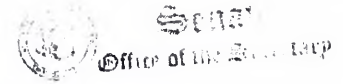


NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

]]]



'22 JUL 12 P12:02

SENATE

S.B. No. 387

RECEIVED BY: _____

Introduced by SENATOR WIN GATCHALIAN

AN ACT
MANDATING THE INSTITUTIONALIZATION, DEVELOPMENT, TRAINING,
ORGANIZATION AND ADMINISTRATION OF BASIC RESERVE OFFICERS
TRAINING CORPS (ROTC) IN GRADES 11 AND 12 IN PUBLIC AND
PRIVATE EDUCATIONAL INSTITUTIONS, FURTHER AMENDING
REPUBLIC ACT NO. 7077, OTHERWISE KNOWN AS THE "CITIZEN
ARMED FORCE OR ARMED FORCES OF THE PHILIPPINES RESERVIST
ACT", AS AMENDED BY REPUBLIC ACT NO. 9163, OTHERWISE KNOWN
AS THE "NATIONAL SERVICE TRAINING PROGRAM (NSTP) ACT OF
2001" AND APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

In line with the policy of the State to serve and protect the people and to call upon them to defend the State, this bill seeks to establish a mandatory two (2)-year Basic Reserve Officers' Training Corps (ROTC) Program for students enrolled in Grades 11 and 12 in all senior high schools in public and private educational institutions.

To enhance the capacity of the nation to produce the needed manpower and to expand its human resources in times of war, calamities and disasters, national or local emergencies, this bill mandates that: 1) the Basic ROTC Program form part of the basic curricula for senior high school education; 2) the organization, operation and maintenance for the establishment of the

Basic ROTC Program be in accordance with Republic Act No. 7077, otherwise known as the "Citizen Armed Force or Armed Forces of the Philippines Reservist Act"; 3) a student who has completed the Basic ROTC Program in senior high school be registered in the Reserve Force upon reaching the legal age; 4) guidelines to safeguard students of the Basic ROTC Program be adopted to ensure the proper and effective implementation of the Basic ROTC Program; 5) grievance committees and the National Grievance Committee be established; 6) incentives for undergoing the ROTC Program be given; and 7) a training program for Basic ROTC Program instructors be created and established to ensure that they meet the highest physical and moral standards to teach and carry out the said program.

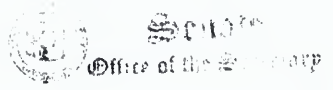
Discipline is a foundational attribute necessary to succeed in nation-building. As it is the youth of today who will lead the nation in the near future, it is important to enhance in them the ethics of service, patriotism and nationalism. The revival of the mandatory Basic ROTC Program will inculcate this kind of discipline in our youth through the enhancement of the values of leadership, camaraderie, and sacrifice for common objectives. These values are increasingly necessary in empowering the peace and progress of our nation.

In view of the foregoing, support for the passage and approval of this legislation is earnestly sought.




WIN GATCHALIAN

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**AN ACT
MANDATING THE INSTITUTIONALIZATION, DEVELOPMENT, TRAINING,
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TRAINING CORPS (ROTC) IN GRADES 11 AND 12 IN PUBLIC AND
PRIVATE EDUCATIONAL INSTITUTIONS, FURTHER AMENDING
REPUBLIC ACT NO. 7077, OTHERWISE KNOWN AS THE "CITIZEN
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ACT", AS AMENDED BY REPUBLIC ACT NO. 9163, OTHERWISE KNOWN
AS THE "NATIONAL SERVICE TRAINING PROGRAM (NSTP) ACT OF
2001" AND APPROPRIATING FUNDS THEREFOR**

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

1 Section. 1. *Short Title.* – This Act shall be known as the “Senior High
2 School Reserve Officers Training Corps (ROTC) Act”.

3
4 Sec. 2. *Declaration of Policy.* – It is the policy of the State to serve and
5 protect the people. The government may call upon the people to defend the
6 State and, in fulfillment thereof, all citizens may be required, under
7 conditions provided by law, to render personal, military or civil service. The
8 State recognizes the role of the youth in nation-building and shall promote
9 and protect their physical, moral, spiritual, intellectual and social well-being.
10 It shall inculcate in the youth patriotism and nationalism, and encourage
11 their involvement in public and civic affairs.

1 Towards this end, the State shall enhance the capacity of the nation to
2 produce the needed manpower and to expand its human resources in times
3 of war, calamities and disasters, national or local emergencies, and in support
4 to the law enforcement strategy of the government against crimes by creating
5 a pool of trained reservists.

