

Introduced by **SENATOR LACSON**

AN ACT TO FURTHER DEVELOP CAPABILITY AND ESTABLISH EXPEDITIOUS TRANSFORMATION OF THE DEPARTMENT OF NATIONAL DEFENSE AND ITS BUREAUS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES.

EXPLANATORY NOTE

The Department of National Defense (DND) is the primary agency which supervises the Armed Forces of the Philippines (AFP), the Government Arsenal (GA), the Philippine Veterans Affairs Office (PVAO), the National Defense College of the Philippines (NDCP) and the Office of Civil Defense (OCD). Furthermore, the DND is mandated to supervise and administer the AFP Modernization Program.

Section 15, Chapter I, Title VIII, Book IV of Executive Order No. 292 mandates the DND to maximize its effectiveness for guarding against external and internal threats to national peace and security, and provide support for social and economic development.

Enacted 82 years ago, Commonwealth Act No. 1 or the National Defense Act of 1935 is the primary legislation that governs the defense and security of our country. Amid the many institutional and organizational developments, technical and capability enhancements, and technological advances in the AFP, the provisions of the law are deemed to be obsolete to adapt to changes. Thus, it is high time to pass a law that envisions a stronger defense department capable of addressing the current threats to our national security.

No less than President Rodrigo Roa Duterte, during his second State of the Nation Address (SONA), declared the need for a stronger and more credible National Defense System in order to address transnational issues such as insurgency and terrorism.

Hence, this Bill is envisioned to update national defense policies, principles and concepts, to institutionalize needed improvements and to codify various laws on national defense, the AFP, and the civilian bureaus, with the end in view of streamlining and further professionalizing our country's defense establishment.

Among the salient provisions of the Bill include:

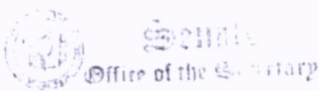
1. Prohibition on the sale of defense real estates, except otherwise recommended by the Secretary of National Defense (SND), approved by the President and with the consent of Congress; and a provision mandating that all income derived from the lease or

development of defense real estate shall be remitted only to the AFP Modernization Act Trust Fund.

2. Inclusion of the SND in the Chain of Command. Under the new Chain of Command, exercise of authority, direction, command and control over the AFP shall be carried out from the President as the Commander-in-Chief, through the SND, AFP Chief of Staff (COS) down to the commander of the lowest level of commands in the AFP. However, such new chain would not preclude the President from issuing orders directly to the AFP.
3. The Joint Force Operational Commands (JFOC), as force employers, and the Component Services as force providers.
4. The SND shall prescribe the authorized number of officers in the regular force in each grade in each Component Service in accordance with the Table of Organization and Equipment.
5. The integration of the Women's Auxiliary Corps in the Component Services and repeal of RA 3885, as amended.
6. The integration of the Technical and Administrative Service in the Component Services.
7. The establishment of the Warrant Officers in the AFP composed of highly technical experts, combat leaders, trainers, and advisors who specialize, throughout their career in a specific technical area. Warrant officers shall serve in specific positions requiring greater longevity to achieve increased technical expertise, as well as increased leadership and management skills.
8. Mandatory citizen service for all natural-born or naturalized Filipino citizens for a minimum of two (2) years.
9. Transformation of the National Defense College of the Philippines (NDCP) into the National Defense University of the Philippines (NDUP). The Master in National Security Administration (MNSA) or its equivalent shall be required for appointment or designation to key positions and promotion of AFP officers to the grade of O-7 (Brigade General/Commodore).
10. Exemption from the requirement of RA9184 or the government procurement law in the acquisition for use by the AFP, upon prior approval of the President of the Philippines, if it involves special defense equipment, or when the SND has determined that the interests of the country shall be protected by negotiating directly with a local or foreign supplier, provided that such procurement contract shall be covered by a performance security.
11. Exemption from import and other licenses imposed by other agencies for all acquisition by the DND of defense materiel.

It is for this purpose that the approval of this bill is earnestly sought.


PANFILO M. LACSON
Senator



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SENATE
Senate Bill No. **249**

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Introduced by **SENATOR LACSON**

**AN ACT TO FURTHER DEVELOP CAPABILITY AND ESTABLISH
EXPEDITIOUS TRANSFORMATION OF THE DEPARTMENT OF NATIONAL
DEFENSE AND ITS BUREAUS, APPROPRIATING FUNDS THEREFOR
AND FOR OTHER PURPOSES.**

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

Preliminary Provisions

Section 1. Short Title. -This Act shall be known as "**The National Defense Act of
2019.**"

Section 2. Declaration of National Defense Policies. - The national defense
policies of the Republic of the Philippines shall be as follows:

a. In defending the Philippines, the paramount consideration shall be national
sovereignty, territorial integrity, national interest and the right to self-determination;

b. The preservation of the State is the obligation of every citizen. The security,
freedom and independence of the Philippines shall be guaranteed by the employment of
all citizens, without distinction of age or sex, and all resources;

c. The national defense organization shall be adapted as closely as possible to the
territorial and administrative organization of the Philippines;

d. The civil authority shall at all times be supreme over the military. The President
of the Philippines as the Commander-in-Chief of all military forces, shall be responsible
that mobilization measures are prepared at all times;

e. The employment of the nation's citizens and resources for national defense shall
be effected by a mobilization;

f. The mobilization shall include the execution of all measures necessary to pass
from a peace to a war footing or in any case of actual invasion or when public safety so
requires as well as during its transition to normalcy or rehabilitation;

g. The mobilization plans of financial, industrial, economic, technological and

1 social resources of the Philippines shall conform to the provisions of the Constitution and
2 shall be prepared by the executive departments concerned in accordance with the
3 following general policies:

4
5 1. The respective responsibilities of the several executive departments in
6 mobilization planning will be prescribed by the President;

7 2. Forces and resources shall be employed so as to ensure unity and
8 continuity of effort until normalcy has been attained; and
9

10 h. No profit incident to war shall accrue to any individual, corporation, association
11 or partnership.
12

13 **Section 3. *Defense Conditions and Authority.*** – Defense conditions shall be the
14 bases for the designation of persons and entities to act in behalf of the state. Defense
15 Conditions, hereinafter referred to as DEFCON, are circumstances where the three
16 categories of events – disaster, internal disorders, and invasion– acting separately or in
17 concert tend to, or actually threaten, the security of the state. The hierarchy of defense
18 conditions and the persons or entities designated to act in behalf of the state shall be
19 prescribed by the President.
20

21 22 **ARTICLE I- Employment of Persons and Resources** 23

24 **Section 4.** Military service shall be mandatory for all citizens of the Philippines,
25 and the methods and procedures for the classification, selection, examination, induction,
26 training, employment, and release of all citizens from their military obligations shall be
27 prescribed by the President of the Philippines.
28

29 **Section 5.** The registration of citizens for mandatory military service shall be a
30 military function carried out by the Component Services through their respective Reserve
31 Commands.
32

33 **Section 6.** During a mobilization, the President through the Secretary of National
34 Defense shall have the power to secure all such resources as may be necessary for
35 national defense.
36

