subsequent legislation expressly provides for their repeal, amendment, or modification. Any case of doubt in the interpretation of any of the provisions of this Charter shall be resolved in favor of the academic freedom and fiscal autonomy of the University.

SEC. 30. Appropriations. – The amount needed to carry out the implementation of this Ordinance shall be charged against the lump sum appropriation of the current fiscal year and other internal funds of the University. Thereafter, such lump sum representing the responsibility of the City of Manila for the continued growth, operation, maintenance, and requirements for the Commission on Higher Education (CHED) Accreditation.

The University may use unexpended balances in any appropriation for purposes that the Board determines.

SEC. 31. Separability Clause. – Should any provision herein be declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.


SEC. 32. Repealing Clause. – Ordinance No. 7885, as amended, and all laws, decrees, orders, rules, and regulations or other issuances or parts inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

This Ordinance can only be repealed by a UNANIMOUS VOTE of all members of the City Council.


SEC. 33. Effectivity Clause. – This Ordinance shall take effect upon its approval.

This Ordinance was finally enacted by the City Council of Manila on May 24, 2021.

PRESIDED BY:



ERNESTO C. ISIP, JR.
President Pro-Tempore and
Acting Presiding Officer
City Council, Manila

ATTESTED:



LUCH R. GEMPIS, JR.
City Government Department Head III
(Secretary to the City Council)

APPROVED BY HIS HONOR, THE MAYOR, ON

JUN 10 2020


FRANCISCO "Isko Moreno" DOMAGOSO
Mayor
City of Manila

ATTESTED:


BERNARDITA C. ANG
City Government Department Head III
(Secretary to the Mayor)

RNF: jhb/eee/jrp