6
7 *Sec. 3. Definition of Terms. – As used in this Act:*

- 8 a) *Reserve Force* refers to the organization of trained reservists under
9 the command of the Armed Forces of the Philippines (AFP) who may
10 be called for duty in the event of war, invasion or rebellion; to assist
11 in relief and rescue during disaster or calamities; to assist in
12 socioeconomic development; and to assist in the operation and
13 maintenance of essential government or private utilities in the
14 furtherance of overall mission.
- 15 b) *Basic Reserve Officers' Training Corps (ROTC) Program* refers to a
16 mandatory two (2)-year basic leadership and military training
17 program for students enrolled in Grades 11 and Grades 12 in all
18 senior high schools in public and private educational institutions.
- 19 c) *Advance ROTC* refers to the optional and enhanced ROTC course
20 that is offered in universities, colleges, vocational schools and other
21 tertiary institutions.
- 22 d) *Clustered ROTC Unit* refers to two (2) or more educational
23 institutions that are strategically grouped together for the purpose
24 of holding ROTC classes in one location.
- 25 e) *Grievance Committee* refers to an independent body that is tasked
26 to investigate any complaint or allegation of abuse, violence or
27 corruption in any clustered ROTC unit or any educational
28 institution implementing the ROTC Program.
- 29 f) *National Grievance Committee* refers to the appellate body that has
30 jurisdiction to hear appeals on the findings and recommendations
31 of any local grievance committee.
- 32 g) *Public Educational Institutions* refer to educational institutions that
33 are established and administered by the government.

- 1 h) *Private Educational Institutions* refer to educational institutions
2 maintained and administered by private individuals or groups.
3 i) *Registration* refers to the act of recording the name and/or other
4 relevant information of the students who have completed the ROTC
5 Program in Grades 11 and 12 on the official list of ROTC graduates:
6 *Provided*, That the registration that is referred to under this Act
7 shall not be construed as enlistment in the AFP Reserve or Regular
8 Force.
9

10 Sec. 4. *Coverage.* – The conduct of basic military and leadership
11 training under the Basic ROTC Program shall apply to all students in Grades
12 11 and 12 in all senior high schools in public and private educational
13 institutions.
14

15 Sec. 5. *Establishment of the Basic Reserve Officers' Training Corps*
16 *Program in all Public and Private Educational Institutions.* –

- 17 a) There is hereby established a mandatory two (2)-year Basic ROTC
18 Program for students enrolled in Grades 11 and 12 which shall form
19 part of the basic curricula for senior high school education in any
20 public and private educational institutions in pursuance to the
21 provisions of the Commonwealth Act No. 1, otherwise known as the
22 “National Defense Act”, Executive Order No. 292, Series of 1987,
23 otherwise known as the “Administrative Code of 1987”, and the 1987
24 Philippine Constitution, with the objective of producing well-trained
25 and prepared reservists for military and civic service. The Basic ROTC
26 Program is aimed to instill patriotism, love of country, moral and
27 spiritual virtues, respect for human rights and adherence to the
28 Constitution.
29 b) The Basic ROTC Program, instituted as part of the curricula shall be
30 administered in accordance with the following modules:
31 1) enhancing the consciousness of students in the ethics of service,
32 patriotism and nationalism, respect for human rights,
33 appreciation of the role of national heroes in the historical

1 development of the country, strengthen ethical and spiritual
2 values, develop personal discipline and leadership and to
3 encourage creative thinking for scientific and technological
4 development;

5 2) basic military training for students in order to motivate, train,
6 organize and utilize for national defense preparedness or civil-
7 military operations: *Provided*, That no student below the age of
8 eighteen (18) years shall take a direct part in hostilities;

9 3) civic training for students in order to be active participants and
10 volunteers for the development and improvement of health,
11 education, ecology and environmental protection, human and
12 civil rights awareness and law enforcement; and

13 4) preparedness during actual disaster response operations on
14 needs assessment, improved skills for search, rescue and relief
15 operations, and early recovery activities. Integration of capacity-
16 building activities revolving around risk-related situations in
17 order for students to be proactive in lessening the socio-economic
18 and environmental impacts of disasters including climate
19 change. These capacity building activities will help build
20 understanding and skills with the end in view of applying
21 disaster risk reduction and management principles, concepts,
22 and concrete action steps towards building their resilience.