37 **Article II- National Defense Council** 38

39 **Section 7. *National Defense Council*** – (a) The National Defense Council (NDC)
40 chaired by the President is composed of heads of the executive departments, past
41 Presidents, past Chief Justices of the Supreme Court and other government officials and
42 private citizens as the President may appoint or designate. It shall have a permanent staff
43 which shall preserve a documentary record of the Council's deliberations.
44

45 (b) The method of operation of the National Defense Council, its detailed duties, and its
46 rights to summon witnesses or consultants shall be fixed in executive orders to be issued
47 by the President. Funds for its operation shall be provided in the appropriations for the
48 Executive Department.
49

50 **TITLE I** 51

1 **DEPARTMENT OF NATIONAL DEFENSE**

2 **Article I – General Provisions**

3
4 **Section 8. *Mandate.*** - The Department of National Defense is the primary
5 government agency charged with the duty of implementing the provisions of this Act.
6 The defense establishment shall be maintained to maximize its effectiveness for guarding
7 against external and internal threats to national peace and security.
8

9 **Section 9. *Powers and Functions of the Department.*** - To carry out the above-
10 declared policy, the Department shall exercise and perform the following powers and
11 functions:
12

13 a. Formulate and prepare national defense policies, strategies, plans and
14 programs;
15

16 b. Formulate, develop and update the national defense plan of the country,
17 including the mobilization plan for the employment of the country's citizens and
18 resources for national defense;
19

20 c. Control, monitor, coordinate, supervise and evaluate the implementation of
21 national defense policies, plans, programs and activities;
22

23 d. Exercise supervision and control over the Armed Forces of the Philippines
24 (AFP), Government Arsenal (GA), Office of Civil Defense (OCD), Philippine Veterans
25 Affairs Office (PVAO) and the National Defense University of the Philippines (NDUP);
26

27 e. Formulate, establish, implement, supervise and control quality
28 management system.
29

30 f. Establish, promote and maintain bilateral and multilateral linkages for
31 defense and military cooperation with its international counterparts for the purpose of
32 addressing traditional and non-traditional security threats.
33

34 g. Implement the country's international defense and security commitments
35 based on defense and security treaties, cooperation agreements, international covenants,
36 protocols and other similar arrangements;
37

38 h. Develop self-reliance defense posture to guarantee the enhancement of
39 responsive and progressive capabilities and maximum utilization of resources;
40

41 i. Develop a responsive Armed Forces capable of addressing various threats
42 to national security; and
43

44 j. Perform such other defense-related functions as may be provided by law or
45 directed by the President of the Philippines.
46

47 **Section 10. *Contracts.*** - The Department is hereby authorized to enter into, make,
48 perform and carry out contracts of every class, kind and description which are necessary
49 or incidental to the performance of its mandate as provided herein, with any person, firm
50 or corporation, public or private, and with foreign government entities, subject to the
51 provisions of existing laws, rules and regulations.
52

1 **Section 11. *Management and Control of Defense Real Properties.*** – (a) The
2 Department is hereby authorized to administer, operate, manage, control, maintain and
3 develop defense real properties for strategic basing and to use, hold, acquire, or lease any
4 private real property, right of way, or easement which may be proper or necessary for the
5 accomplishment of its mandate as provided in this Act.
6

7 (b) The sale and/or exchange of strategic defense real properties shall be
8 prohibited unless otherwise recommended by the Secretary of National Defense,
9 approved by the President of the Philippines, with the consent of Congress.
10

11 (c) The lease and/or development of defense real properties, by joint venture or
12 otherwise shall be allowed upon prior approval by the President of the Philippines.
13

14 (d) Any and all income derived from the lease or disposition of such defense real
15 estate shall be remitted only to the AFP Modernization Act Trust Fund, and disbursed in
16 accordance with existing laws, rules and regulations.
17

18 **Section 12. *Special Defense Materiel Acquisition.*** –Upon prior approval by the
19 President of the Philippines, and when the procurement for use by the AFP involves
20 major defense equipment or materiel and/or defense-related consultancy services, when
21 the expertise or capability required is not available locally, and the Secretary of National
22 Defense has determined that the interests of the country shall be protected by negotiating
23 directly with an agency or instrumentality of another country with which the Philippines
24 has entered into a defense cooperation agreement or otherwise maintains diplomatic
25 relations, the AFP may be allowed to resort to negotiated procurement: Provided,
26 however, That the performance by the supplier of its obligations under the procurement
27 contract shall be covered by a performance security in accordance with Sec. 39 of the
28 IRR of R.A. 9184.
29

30 **Section 13. *Exemption from Import Licenses.*** - All acquisition of defense
31 materiel by the DND and its bureaus shall be exempt from import and other licenses
32 imposed by other agencies of the government. In lieu thereof, the SND shall issue a
33 certification that the goods being imported are exempt from such licenses.
34

35 **Section 13. *Grants and Donations.*** - The Department, or any of the bureaus,
36 agencies or offices under it, may accept donations, contributions, and grants from
37 various sources, domestic or foreign, for purposes relevant to its functions: *Provided,*
38 That in case of donations from foreign governments or persons, acceptance thereof shall
39 be subject to existing laws, rules and regulations.
40

41 **Section 14. *Defense Cooperation Agreements.*** – (a) Unless otherwise provided by
42 the Constitution, the Department of National Defense may enter into Defense/Military
43 Cooperation Agreements to develop, enhance and sustain multi-faceted defense and
44 security engagements and cooperation with the defense and armed forces of other
45 countries.
46

47 (b) Defense/Military Cooperation Agreements shall include but not limited to the
48 exchange of information, exchange of visits, exchange of personnel, subject matter expert
49 exchange, logistics cooperation, defense industry cooperation, humanitarian assistance
50 and disaster response, defense and military doctrine development, research and
51 development in defense science and technology, participation in trade, science or
52 technology exhibits, military and defense exercises, training activities, and education
53 exchanges or other areas of mutual concern.

Article II - Organization

Section 15. *Organizational Structure.* - The Defense Department shall be composed of the DND-Proper and its bureaus namely, the Armed Forces of the Philippines (AFP), Philippine Veterans Affairs Office (PVAO), Government Arsenal (GA), National Defense University of the Philippines (NDUP), Office of Civil Defense (OCD), and other instrumentalities under the supervision and control of the Secretary of National Defense as provided for by law.

Section 16. *Composition.* - The DND-Proper shall be composed of the Office of the Secretary of National Defense and the Offices of the Undersecretaries and Assistant Secretaries, and the Department Services.

Section 17. *Office of the Secretary.* - The Office of the Secretary shall consist of the Secretary of National Defense and his/her immediate staff as determined by him/her.

Section 18. *The Secretary of National Defense.* - The Secretary of National Defense shall be appointed by the President, subject to confirmation by the Commission on Appointments.

Section 19. *Powers and Functions of the Secretary.* - The authority and responsibility for the exercise of the mandate of the Department and for the discharge of its powers and functions shall be vested in the Secretary of National Defense, who shall have supervision and control of the Department. The Secretary shall also perform such other functions as may be necessary or proper to attain the objectives of this Act or as may be provided by law or directed by the President.

