

(No. 4120)

**AN ACT CREATING A NATIONAL RESEARCH COUNCIL OF THE PHILIPPINE ISLANDS
FOR TH PROMOTION OF RESEARCH WORK ALONG SCIENTIFIC LINES**

*Be it known by the Senate and House of Representatives of the Philippines in Legislature
assembled and by authority of the same:*

Section 1. One hundred and fifty prominent scientists and technical men of the Philippine Islands to be selected by the Governor-General with the advice and consent of the Senate, as charter members; and their associates and successors duly chosen are hereby incorporated, constituted, and declared to be a body corporate by the name of National Research Council of the Philippine Islands.

Section 2. The purposes of this corporation are:

- (1) In general, to stimulate research in the mathematical, physical and biological sciences, and in the application of these sciences to engineering, agriculture, medicine, and other useful arts, with the objective of increasing knowledge, starting studies of problems of the national defense, and contributing in other ways to the public welfare.
- (2) To survey the larger possibilities of sciences, to formulate comprehensive projects of research, and develop effective means of utilizing the scientific and technical resources of the country for dealing with these projects.
- (3) To promote cooperation in research, at home and abroad in order to secure concentration of effort, minimize duplication, and stimulate progress; but in all cooperative undertakings to give encouragement to individual initiative as fundamentally important to the advancement of science.
- (4) To gather and collate scientific and technical information at home and abroad, in cooperation with governmental and other agencies and to render such information available to duly accredited persons.

Section 3. The National Research Council of the Philippine Islands shall, aside from the charter members mentioned in Section 1 hereof, consists of members duly elected by the incorporators thereof in accordance with its Constitution and By-Laws and the said corporation shall have power to make its own organization, including its constitution, by-laws, and rules and regulations; to fill vacancies created by death, resignation or otherwise; to provide for the election of members, division into classes, and other matters needful or usual in such institution.

Section 4. The National Research Council of the Philippine Islands shall hold an annual meeting at such place and as such time in the Philippine Islands as may be designated, and the Council shall, whenever called upon by any Department of the Government, investigate, examine, experiment, and report upon any subject of science or art, the actual expenses of such investigations, examinations, experiments, reports to be paid from appropriation which may be made for the purpose, but the Council shall receive no extra compensation whatever for any services rendered to the Government of the Philippine Islands.

Section 5. The National Research Council of the Philippine Islands is hereby authorize and empowered to receive bequests and donations and hold the same in trust, to be applied by the said Council in aid of scientific investigations according to the will of the donors.

Section 6. The said National Research Council of the Philippine Islands shall, in carrying out its aims and functions, and its purposes and powers provided in this Act, be exempt from the payment of all internal revenue taxes, fees, assessment and other charges of the Government.

Section 7. From and after the passage of this Act it shall be unlawful for any person within the jurisdiction of the Philippine Islands to falsely and fraudulently hold himself out as, or represent himself out as, or represent himself to be, a member of, or an agent for, the National Research Council of the Philippine Islands, for the purpose of soliciting, collecting, or receiving money or material; and any person who violates the provisions of this section, shall be guilty of **estafa** and shall be dealt with accordingly.

Section 8. To help the said National Research Council of the Philippine Islands in carrying out its work provided in this Act, the Secretary of Agriculture and Commerce is hereby authorized and empowered to turn over to the national Research Council such sums of money and extend such aid as the said Secretary may from time to time consider necessary, the money to come out of any available balance of lump sum item of the appropriation authorized for the Department of Agriculture and Commerce or out of the money appropriated by Act numbered Thirty-one Hundred and Fifty three entitled, *An Act to appropriate the sum of six hundred and eighty thousand pesos to be disbursed by the Secretary of Agriculture and Natural Resources for promotion of new, and the improvement of existing industries, and for other purposes*: Provided, that in no case shall the sum to be allotted for the purposes of this Act exceed twenty-thousand pesos.

Section 9. The National Research Council of the Philippine Islands shall submit regularly an annual report to the Philippine Legislature and to the Governor-General, containing an accurate account of its work and activities during the corresponding fiscal year.

Section 10. This Act shall take effect on its approval.

Approved, December 8, 1933.

**BY-LAWS
of the
NATIONAL RESEARCH COUNCIL OF THE PHILIPPINES**

(As amended on February 26, 1948, February 23, 1961, February 22, 1962, February 28, 1964, February 18, 1966, February 23, 1973, February 22, 1974, March 4, 1977, March 15, 1980, March 14, 1981, September 12, 1981, October 17, 1981, March 19, 1983, March 10, 1984, March 23, 1985, March 14, 1987, March 16, 1990, March 16, 1991 and September 16, 1992 and March 12, 1994, March 11, 1995, March 15, 1997, March 13, 1999, March 03, 2001, March 13, 2004, March 5, 2005, March 4, 2006, March 8, 2007, March 11, 2009).