23 c) Any student who fails to undergo the mandatory Basic ROTC Program
24 in accordance with this Act shall not be qualified for graduation. In
25 addition thereto, the non-taking of the program by any student shall be
26 a ground for Compulsory Military Training in pursuance to Section 14
27 of Republic Act No. 7077, otherwise known as the "Citizen Armed Force
28 or Armed Forces of the Philippines Reservist Act". Any educational
29 institution that fails to institute and implement the Basic ROTC
30 Program in pursuance to this Act shall be subject to disciplinary and
31 administrative sanctions as the Department of Education (DepEd) may
32 impose.

1 d) Guided by the provisions of Section 5(b) hereof, the DepEd and the
2 Department of National Defense (DND), in consultation with other
3 relevant government agencies and private stakeholders as the Secretary
4 of National Defense may determine, shall design and formulate the
5 Program of Instruction (POI) on the Basic ROTC Program in Grades 11
6 and 12.

7
8 *Sec. 6. Schools as Zones of Peace.* – Pursuant to Republic Act No.
9 11188, otherwise known as the “Special Protection of Children in Situations
10 of Armed Conflict Act”, every educational institution implementing the Basic
11 ROTC Program under this Act shall comply with the declaration and
12 guidelines that are provided for under the said law to maintain the neutrality
13 of the schools as zones of peace.

14
15 *Sec. 7. Students Exempted from this Act.* – The following may be
16 exempted from the coverage of this Act:

- 17 a) those who are physically or psychologically unfit, as certified by the AFP
18 Surgeon General or his or her authorized medical officer, in pursuance
19 to the recommendation of the educational institutions where the
20 concerned student is enrolled;
- 21 b) those who have undergone or are undergoing similar military training;
- 22 c) those who were chosen by their school to serve as varsity players in
23 sports competitions; and
- 24 d) those who may be exempted from training for valid reasons as approved
25 by the DND, upon recommendation by any educational institution.

26
27 *Sec. 8. Advance ROTC.* – The ROTC established in Section 4, paragraph
28 1 of Republic Act No. 9163, also known as the “National Service Training
29 Program (NSTP) Act of 2001”, as a component of the National Service Training
30 Program (NSTP) which forms part of the curricula for students of any
31 baccalaureate degree course shall be modified or reclassified as the Advance
32 ROTC pursuant to Section 39 of Republic Act No. 7077.

1 The Advance ROTC in the tertiary level shall continue as an optional
2 and voluntary component of the NSTP. Students who volunteer for the
3 Advance ROTC program in universities, colleges, vocational schools and other
4 tertiary institutions shall remain to be governed by Republic Act No. 9163
5 insofar as they are consistent with this Act.

6 The provisions of Section 42 and Section 43 of Republic Act No. 7077
7 in terms of training, uniforms and supplies, and the scholarship incentive
8 shall remain effective and applicable for those accepted in the Advance ROTC
9 course. It shall be mandatory for all public and private universities, college
10 and similar learning institutions to offer and provide a training school for the
11 Advance ROTC program which shall have a duration in accordance with the
12 curriculum prescribed by the DND and the Commission on Higher Education
13 (CHED).

14 The DND, in coordination with the CHED, shall prescribe the
15 curriculum for Advance ROTC and the POI in pursuance to the applicable
16 provisions of Republic Act No. 7077.

17
18 *Sec. 9. Organization, Operation, and Maintenance of ROTC Units.* – The
19 organization, operation and maintenance for the establishment of the Basic
20 ROTC Program shall be in accordance with Section 41 and Section 42 of
21 Republic Act No. 7077 which shall remain effective and operative unless
22 inconsistent with this Act. The Secretary of National Defense, in consultation
23 with the DepEd, shall prescribe the organization and operational manual of
24 ROTC units in public and private educational institutions for Grades 11 and
25 12: *Provided*, That such educational institutions shall be required to provide
26 an adequate office for the ROTC administrative staff assigned thereat.

27 The AFP shall create an office dedicated to the supervision and
28 administration of the Basic ROTC Program within the Reserve Commands of
29 the AFP in coordination with the DepEd.

30
31 *Sec. 10. Registration in the Reserve Force.* – Pursuant to Section 14 of
32 Republic Act No. 7077, a student who has completed the Basic ROTC Program

1 in senior high school shall be registered in the Reserve Force only upon
2 reaching the legal age.