TITLE II - THE ARMED FORCES OF THE PHILIPPINES

Article I - General Provisions

Section 20. *Declaration of Policies.* -

a. The AFP, as the protector of the people and the State, shall secure the sovereignty and defend the territory of the Republic of the Philippines against all threats;

b. The AFP shall uphold the Constitution and adhere to the rule of law at all times;

c. Professionalism in the armed forces and adequate remuneration and benefits of its members shall be a prime concern of the State; and

d. The AFP, as an institution, shall be insulated from partisan politics. No member of the military shall engage, directly or indirectly, in any partisan political activity, except to exercise the right of suffrage.

Section 21. *Mission and Functions.* - The AFP is the protector of the people and the State. Its goal is to secure the sovereignty of the State and the integrity of the national territory. It shall have the duty to:

a. Defend against all forms of threats to national defense and security;

1 b. Plan, organize, train, equip, develop, employ and sustain its Regular and
2 Reserve Force for national defense and security; and

3
4 c. Perform such other functions as may be provided by law or assigned by the
5 Commander-in- Chief.

6
7 **Section 22. Chain of Command.** - The exercise of authority, direction, command
8 and control over the AFP shall be carried out through the Chain of Command, which is
9 the line of authority and responsibility along which orders are passed, beginning from the
10 President as the Commander-in-Chief, through the Secretary of National Defense, to the
11 Chief of Staff of the Armed Forces of the Philippines (CSAFP) down to the commander
12 of the lowest echelon of command in the AFP: *Provided*, That this does not preclude the
13 President from issuing orders directly to the AFP.

14
15 **Section 23. Organization and Composition.** - The AFP shall be initially
16 composed of three (3) component services- the Philippine Army, the Philippine Air
17 Force, and the Philippine Navy. These services shall form the Citizens Armed Force
18 composed of the Regular Force and Reserve Force guided by the Table of Organization
19 and Equipment of the AFP, prescribed by the Secretary of National Defense upon
20 recommendation of the CSAFP.

21
22
23 **Article II - The Regular Force**
24 **A. ORGANIZATION AND COMPOSITION**
25 **Chapter 1 - General Provisions**
26

27 **Section 24. Size and Composition.** - The Regular Force, alternately referred to as
28 the Standing Force, shall be initially composed of the following:

- 29
30 a. Regular Officers, Warrant Officers and Enlisted Personnel;
31 b. Reservists called to active duty, or on active duty tour for training; and
32 c. Draftees, trainees and government-sponsored Filipino cadets enrolled in local or
33 foreign military schools.

34
35 The size and composition of the Regular Force shall be prescribed by the
36 President, upon the recommendation of the CSAFP of the Philippines through the
37 Secretary of National Defense.

38
39 **Section 25. Organizational Principle.** - The President, through the Secretary of
40 National Defense, shall organize the AFP into such commands, forces and units in
41 accordance with operational requirements. For this purpose, the national territory may be
42 divided into such operational areas as the Secretary of National Defense may direct.

43
44 **Section 26. Organizational Structure.** - The Regular Force of the AFP shall
45 consist of the Joint Headquarters; the Joint Force Operational and Functional
46 Commands; the Component Services namely: the Philippine Army, the Philippine Navy
47 and the Philippine Air Force; and the other existing units, component services,
48 commands, and task forces of the AFP. The Secretary of National Defense upon the
49 recommendation of the CSAFP may, in accordance with the policies or directives of the
50 President, create additional units, services, commands and task forces, or reorganize the
51 AFP in response to any situation or in pursuance of operational or contingency plans.

52
53 **Section 27. Operational Principles.** - The operational principles of the AFP shall

1 be as follows:

2
3 a. The Commander-in-Chief shall exercise command and control through the
4 CSAFP with the supervision of the Secretary of National Defense. The Joint
5 Headquarters AFP, shall be the command and control element of the AFP;

6
7 b. The Joint Headquarters AFP shall exercise centralized command and
8 control to ensure unity and coordination of efforts throughout the military establishment;

9
10 c. The Joint Force Operational Commands as force employers shall be
11 responsible for the decentralized execution of joint operations to achieve maximum
12 operational efficiency within the military establishment unless otherwise determined by
13 the CSAFP through the supervision of the Secretary of National Defense;

14
15 d. The Component Services as force providers shall be responsible for the
16 development, organization, training, equipping, maintenance and sustainment of combat
17 forces, combat service forces, technical and administrative service, and combat service
18 support forces.

19
20 e. The AFP Reserve Force shall provide for the base of expansion of the
21 Component Services.

22 23 **Chapter 2 - The Joint Staff Headquarters Armed Forces of the Philippines**

24
25 **Section 28. *Mandate.***- The Joint Staff Headquarters, which shall be headed by the
26 CSAFP, shall be the command and control element of the AFP.

27
28 **Section 29. *Organization.*** - The Joint Staff Headquarters shall be composed of
29 the Office of the Chief of Staff of the Armed Forces of the Philippines, Office of the
30 Vice Chief of Staff, Office of the Deputy Chief of Staff; the AFP Joint, Personal and
31 Special Staff and the other key staff offices and units necessary for effective command
32 and control of the AFP as recommended by the CSAFP with the approval of the
33 Secretary of National Defense.

34
35 **Section 30. *The Chief of Staff of the Armed Forces of the Philippines.*** - (a) The
36 President shall appoint the CSAFP from among the officers with the rank of Lieutenant
37 General/Vice Admiral in the active service, who shall hold the rank of General/Admiral.

38
39 (b) CSAFP shall serve a minimum tour of duty of 2 years and maximum of 3
40 years. For this purpose, the CSAFP shall be allowed to complete his maximum tour of
41 duty beyond his retirement age: *Provided*, That the CSAFP may be removed by the
42 President as Commander in Chief at any time before the end of the term of 3 years and
43 deemed retired from active military service.