Article I – Purpose

In accordance with the provisions of Section 2, Act No. 4120, the purposes of the National Research Council of the Philippines are:

- (1) To stimulate and support research in the mathematical, physical, biological and social sciences and the humanities and the application of these disciplines to engineering, agriculture, medicine and related fields with the object of advancing the frontiers of knowledge and developing concepts and technologies for national development, defense and welfare.
- (2) To survey the larger possibilities of science, to formulate comprehensive projects of research, and develop effective means of utilizing the scientific and technical resources of the country for dealing with these projects.
- (3) To promote cooperation in research at home and abroad, in order to secure concentration of effort, minimize duplication, and stimulate progress; but in all cooperative undertakings to give encouragement to individual initiative as fundamentally important to the advancement of science.
- (4) To gather and collate scientific and technical information at home and abroad, in cooperation with government and other agencies and to render such information available to as wide a public as deemed necessary.
- (5) To promote the continuing total development of the Filipino scientist and researcher as a professional and as a member of the larger society.
- (6) To serve as advisory and consultative body to government policymakers in matters relating to science and technology and to provide a forum for the discussion and formulation of scientific plans and policies.
- (7) To facilitate effective linkages between government and the educational scientific, industrial and other sectors in order to insure optimal utilization of resources and results of scientific research.

Article II – Membership

Section 1. The regular members of the National Research Council shall be the charter members and such other members duly elected by the Council upon nomination of the Governing Board, the total to be determined from time to time by the Governing board to meet

the changing needs of science in the Philippines. Associate members shall be elected by the Governing Board upon nomination of the Division.

Section 2. Regular membership in the Council shall be limited to citizens of the Philippines.

Section 3. Upon invitation of the Governing Board, foreign scientists may be elected honorary members without the right to vote, for outstanding research contribution to the Philippines or in international science community.

Section 4. Regular membership in the Council may be lost by death, resignation, or separation for cause.

Section 5. Any regular or associate member who cannot attend the annual or regional cluster meeting of the Council shall inform the Council in advance of the cause of his/her inability to attend. For failure to attend three (3) successive annual or regional cluster meetings of the Council without any valid cause or reason and for failure to comply with the requirement for continued membership, a regular or associate member shall be placed in inactive status.

Section 5a. Members on inactive status are: 1) those who failed to attend the last three successive annual or regional cluster meetings of the Council without giving any reason or cause for such non-attendance; 2) those who have not attended any divisional meeting in a year without giving any reason or cause for such non-attendance, provided that at least three (3) meetings were held within a year; 3) those who live and work outside the National Capitol Region (NCR), Bulacan, Laguna, Rizal, batangas and Cavite may be exempted from provision number 2.

Those who have reached the age of 65 years are not covered by the above rules.

Section 5b. Members aged 65 and above who have remained loyal to the NRCP and who are actively participating in the activities of the Council be given an incentive of 50% discount in registration fees in annual meetings which shall commence in March 2002.

Members Emeriti shall be those who have made distinct contributions to science and/or to NRCP. Such a member shall be a distinguished scientists/technologist, and an award to this class of membership shall be considered as an award of distinction.

Section 6. Any regular or associate member may be separated for cause or for gross indifference to or neglect of the duties to the Council upon written statement by ten or more regular members of the National Research Council, or by two or more members of the Governing Board, after due deliberation by and upon the unanimous vote of the members of the Governing Board present at the meeting duly called and held.

Article III – Division

Section 1. The Council shall be organized in divisions as follows:

- I. Division of governmental, Educational & International Policies
- II. Division of Mathematical Sciences
- III. Division of Medical Sciences
- IV. Division of Pharmaceutical Sciences
- V. Division of Biological Sciences
- VI. Division of Agriculture and Forestry
- VII. Division of Engineering and Industrial Research

- VIII. Division of Social Sciences
- IX. Division of Physics
- X. Division of Chemical Sciences
- XI. Division of Humanities
- XII. Division of Earth and Space Sciences
- XIII. Division of Veterinary Medicine

Section 2. The number of divisions and the grouping of subjects in article III, Section 1, may be modified by the Governing Board of the National Research Council of the Philippines.

Section 3. The division of the Council, with the approval of the Governing Board, may establish sections.

Article IV – Administration

Section 1. The affairs of the National Research Council shall be administered by a Governing Board which shall consist of two Members-at-Large, the Chairmen of the Scientific Divisions, the DOST Representative to be appointed by the Secretary of the DOST, and without the power to vote, the Chairmen/Presidents Emeriti of the Council.