3

4 Sec. 11. *Guidelines to Safeguard Students of the Basic ROTC Program.* -

5 In order for the proper and effective implementation of the Basic ROTC
6 Program, the following policies shall be adopted to prevent the occurrence of
7 hazing, corruption and other forms of abuses:

- 8 a) the Basic ROTC Program prohibits hazing as defined under Republic
9 Act No. 8049, otherwise known as “An Act Regulating Hazing and Other
10 Forms of Initiation Rites in Fraternities, Sororities, And Other
11 Organizations and Providing Penalties Therefor” as amended by
12 Republic Act No. 11053, otherwise known as the “Anti-Hazing Act of
13 2018” and as such, adopts the penalties for any act committed under
14 the provisions of the said law;
- 15 b) cognizant of the provisions under Republic Act No. 7610, otherwise
16 known as the “Special Protection of Children Against Abuse,
17 Exploitation and Discrimination Act”, any physical, sexual or
18 psychological abuse, emotional maltreatment, or any act by deed which
19 tends to degrade or demean the dignity of a child/student is prohibited;
- 20 c) consistent with DepEd Order No. 40, Series of 2012, otherwise known
21 as the “DepEd Child Protection Policy”, the Basic ROTC Program
22 proscribes physical, humiliating or degrading punishments or
23 penalties by a teacher, school administrator, an adult, or any other
24 child who has been given or has assumed authority or responsibility
25 for punishment or discipline for an alleged or actual offense for the
26 purpose of discipline, training or control *except* for mild to moderate
27 physical exercises such as push-ups, sit-ups and running within the
28 medically recommended limit for the concerned age group;
- 29 d) in case of school officials or employees of public or government
30 educational institutions, who shall accept any gift from any student, or
31 from any parent or guardian of the student, or who shall commit other
32 practices contemplated under Republic Act No. 3019, otherwise known
33 as the “Anti-Graft and Corrupt Practices Act” and the Revised Penal

1 Code on Bribery and Corruption, the maximum penalty shall be
2 imposed; and

- 3 e) the penalties provided under the Revised Penal Code for the Crimes of
4 Bribery and Corruption shall be imposed upon school officials or
5 employees of private educational institutions who shall accept directly
6 or indirectly, any gift, in cash or in kind, from any student, or from any
7 parent or guardian of the student in relation to or pertinent with the
8 conduct of the Basic ROTC program.

9
10 Sec. 12. *Establishment of Grievance Committees.* –

- 11 a) A Grievance Committee shall be formed from a cluster of educational
12 institutions that shall receive complaints and/or *motu proprio*
13 conduct investigations on any complaint or allegation of abuse,
14 violence or corruption in any educational institution implementing
15 the Basic ROTC Program.
- 16 b) Every Grievance Committee shall be composed of three members, to
17 be chosen by the Secretary of National Defense and the Secretary of
18 Education: one (1) District Commandant from the DND, one (1)
19 District Schools Supervisor from the DepEd, and one (1) Legal Officer
20 from the DepEd.
- 21 c) The DepEd and the DND shall formulate the manner by which the
22 educational institutions implementing the Basic ROTC Program
23 shall be clustered for the efficient resolution of grievances.
- 24 d) The Grievance Committee shall function as an independent
25 investigative body, which shall formulate the recommendation to the
26 proper disciplinary authority that has jurisdiction over the
27 respondent, depending on whether he or she belongs to the military
28 for which purpose, the Articles of War shall be employed. Whereas,
29 for school officials and/or employees of public and private
30 educational institutions, the provisions of Republic Act No. 6713,
31 otherwise known as the “Code of Conduct and Ethical Standards for
32 Public Officials and Employees” and other relevant laws on the
33 matter shall be applied. This is without prejudice to administrative

1 cases that may be filed pursuant to the Civil Service rules for public
2 officers and employees involved in the complaint.

3 e) Nothing herein shall prevent any person from filing directly with the
4 regular courts any incident of violation of Republic Act No. 11053.
5

6 *Sec. 13. Powers and Duties of the Grievance Committee.* – In view of the
7 laws providing protection for children, every Grievance Committee shall be
8 pro-active in its duty to:

- 9 a) encourage the reporting of any incident of hazing, violence, abuse and
10 corruption in every clustered ROTC unit;
- 11 b) *motu proprio* or upon a complaint filed by any person, investigate, any
12 act of hazing, violence, abuse and corruption in the clustered ROTC
13 unit;
- 14 c) issue preventive suspension orders against officers of the ROTC or any
15 school employee involved in the training within three (3) days: (1) upon
16 receipt of the complaint; or (2) after initiation of the *motu proprio*
17 investigation, to preclude him from exerting undue influence over the
18 complainant and impede the normal course of the investigation;
- 19 d) recommend the appropriate action for any offense committed in the
20 clustered ROTC unit to the proper disciplinary authority which has
21 jurisdiction over the respondent within fifteen (15) days upon receipt of
22 the complaint or after initiation of the *motu proprio* investigation;
- 23 e) monitor all complaints filed with the Committee and maintain an
24 updated record of the status of each case;
- 25 f) provide the parties of the complaint its findings and recommendations
26 within thirty (30) days upon receipt thereof;
- 27 g) promulgate rules and regulations necessary to carry out its objectives,
28 functions and disciplinary procedures; and
- 29 h) performs such other functions as may be provided by law.
30