44
45 **Section 31. *Powers and Functions.***- The Chief of Staff shall:

46
47 a. Serve as the principal military advisor to the President and the Secretary of
48 National Defense;

49
50 b. Be responsible for the formulation of the national military strategy consistent
51 with the national defense strategy;

52
53 c. Be responsible for the development of the policies, strategies, missions, plans

1 and programs of the AFP;
2

3 d. Prescribe the organization, powers, functions and duties of the various staff,
4 services, and other units of the AFP in accordance with the national defense policy;
5

6 **Section 32. *The Vice Chief of Staff.*** - The Vice Chief of Staff shall be the
7 principal assistant of the CSAFP and shall perform the functions of the CSAFP during
8 the latter's absence or incapacity. He shall be appointed in the same manner as the
9 CSAFP.
10

11 The Vice Chief of Staff shall serve for a minimum term of 1 year and maximum
12 of 3 years unless otherwise promoted to the next higher position and without prejudice to
13 compulsory retirement age as provided in this Act: *Provided*, That no Officer shall be
14 appointed as a Vice Chief of Staff if that officer has less than one (1) year remaining in
15 the active service: *Provided further*, That Vice Chief of Staff may be removed by the
16 President as Commander in Chief at any time before the end of the term of 3 years and
17 deemed retired from active military service.
18

19 **Section 33. *The Deputy Chief of Staff.***- The Deputy Chief of Staff shall integrate
20 and synchronize the Joint Staff works to assist the CSAFP in policy formulation and
21 implementation, and command decision making process through completed staff work.
22

23 The Deputy Chief of Staff shall serve for a minimum term of 1 year and maximum
24 of 3 years unless otherwise promoted to the next higher position and without prejudice to
25 compulsory retirement age as provided in this Act: *Provided*, That no Officer shall be
26 appointed as The Deputy Chief of Staff if that officer has less than one (1) year
27 remaining in the active service: *Provided further*, That the Deputy Chief of Staff may be
28 removed by the President as Commander in Chief at any time before the end of the term
29 of 3 years and deemed retired from active military service.
30

31 **Section 34. *The Joint Staff.***- The Joint Staff, as coordinating staff shall advise
32 and assist the CSAFP in the performance of his/her functions. The organization,
33 functions and duties of the Joint Staff shall be prescribed by the CSAFP.
34

35 **Section 35. *Personal Staff.***- The Personal Staff, as immediate staff shall directly
36 advise and assist the CSAFP in the performance of his/her functions. The organization,
37 functions and duties of the Personal Staff shall be prescribed by the CSAFP: *Provided*,
38 That coordination with other staff is not precluded.
39

40 **Section 36. *Special Staff.***- The Special Staff, as specialized, technical and
41 administrative staff shall advise and assist the CSAFP in the performance of his/her
42 functions. The organization, functions and duties of the Special Staff shall be prescribed
43 by the CSAFP
44

45 **Section 37. *Authority to Reorganize the General Headquarters into the Joint***
46 ***Staff Headquarters.***- In the interest of efficiency and effectiveness, the CSAFP, upon the
47 approval of the Secretary of National Defense, may:
48

49 a. Establish and organize staffs, offices and units in the Joint Staff Headquarters
50 in addition to the AFP Joint, Personal and Special Staff, and prescribe the organization,
51 mission and functions; and
52

53 b. Abolish existing staffs, offices and units in the Joint Staff Headquarters not

specifically provided in this Chapter or by any other provision of law, or transfer or consolidate their functions and duties with other staffs, offices or units.

Chapter 3 – Joint Force Operational Commands

Section 38. *Organization, Mission and Function.* - (a) The Joint Force Operational Commands shall be organized and established by the CSAFP with the approval of the Secretary of National Defense which shall be under the command, control and operational direction of its Joint Force Commander.

(b) The mission, functions, duties and responsibilities and joint area of operations of the Joint Force Operational Commands shall be prescribed by the Secretary of National Defense, in consultation with, or upon the recommendation of the CSAFP.

Section 39. *Designation or Assignment of Joint Force Commanders.* - (a) The Joint Force Commanders of the JFOC shall be designated or assigned to the said position by the President, upon the recommendation of the CSAFP of the Philippines through the Secretary of National Defense.

(b) The Joint Force Commanders of the JFOC, as force employer, shall have operational control over all units operating within their respective joint area of operations.

(c) The Joint Force Commanders of the JFOC shall serve for a minimum term of 2 years and maximum of 3 years unless otherwise promoted to the next higher position and without prejudice to compulsory retirement age as provided in this Act: *Provided*, That no officer shall be appointed as a Joint Force Commander if that officer has less than two (2) years remaining in the active service: *Provided further*, That Joint Force Commanders may be removed by the President as Commander in Chief at any time before the end of the term of 3 years and deemed retired from active military service.

Chapter 4 - The Component Services

Section 40. *Organization.* - (a) The Component Services shall be organized by the President, upon the recommendation of the Secretary of National Defense and the CSAFP. The Chiefs of the Component Services shall be designated or assigned to the said position by the President.

(b) The Chiefs of the Component Services shall serve for a minimum term of 2 years and maximum of 3 years unless otherwise promoted to the next higher position and without prejudice to compulsory retirement age as provided in this Act: *Provided*, That no Officer shall be appointed as Chief of Component Service if that officer has less than two (2) years remaining in the active service: *Provided further*, That Chief of Component Service may be removed by the President as Commander in Chief at any time before the end of the term of 3 years and deemed retired from active military service.

(c) The Component Services shall act as force providers, which shall develop, organize, train, equip, maintain and sustain the necessary forces in support of the AFP missions.

Section 41. *The Philippine Army.* - The Philippine Army (PA), headed by the Chief of the Philippine Army shall provide forces that will be responsible for the

1 conduct of prompt and sustained joint and combined ground operations in support of the
2 AFP mission. It shall be composed of its headquarters, maneuver units, and sustainment
3 units and such other units as may be necessary for the conduct of ground operations.
4

5 **Section 42. *Functions of the Philippine Army.*** - The Philippine Army shall:
6

- 7 a. Develop, organize, train, equip, maintain, and sustain such ground forces or
8 units as may be necessary for the conduct of prompt and sustained operations;
9
10 b. Prepare such forces or units as may be necessary for the effective
11 implementation of the national defense plans and programs and armed forces missions;
12
13 c. Formulate and develop, in coordination with the other Component Services,
14 doctrines, systems, tactics, techniques and procedures peculiar to the Army;
15
16 d. Implement mobilization of the Army Reserve; and
17
18 e. Perform such other functions and duties as may be provided by law or assigned
19 by the CSAFP.
20

21 **Section 43. *The Philippine Air Force.*** - The Philippine Air Force (PAF) headed
22 by the Chief of the Philippine Air Force shall provide forces that will be responsible for
23 the conduct of prompt and sustained air operations in support of the AFP mission. It
24 shall be composed of its headquarters, air combat, combat support and sustainment units
25 and such other units as may be necessary for the conduct of air and support operations.
26

27 **Section 44. *Functions of the Philippine Air Force.*** - The Philippine Air Force
28 shall:
29

- 30 a. Develop, organize, train, equip, maintain, and sustain such air forces or units as
31 may be necessary for the conduct of prompt and sustained operations;
32
33 b. Prepare such forces or units as may be necessary for the effective
34 implementation of the national defense plans and programs and armed forces missions;
35
36 c. Formulate and develop, in coordination with the other Component Services,
37 doctrines, systems, tactics, techniques and procedures peculiar to the Air Force;
38
39 d. Implement mobilization of the Air Force Reserve; and
40
41 e. Perform such other functions and duties as may be provided by law or assigned
42 by the CSAFP.
43

44 **Section 45. *The Philippine Navy.*** - The Philippine Navy (PN) headed by the
45 Chief of the Philippine Navy, shall provide forces that shall be employed for the conduct
46 of prompt and sustained naval operations in support of the AFP missions. It shall be
47 composed of its headquarters, naval forces, service support and sustainment units and
48 such other units as may be necessary for the conduct of naval operations.
49

50 **Section 46. *Functions of the Philippine Navy.*** - The Philippine Navy shall:
51

- 52 a. Develop, organize, train, equip, maintain, and sustain such naval forces or
53 units as may be necessary for the conduct of prompt and sustained operations;

b. Prepare such forces or units as may be necessary for the effective implementation of the national defense plans and programs and armed forces missions;

c. Formulate and develop, in coordination with the other Component Services, doctrines, systems, tactics, techniques and procedures peculiar to the Navy;

d. Implement mobilization of the Navy Reserve; and

e. Perform such other functions and duties as may be provided by law or assigned by the CSAFP.