Section 2. The Governing Board of the National Research Council shall for all legal purposes, constitute the Board of Directors with all duties, powers and prerogatives of a Board of Directors, not otherwise provided for in this Constitution and By-Laws.

Section 3. General Powers of the Board. The governing Board shall have the powers specified in the Act and the usual general corporate powers. It shall have the following specific powers and authority.

- a) To adopt by-laws, rules and regulations for the administration of the Council and the transaction of its business
- b) To adopt from time to time a budget of expenditures, including salaries of personnel, transportation and representation allowances and per diems of the Governing Board and appropriate funds therefore.
- c) To put up its accounting unit and provide necessary personnel.
- d) To lease, purchase, construct or otherwise acquire real property and/or building and such facilities, which may be necessary or expedient to the effective execution of the purpose of this Act.
- e) To fill any vacancy in the membership of the Governing Board.
- f) To exercise such other powers as may be necessary to carry on the activities for which the Council has been created.

Section 4. The affairs of each division shall be administered by a chairman and the executive committee, which shall be composed of the chairmen of sections, the vice-chairman and the division secretary. The chairman of each division shall be ex-officio member of the sections under the divisions. The chairman of each section shall be elected from among the regular members of the Council, except when there are no such duly qualified members in

which case an associate member may be elected as chairman ad interim. The secretary of each section shall be likewise elected from all section members including associates.

Section 5. The officers of the National Research Council shall consist of a president, vice-president, a corporate secretary and a treasurer. Past chairmen/president of the Council who have served for at least two consecutive years may be chairmen/presidents emeriti of the Council.

Section 6. The president of the National Research Council or in case of his absence or inability to act, the vice-president shall be the chief executive officer of the Council and shall preside over the meetings of the Council and of the Governing Board. He shall be ex-officio member of the division and sections of the Council: shall refer investigations require by the government of the Philippines and other entities to the proper sections.

Section 7. The officers of the National Research Council of the Philippines, the members-at-large and chairmen of Divisions shall hold office for a term of two (2) years or until their successors are legally elected and qualified. They may be re-elected for another term. A vacancy in the office of the corporate secretary and treasurer may, however, be filled by appointment by the president until the next meeting of the board.

No member of the Council shall serve as elective member of the Board for more that two (2) terms or hold the position of President of the Council for more than two years. The term of office of the elected officials shall commence on the first day of April following their election. These provisions shall take effect in 2008 for officials who will be elected for the first time in 2008, while incumbent officials shall be covered by the provisions on tenure prior to this amendment.

Section 8. The corporate secretary shall perform the duties and functions that usually pertain to the secretary of a corporation, which include, among others, the following: He shall notify the members of the Board or of the Council of their respective meetings. It shall be his duty to prepare and send a copy of agenda at least four (4) days before the scheduled meeting. He should keep a full and accurate record of the minutes of the meetings and proceedings of the Board or of the Council. He shall also take charge of all correspondence involving foreign research, scientific, cultural or educational institutions. There shall be an assistant secretary who shall perform all the duties and functions of the corporate secretary in case of the latter's absence or incapacity.

Section 9. The treasurer shall attend to all receipts and disbursements of the Council. He shall be the custodian of the fund and property of the Council and shall present a general report of the financial status of the Council at the annual meeting.

Section 10. The executive director shall be a regular or an associate member of the Council, who shall perform the duties and functions similar to those that pertain to the manager of a corporation which include, among others, the following: a) He/she shall coordinate and monitor all activities of the scientific divisions and as head of secretariat shall exercise direct supervision overall the personnel and functions of the Council excepting only those that pertain to the office of the corporate secretary; b) He/she shall provide administrative services to the personnel of the technical and scientific projects and activities supported by the Council; c) He/she shall implement the decisions and policies of the Governing Board or of the Council and shall cooperate with the corporate secretary in preparing and sending the agenda and minutes of the meetings of the Board or of the Council; d) He/she shall take charge of all correspondence pertaining to research proposals or projects and refer them to the appropriate

division chairman; e) He/she shall keep an accounting of all funds and disbursements, submit progress and financial reports to the Governing Board and perform such other duties as may be assigned to him/her by the Governing Board and the President; f) He/she shall, in collaboration with the President, take necessary measures to source funds outside of the Council to complement available resources and possibly forestall any funding gap to meet the financial needs of the Council; g) He/she shall, in collaboration with the President, actively promote the development of international scientific linkages and shall encourage attendance and participation thereto, especially in international meetings, conferences and/or symposia deemed beneficial to the Council. He shall be appointed by the Board for a period of three (3) years without prejudice to reappointment.