Section 47. *Technical and Administrative Service.* - Each Component Service shall develop, organize, train, equip, maintain, and sustain their respective Technical and Administrative Service composed of but not limited to, The Judge Advocate General Service, Medical Corps, Veterinary Corps, Medical and Administrative Corps, Nurse Corps, Dental Corps, Chaplain Service, and Corps of Professors.

Section 48. *The Women's Auxiliary Corps.* - The Women's Auxiliary Corps as created by Republic Act No. 3835, as amended shall be integrated to their respective Component Service. For this purpose, RA 3835 is hereby repealed. Further, the number of female personnel in the AFP, notwithstanding provision of relevant laws, shall be prescribed by the Secretary of National Defense.

Chapter 5 – Military Education and Training Institutions

Section 49. *Organization, Mission and Function.* - (a) The Philippine Military Academy (PMA), Command and General Staff College (CGSC), Officer Candidate School (OCS), Non-commissioned Officer Academy and other Military Education and Training Institutions organized and established by the CSAFP with the approval of the Secretary of National Defense shall be under the command, control and direction of their Military Education and Training Superintendent/Commandant.

(b) The mission, functions, duties and responsibilities of the military education and training institutions shall be prescribed by the CSAFP with the approval of the Secretary of National Defense.

Section 50. *The Philippine Military Academy.* -

(a) **Mandate.** The Philippine Military Academy categorized as special higher education institution is the primary training and educational institution of the AFP, which shall be its principal source of regular officers. The degree programs, instruction, faculty complement, research, and facilities of the PMA shall be accredited by the Commission on Higher Education (CHED).

(b) **Organization.** - The Academy headed by the Superintendent shall be organized as prescribed by the Secretary of National Defense, upon the recommendation of the CSAFP.

(c) **Development.** - The Academy shall determine its teaching, manpower, curriculum, research and extension thrusts, plans and programs, standards and budget.

(d) **Cadet Corps.** - The student body of the Academy shall be known as the Cadet

1 Corps Armed Forces of the Philippines (CCAFP) and shall have such strength, as the
2 Secretary of National Defense shall determine, upon the recommendation of the CSAFP.
3

4 (e) Academic Board. - There shall be an Academic Board organized by the
5 Superintendent. The Board shall, in accordance with the rules and regulations prescribed
6 by the CSAFP, have the power to confer baccalaureate degrees upon the cadets who
7 satisfactorily complete the approved course of study.
8

9 (f) The Superintendent shall serve for a minimum term of 2 years and maximum
10 of 3 years unless otherwise promoted to the next higher position and without prejudice to
11 compulsory retirement age as provided in this Act: *Provided*, That no Officer shall be
12 appointed as Superintendent if that officer has less than two (2) years remaining in the
13 active service: *Provided further*, That the Superintendent may be removed by the
14 President as Commander in Chief at any time before the end of the term of 3 years.
15

16 (g) Board of Visitors. The PMA shall establish a board of visitors to look into the
17 academic affairs of the Academy with the end of enhancing its educational systems. The
18 Board of Visitors shall be composed of at least five (5) but not more than seven (7)
19 members designated by the Superintendent, whose membership shall meet at least once a
20 year.
21

22 **Section 51. *Authority to Establish Other Military Training Institutions.*** - The
23 President, upon the recommendation of the CSAFP through the Secretary of National
24 Defense, is hereby authorized to establish other military training academies and
25 institutions in the AFP.
26

27 **B. RECRUITMENT, PROMOTION AND CAREER DEVELOPMENT**

28 **Chapter 1 – Commissioned Officers**

29

30
31 **Section 52. *Qualifications.*** - All persons commissioned as officers in the Regular
32 Force shall be natural born citizens of the Philippines, of legal age, of good moral
33 character, physically and mentally qualified for active military service, and shall have
34 such other qualifications as may be prescribed by the Secretary of National Defense.
35

36 **Section 53. *Appointments in the Regular Force.*** – (a) Officers shall be
37 permanently appointed by the President in the Regular Force in accordance with the
38 provisions of the Constitution.
39

40 (b) Except as otherwise provided in this Act, the date of rank of a
41 commissioned officer in active service in the Regular Force shall be the date of
42 permanent appointment in that grade by the President.
43

44 **Section 54. *Revocation of Commission.*** - The commission of an officer may be
45 revoked by the President at any time, upon the recommendation of the Secretary of
46 National Defense when found not fully qualified for such commission or who lacks any
47 of the qualifications prescribed by law or regulation.
48

49 **Section 55. *Officer Grade Distribution.*** —The Secretary of National Defense
50 shall prescribe the authorized number of officers in the Regular Force in each grade in
51 each Component Service in accordance with the Table of Organization and Equipment.
52

53 **Section 56. *Distribution of General/Flag Officers.*** - The number of general/flag

officers herein authorized shall be distributed to the various general/flag officer grades by the Secretary of National Defense based on the recommendation of the CSAFP in accordance with the Table of Organization and Equipment.

Section 57. *Tour of Duty in Key Positions.* - No officers with less than 1 year remaining active service shall be designated to positions requiring the rank of Brigadier General/Commodore or higher.

Section 58. *AFP Promotion System.* - (a) The AFP Promotion System shall be governed by the principle that as officers are promoted from one grade to the next higher grade, the criteria of competence, merit and potentials are the primary consideration.

(b) The AFP Promotion System shall be the primary means by which the AFP shall periodically evaluate and assess its ranks of officers and shall institutionalize and continue to implement an efficient process of selection for promotion, as well as for attrition of officers as prescribed by the Secretary of National Defense.

(c) The AFP Promotion System shall be governed by a management system with a view of ensuring smooth succession in the filling of vacancies in key positions as and when these occur.

(d) The Secretary of National Defense shall prescribe the seniority and promotional lineal list of the AFP.

Section 59. *Promotion to General/Flag Officer Grades.* - No officer shall be promoted to the rank of Brigadier General/Commodore or higher unless there is an existing vacancy and the officer is occupying a position in the Table of Organization and Equipment that requires the rank for which he is being considered for promotion or assignment.

Section 60. *Maximum Tenure in Rank.* - The maximum tenure of officers in the ranks of Colonel/Captain and General/Flag Officer in the AFP are hereby prescribed as follows:

Colonel/Captain	8 years
Brigadier General/Commodore	4 years
Major General/Rear Admiral	3 years
Lieutenant General/Vice Admiral	3 years
General/Admiral	3 years

Unless earlier separated or retired or promoted to the next higher rank or occupying a position calling for the ranks of higher grade in the AFP TO&E, Colonels/Captains and Generals/Flag Officers shall be compulsorily retired upon the attainment of the maximum tenure in rank herein prescribed, or upon reaching the age of compulsory retirement, whichever is earlier, except for those, who may be allowed by the President to finish tenure in position as recommended by the Secretary of National Defense.

Section 61. *Determination and Allocation of Key Positions.* — The Secretary of the Department of National Defense upon the recommendation of the CSAFP shall determine and allocate the number of key positions among the component services, headquarters and support units of the AFP based on the technical nature of the organization, position, task, scope and area of responsibilities, equipage, prevailing Defense Condition and other considerations as the exigencies of the service may require.

Chapter 2- Warrant Officers

Section 62. *Qualifications for Appointment.* - Any natural born citizen of the Philippines, of legal age, physically and mentally fit for military service, of good moral character, and possessed of such educational attainments and specialized skills or expertise as may be prescribed by the Secretary of National Defense, may be appointed in the Regular Force.

Section 63. *Appointments in the Regular Force.* - Warrant Officers shall be appointed by the Secretary of National Defense.

Section 64. *Revocation of Appointment.* - The appointment of an officer, who is found not fully qualified for such appointment or who lacks any of the qualifications prescribed by law or regulation may be revoked by the Secretary of National Defense at any time, upon the recommendation of the CSAFP.

Section 65. *Warrant Officer Management.* - The Secretary of National Defense shall prescribe the special career management, employment, grades, rank and authorized number of warrant officers in the Regular Force in each grade in each Component Service in accordance with the operational and organizational needs of the AFP.

Chapter 3-Enlisted Personnel

Section 66. *Qualifications for Enlistment.* - Any natural born citizen of the Philippines, of legal age, physically and mentally fit for military service, of good moral character, and possessed of such educational attainments as may be prescribed by the Secretary of National Defense, may be enlisted in the Regular Force under the following restrictions:

a. Except as otherwise provided herein, each enlistment in the Regular Force shall be for a term of five (5) years: *Provided*, That all enlistments in force at the outbreak of war, or other grave national emergency, or entered into during its continuation shall remain in force until six months after its termination, unless sooner terminated by the President;

b. Enlistments for service shall be apportioned among the various provinces of the Philippines, as far as practicable, provided that qualifications for competency as prescribed shall be observed; and

c. Re-enlistment in the Regular Force shall be prescribed by the Secretary of National Defense.

Section 67. *Enlisted Ranks.* - The ranks of enlisted personnel in the AFP shall be in accordance with the guidelines set forth by the CSAFP. The total number of enlisted personnel in the enlisted ranks and non-commissioned officer grades shall be prescribed by the CSAFP in accordance with the number of authorized positions in the approved Table of Organization & Equipment.

Section 68. *Enlistment and Career Development of Enlisted Personnel System.* - The Secretary of National Defense shall, upon the recommendation of the CSAFP, prescribe the guidelines, which shall govern the procurement, enlistment, training, promotion and discharge or separation of all enlisted personnel in the AFP.

1 **Section 69. *Authority to Promote and Demote.*** - The authority to promote and
2 demote Enlisted Personnel shall be prescribed by the CSAFP.

3 4 **C. RETIREMENT AND SEPARATION**

5
6 **Section 70. *Retirement and Separation.***- Retirement, whether compulsory or
7 optional, and separation from military service, shall conform with existing laws, rules
8 and regulations without prejudice to the provisions of this Act.

9
10 **Section 71. *Recall from Retirement.*** - An Officer, Warrant Officer or Enlisted
11 Personnel who retired from the active service, may be recalled to active duty by the
12 President during national mobilization and shall be subject to the Articles of War. They
13 shall be recalled in the last permanent rank held before retirement.

14
15 **Section 72. *Retirement and Separation Benefits.*** Congress shall allocate funds for
16 the retirement and separation benefits as according to existing laws, rules and regulations.

17
18 **Section 73. *Attrition System.*** - (a) The attrition system for Officers shall be
19 prescribed by the President as recommended by the Secretary of National Defense.

20
21 (b) The attrition system for Warrant Officers and Enlisted Personnel shall be prescribed
22 by the Secretary of National Defense as recommended the CSAFP.

23
24 **Section 74. *Effect of Loss of Filipino Citizenship.*** - Pursuant to existing laws,
25 any retired military personnel, receiving retirement and pension benefits pursuant to the
26 provisions of this Act, who loses his/her Filipino citizenship shall no longer be entitled
27 to receive pension and retirement benefits. The survivors of any retired military
28 personnel who lose his Filipino citizenship shall no longer be entitled to receive
29 survivorship benefits.

30 31 **D. ADMINISTRATION OF MILITARY JUSTICE SYSTEM**

32
33 **Section 75. *Military Justice.***- (a) Except as otherwise provided in this Act,
34 enforcement of discipline and military justice shall be governed by applicable laws and
35 administrative issuances as prescribed by the President upon recommendation of the
36 Secretary of National Defense.

37
38 (b) There shall be reduction in grade, demotion of rank, suspension of active
39 service, and forfeiture, suspension, or withholding of pay and allowances of Officers,
40 except those ranks confirmed by Commission on Appointments, found administratively
41 liable. The procedure, extent or system of which shall be prescribed by the President as
42 recommended by the Secretary of National Defense.

43 (c) Procedure, extent or system of reduction in grade, demotion of rank,
44 suspension of active service, and forfeiture, suspension or withholding of pay and
45 allowances of Warrant Officers and Enlisted Personnel found administratively liable shall
46 be prescribed by the Secretary of National Defense as recommended by the CSAFP.

47 48 **E. LEGAL ASSISTANCE**

49 **Section 76. *Extension of Legal Assistance.*** - All military personnel charged of
50 service-related or service-connected administrative, civil or criminal offenses, upon
51 approval of their Chiefs of Component Services, shall be provided adequate legal
52 representation and assistance by military lawyers or counsel of their own choice until

1 conclusion of the case. Reasonable allocation can be charged against the fund of
2 component service to support such case.

3
4 **ARTICLE III - THE RESERVE FORCE**
5 **Chapter 1 -GENERAL PROVISIONS**
6

7 **Section 77. *Mandatory Military Service.***- In relation to the patriotic duty of
8 every citizen to defend the country when obliged to preserve and protect sovereignty,
9 every Filipino, natural-born or naturalized shall be subject to basic, suitable and
10 sufficient military training and education for a minimum of two (2) years mandatory
11 military service.