Section 11. The Governing Board shall have the power to appoint full-time researchers, fellows, and associate, fix their duties and their emoluments. It shall have the power also to appoint ex-officio officers.

Fellows shall be those who, because of their meritorious work, may be appointed to undertake some specialized work or to study abroad or in the country.

Associate members shall be those who are active Filipino as well as foreign scientists or researchers and others who because of their positions or work in organizations doing research and development are considered valuable in connection with the work of the Council. As a general rule, regular members shall be drawn from deserving associate members.

Article V – Elections

Section 1. New regular members shall be elected at the annual meeting of the Council upon nomination by the division concerned and the recommendation of the Governing Board. Election shall be by secret vote. No candidate who has received three or more negative votes in the Governing Board shall be recommended. A candidate shall be considered elected to regular membership if he receives not more than ten (10) valid negative votes. A negative vote shall be explained by the voter and shall be looked into by the Governing Board for final action. Unexplained negative votes shall not be counted.

Section 2. Members of the Governing Board shall be elected by secret ballot at the annual meeting by regular members of the Council. A plurality of vote cast by the regular members is sufficient to elect the member of the Governing Board. The Chairman of each division shall be elected from no less than two nominees to be selected and submitted by the divisions concerned. The two members-at-large shall be elected from nominees nominated at the annual meeting. No cumulative voting shall be allowed.

Section 3. The officers of the National Research Council shall be elected by the Governing Board as soon as the elected members may be convened and no later than ten (10) days after the date of the annual meeting.

Section 4. Membership in the division shall be determined by the Governing Board, upon the choice of the member himself. The member may choose his principal division where he can vote and be voted upon and can attend meetings of any other division without the right to vote or be voted upon.

Article VI- Meeting

Section 1. The annual meeting of the Council shall be held within the first fifteen days of March in Metro Manila or any other place and on a date designated by the Board.

Section 2. Special meetings of the regular members of the Council may be called by the Governing Board or upon request in writing by at least ten (10) regular members of the Council.

Section 3. Notice of Council meetings shall be sent to all members, regular and associate, at least ten (10) days before the meeting. Provided that for a special meeting its purpose must be included in the notice.

Section 4. Fifty (50) members. Regular or associate, present in the meeting of the Council shall constitute a quorum, provided that of these fifty, at least thirty are regular members. No proxies will be allowed. Associate members may participate in all deliberations of the Council except to vote.

Section 5. A majority of the Governing Board shall constitute a quorum for the transaction of any business, provided that at least four (4) days notice of meeting has been given.

In case any chairman of any division shall be absent for a certain period of time, he may appoint a delegate from among the members of the Executive Committee of the division to act in his place, which delegate shall have all the rights and prerogatives as acting chairman of the division and as a member of the Governing Board with the exception of the right to vote in the Board.

Section 6. In a meeting of any division, at least ten (10) members, of whom at least three (3) are regular, shall constitute a quorum. Regular and associate members shall enjoy equal rights including the right to vote in any election in the division.

Section 7. In a meeting of any section, at least five (5) members of whom at least one is regular member shall constitute a quorum. All regular members and associates shall enjoy equal rights including the right to vote in any election in the Section.

Section 8. At the annual meeting, the order of business shall be as follows:

- 1) Call to order by the President
- 2) Roll call
- 3) Approval of the minutes of the last meeting
- 4) President's address
- 5) Report of the Governing Board
- 6) Unfinished business
- 7) Miscellaneous
- 8) Election of officers
- 9) New Business
- 10) Election of new members
- 11) Adjournment

Article VII – Publication and Report

Section 1. The Governing Board of the National Research Council of the Philippines shall submit regularly an annual report to the President of the Philippines containing an accurate account of the work and activities during the corresponding fiscal year.

Section 2. The report of the treasurer and the auditor appointed by the President of the Council shall be incorporated in the annual report of the Governing board.

Section 3. Publications of the National Research Council may include papers, bulletins, reports, memoirs, which may appear in the proceedings or memoirs of the National Research Council, in the publications of other societies in scientific and technical journals, or in a separate series of the National Research Council.

Article VIII – Amendments

Section 1. The Constitution and By-Laws may be amended, repealed or altered in whole or in part, by a two-thirds (2/3) vote of the members present, at any regular meeting of the Council, or at any special meeting where such action has been announced in the call and notice of such meeting.

Section 2. Proposed amendments or repeal of specific provision of this Constitution and By-Laws must be submitted in writing to the Governing Board. The Board may amend the proposition or recommend the approval or disapproval thereof within thirty (30) days from its receipt. The proposal together with the recommendation of the Governing Board must be sent to all members of the Council at least twenty (20) days before the date of the meeting at which it is to be considered.