12
13 **Section 78. *Purpose.*** -The purpose of the Reserve Force is to provide the base for
14 the expansion of the AFP in the event of disaster, internal disorder and invasion;
15

16 **Section 79. *Organization of the Reserve Force.*** - The organization of the
17 Reserve Force shall conform to projected and actual needs as determined by the Secretary
18 of National Defense upon the approval by the President. The Table of Organization and
19 Equipment of the Reserve Force shall be prescribed by the Secretary of National Defense
20 upon recommendation of the CSAFP.
21

22 **Chapter 2- Composition of the Reserve Force**
23

24 **Section 80. *Composition.*** - The Reserve Force shall have three (3) components,
25 namely:
26

- 27 a. The Army Reserve Component;
28 b. The Air Force Reserve Component; and
29 c. The Navy Reserve Component.
30

31 **Section 81. *Affiliated Reserve Units.*** - Affiliated Reserve Units (ARUs) are
32 private and government entities, corporations, establishments and organizations at the
33 national, provincial, city and municipal levels which provide essential public and
34 strategic services necessary to support the prosecution of national defense plans or to
35 meet an emergency. ARUs shall belong to any of the Reserve Force Components.
36

37 **Section 82. *Call to Active Duty of the Reserve Force.*** - Reservists may be called
38 to active duty for training and/or deployment as prescribed by the CSAFP as approved by
39 the Secretary of National Defense.
40

41 **TITLE III**
42

43 **OTHER BUREAUS AND AGENCIES UNDER THE DEPARTMENT**
44 **ARTICLE I - GENERAL PROVISIONS**
45

46 **Section 83. *Supervision and Control.*** - The Secretary of National Defense shall
47 exercise supervision and control over the bureaus and agencies under this Title, as well
48 as its personnel.
49

50 **Section 84. *Organization.*** - (a) Unless otherwise provided by law, the
51 organization, functions, duties and responsibilities of the staff and operating units of each
52 of the bureaus and agencies under the Department shall be as prescribed by the Secretary
53 of National Defense in appropriate rules and regulations issued for the purpose.

(b) For this purpose, and in the interest of service, the Secretary of National Defense may, in accordance with the policies or directives of the President:

1. Establish and organize staffs, offices and units in the bureaus or agencies and prescribe the titles, powers, functions and duties of the positions therein;
2. Abolish existing staffs, offices and units in the bureaus or agencies not specifically provided by law, or transfer or consolidate their functions and duties with other staffs, offices or units; and
3. Abolish a position of any bureau or agency and transfer or consolidate its functions and duties with those of another position.

Section 85. *Separation Benefits of Officials and Employees of Affected Bureaus or Agencies.* - Government employees displaced or separated from the service as a result of the restructuring pursuant to this Act shall be entitled to a separation pay and other benefits in accordance with existing laws, rules or regulations.

ARTICLE II THE GOVERNMENT ARSENAL

Section 86. *Mandate.* - The Government Arsenal shall develop, operate, maintain and secure facilities for the manufacture of weapons, munitions and other defense materiel to support the requirements of the AFP, Philippine National Police (PNP) and other law enforcement agencies; and, to sell and export products in excess of the local demand.

Section 87. *Power and Functions.*- The Government Arsenal shall have the following powers and functions:

a. Formulate and implement plans and programs towards the achievement of self-sufficiency in weapons, small arms ammunition, mortars, medium and large caliber ammunition and other munitions needed by the country's defense and security establishments;

b. Design, conduct research, develop, manufacture, procure, repair, stockpile and allocate weapons, munitions and other defense materiel subject to existing laws and regulatory requirements.

c. Sell and export products in excess of the requirements of the AFP and other law enforcement agencies, subject to existing laws;

d. Devise ways and means for the efficient mobilization of civilian/private industry to augment its production for use of the defense and security forces;

e. Establish, secure and operate government defense manufacturing plants, as necessary, in strategic locations within the country; and

Section 88. *Organization and Administration.*- The Government Arsenal shall be headed by a Director with one or more Assistant Directors who shall support the Director

1 in the administration, manufacturing operations and other affairs of the bureau; all of
2 whom shall be appointed by the President upon the recommendation from the Secretary
3 of National Defense, and who shall have the relevant expertise, training and experience in
4 the field of munitions.

5
6 **Section 89. *Modernization of the Arsenal.*** - The modernization of the
7 Government Arsenal, for the development of production capabilities to enhance self-
8 sufficiency in defense requirements, shall be part of the defense modernization program.
9 The Government Arsenal may use such production facilities as it may own or be provided
10 with under this Act or as it may arrange, under joint venture, co-production or similar
11 agreements with local and foreign entities.

12
13
14 **ARTICLE III**
15 **NATIONAL DEFENSE UNIVERSITY OF THE PHILIPPINES**
16

17 **Section 90. *Transformation of the NDCP.*** - In view of the rapidly evolving
18 national and regional security environment, the current academic trends and research
19 thrusts of defense institutions in the Asia Pacific, and the increasing need for specialized
20 defense and security courses to enhance the academic foundation of promoting
21 Philippine national security, The National Defense College of the Philippines (NDCP) is
22 hereby transformed into the National Defense University of the Philippines (NDUP)
23 categorized as a special higher education institution. To ensure the continuous operation
24 of the College, all its personnel and resources shall be absorbed by the NDUP.

25
26 The degree programs, instruction, faculty complement, research, and facilities of
27 the NDUP shall be accredited by the Commission on Higher Education (CHED). The
28 NDUP shall likewise have adequate plantilla positions and receive appropriate funding to
29 fulfill the requirements of transforming into a defense university.

30
31 **Section 91. *Mandate.*** - In accordance with the standards set forth in pertinent
32 laws and regulations on higher education, the NDUP shall train and develop the
33 competence of potential national defense leaders, civilian officials of the different
34 agencies and instrumentalities of the Government, and selected executives from the
35 private sector in the formulation and review of national security policies and undertake
36 research and studies as basis for the formulation of national defense and security policies,
37 plans and programs. The NDUP shall be headed by a President, and assisted by an
38 Executive Vice President, and four (4) Vice-Presidents, all of whom shall be appointed
39 by the President of the Philippines, upon the recommendation of the Secretary of
40 National Defense. The NDUP President shall have a term of six (6) years.

41
42 **Section 92. *Powers and Functions.*** - The University shall have the following
43 powers and functions:

44
45 a. Confer the degree of Master in National Security Administration (MNSA) upon
46 the graduates thereof;

47
48 b. Develop and Confer other baccalaureate, master's, and doctorate degrees on
49 defense and security; and

50
51 c. Undertake policy research and special studies as well as policy formulation on
52 strategic defense and security issues.

1 **Section 93. Organization and Administration.** — (a) The NDUP President shall
2 administer the affairs of the University.

3
4 (b) The NDUP President shall be assisted by the Executive Vice President (EVP).
5 The EVP shall act as NDUP President in the absence or incapacity of the NDUP
6 President, and shall perform such other functions and duties as may be assigned to him
7 by the NDUP President or the Secretary of National Defense.

8
9 (c) There shall be a Vice-President for Academic Affairs, who shall be
10 responsible for the development, implementation, supervision and evaluation of
11 academic programs; a Vice-President for Strategic Studies and Policy Formulation, who
12 shall be responsible for the conduct and supervision of research and special studies and
13 policy formulation and review for the Department; a Vice-President for Military Affairs,
14 who shall be responsible for the overall military activities of the University; a Vice-
15 President for Administration, who shall be responsible for the overall administrative
16 support to all the activities of the University and such other officials as may be required
17 by the University subject to the approval of the Secretary of National Defense.

18
19 (d) The University shall have an Academic Board to assist the President
20 discharge the following functions:

- 21
22 1. Supervise the academic affairs of the University;
23 2. Recommend academic consultants, professors, lecturers, instructors, research
24 assistants and other resource persons of the University; and
25 3. Recommend the courses of studies to be conducted by the University to
26 accomplish its objectives.

27
28 The Board shall be composed of the Vice President for Academic Affairs as
29 Chairman, and the Heads of the various academic disciplines as members, who shall be
30 designated by the NDUP President subject to the approval of the Secretary of National
31 Defense.

32
33 (e) All resource persons of the University including but not limited to
34 academic consultants, professors, lecturers, instructor, thesis advisers, members of
35 examining and evaluating panels, examiners, correctors, and technicians who are
36 regularly employed in the Government shall, in addition to their salaries, be entitled to
37 receive honoraria, fees and other emoluments fixed by the Secretary of National
38 Defense.

39
40 (d) The Secretary of National Defense may establish a *Council of Fellows* in
41 the University to assist and advise him in providing strategic direction and guidance
42 necessary to ensure the accomplishment of the mandate of the University.

43
44 **Section 94. Graduates of the Regular Course of the University.** — All graduates
45 of the University shall be conferred the degree of Master in National Security
46 Administration (MNSA). Civilian graduates of the MNSA program shall receive an
47 initial rank of Lieutenant Colonel/Commander in the Reserve Force subject to existing
48 AFP regulations. The MNSA or its equivalent in military career development course
49 shall be required for appointment or designation to key positions and promotion of AFP
50 officers to the grade of O-7 (Brigadier General/Commodore).

51
52 **Section 95. Transition.-** The SND shall determine the appropriate transition
53 period for NDCP to attain the status and competency of becoming a university. Further,

1 Congress shall allocate the necessary funds for the transformation of NDCP to NDUP.
2
3

4 **ARTICLE IV**
5 **OFFICE OF CIVIL DEFENSE**
6

7 **Section 96. *Mandate.*** –The Office of Civil Defense (OCD) shall have the primary
8 mission of administering a comprehensive national civil defense and disaster risk
9 reduction and management program during local and national emergencies by providing
10 leadership in the continuous development of strategic and systematic approaches as well
11 as measures to reduce the vulnerabilities and risks to hazards and manage the
12 consequences of disasters.
13

14 **Section 97. *Powers and Functions.*** - The Office shall have the following powers
15 and functions:
16

17 a. Establish and administer a comprehensive national civil defense and civil
18 assistance program to include the allocation to agencies and local government units such
19 aid and funds as may be made available by the national government, assisting
20 governments, and international and local organizations;

21 b. Formulate policies and prepare plans for the protection and welfare of the
22 civilian population in times of war or other national emergencies as may be determined by
23 the President of the Philippines;
24

25 c. Furnish guidance and coordinate the activities of national government
26 agencies, local government units, private institutions and civic organizations for natural
27 and human-induced disasters;
28

29 d. Develop and coordinate a program for informing, educating and training the
30 general public, volunteer workers and civil defense groups on civil defense and assistance
31 measures and activities;
32

33 e. Prepare and disseminate disaster control manuals and other publications
34 related to measures on disaster prevention and mitigation, preparedness, response and
35 rehabilitation and recovery;
36

37 f. Advise the Secretary of National Defense on matters concerning civil
38 defense and make recommendations from time to time as may be deemed appropriate or
39 as the Secretary may require;
40

41 g. Provide assistance and secretariat services to the National Disaster Risk
42 Reduction and Management Council to implement the policies set by the latter relative to
43 disaster management;
44

45 h. Furnish guidance to the various provinces, cities and municipalities in the
46 planning, accreditation, organization and operation of their civil defense organizations;
47 and
48

49 i. Perform such other civil defense functions as may be provided by law.
50

51 **Section 98. *Organization.*** - The Office of Civil Defense shall be headed by an
52 Administrator who shall also serve as Executive Director of the National Disaster Risk
53 Reduction and Management Council and, as such, shall have the same duties and

1 privileges of a department undersecretary. It shall operate under a duly approved
2 organization and staffing as recommended by the Secretary of National Defense.

3
4
5 **ARTICLE V**
6 **PHILIPPINE VETERANS AFFAIRS OFFICE**
7

8 **Section 99. *Mandate.*** - The Philippine Veterans Affairs Office shall be the
9 government agency responsible for administering the benefits due to veterans, their heirs
10 and beneficiaries and shall provide medical care and treatment to veterans pursuant to
11 existing laws. It shall also administer, maintain and develop military memorials and
12 battle monuments proclaimed as national shrines.

13
14 **Section 100. *Powers and Functions.*** - The Office shall have the following
15 powers and functions:

16
17 a. Formulate and promulgate, subject to the approval of the Secretary of National
18 Defense, policies, rules and regulations governing the adjudication and administration of
19 veterans claims and benefits;

20
21 b. Adjudicate and administer benefits, pensions and other privileges granted to
22 veterans, their heirs and beneficiaries;

23
24 c. Provide medical care and treatment to veterans pursuant to existing law;

25
26 d. Administer, develop and maintain military memorials and battle monuments
27 proclaimed as national shrines; and

28
29 e. Perform such other functions as may be provided by law.
30

31 **Section 101. *Organization.*** - The Philippine Veterans Affairs Office shall be
32 headed by an Administrator who may be assisted by one or more Deputy Administrators,
33 all of whom shall be appointed by the President upon the recommendation of the
34 Secretary of National Defense. It shall have such staff and other operating units as may
35 be prescribed by the Secretary of National Defense.
36

37 **FINAL PROVISIONS**
38

39 **Section 102. *Implementing Rules and Regulations.*** - The DND shall formulate
40 the Implementing Rules and Regulations (IRR) for proper implementation of this Act
41 within twelve (12) months from the effectivity hereof. The said rules and regulations
42 shall be approved by the President of the Philippines.
43

44 **Section 103. *Appropriations.*** - The amount necessary to carry out the provisions
45 of this Act is hereby appropriated in the General Appropriations Act of the year
46 following its enactment into law. Thereafter, such sums as may be necessary for its
47 continued implementation shall be included in the annual General Appropriations Act.
48

49 **Section 104. *Separability Clause.*** - If any part or provision of this Act is held
50 invalid or unconstitutional, other provisions not affected thereby shall remain in force
51 and effect.
52

53 **Section 105. *Repealing Clause.*** - All laws, Executive Orders, Presidential

1 Decrees, rules and regulations inconsistent herewith are deemed modified and repealed
2 accordingly. *All affected provisions of existing laws are deemed effective until such*
3 *promulgation of the IRR.*

4
5 **Section 106. Effectivity Clause.** - This Act shall take effect fifteen (15) days
6 upon its complete publication in the Official Gazette or in at least two (2) newspapers of
7 general circulation, whichever comes first.

8
9 Approved,