31 *Sec. 14. National Grievance Committee.* – There is hereby established a
32 National Grievance Committee (NGC) composed of the Secretary of National
33 Defense or his or her permanent authorized representative, the Secretary of

1 Education or his or her permanent authorized representative, and the
2 Secretary of Justice or his or her permanent authorized representative.

3 The NGC shall receive appeals on petitions for review from the findings or
4 recommendation of any of the Grievance Committees. It shall provide the
5 parties of its decision within fifteen (15) days from the time of receipt of the
6 petition. Any resolution of the NGC shall be final.

7
8 *Sec. 15. Incentives for Undergoing the ROTC Program. –*

9 a) Subject to other requirements that may be prescribed by rules and
10 regulations, graduates of the Advance ROTC shall be eligible for
11 commissionship or lateral entry and enlistment in the AFP,
12 Philippine National Police, Philippine Coast Guard, Bureau of Jail
13 Management and Penology, and Bureau of Fire Protection unless a
14 waiver is issued by the Department Secretaries of the
15 aforementioned military and civilian armed forces.

16 b) Students undergoing the Basic ROTC Program and those accepted
17 in the ROTC Advance Course shall be provided with free
18 hospitalization in any government hospital in case of accident or
19 injury during the training. Mandatory insurance for students
20 undergoing ROTC shall be provided by the school where the
21 students are enrolled.

22 c) Students undergoing the Advance ROTC shall be given access and
23 privileges with any AFP Commissary. The Chief of Staff of the AFP
24 shall issue the necessary regulations for the implementation of this
25 privilege.

26
27 *Sec. 16. Classification of ROTC Students. -* Grades 11 and 12 students
28 who are enrolled in the Basic ROTC Program shall be recognized as civilians
29 in law.

30
31 *Sec. 17. Capacity Development and Enhancement Program for Basic*
32 *ROTC Program Instructors. –* There is hereby created and established a training
33 program for Basic ROTC Program instructors, to ensure that they meet the

1 highest physical and moral standards to teach and carry out the Basic ROTC
2 Program. The program shall be developed and administered under the
3 guidance and tutelage of the DepEd and the DND.

4 A comprehensive training manual shall be developed for the conduct of
5 these trainings, incorporating among other things, gender-appropriate and
6 child-sensitive awareness, familiarity with relevant laws on the ROTC, Special
7 Protection of Children, other domestic laws and international obligations
8 necessary and appropriate to guaranty the integrity and the highest standard
9 of moral scruple for the implementers of the Basic ROTC Program.

10
11 *Sec. 18. Penal Provisions.* – Offenses committed by persons involved in
12 or in relation to the implementation of this Act shall be subject to penalties in
13 accordance with the applicable laws, rules and regulations. Grades 11 and 12
14 students undergoing the Basic ROTC Program must not be subjected to
15 military law.

16
17 *Sec. 19. Offenses Punishable Under Existing Laws.* – For acts already
18 penalized under existing laws such as corruption, graft, hazing, sexual
19 harassment, and other abuses committed by persons authorized to
20 administer the Basic ROTC Program and deployment of the Corps, the
21 maximum penalty imposable under existing laws shall be imposed.

22
23 *Sec. 20. Transitory Provisions.* – In order to manage the initial
24 implementation of the Basic ROTC Program in senior high school, the DepEd
25 and the DND shall, within six (6) months from the effectivity of this Act,
26 design, institute and implement a Pilot Program.

27 The DepEd and the DND shall jointly submit an annual review and
28 evaluation report to Congress on the implementation of the Pilot Program.
29 Upon review and approval by Congress, the framework utilized under the Pilot
30 Program shall become the standard for the full national implementation of the
31 Basic ROTC Program.

1 Sec. 21. *Report to Congress.* – The DepEd and the DND shall conduct a
2 mandatory review for the implementation of this Act and submit an
3 assessment report to Congress on its impact and effectiveness not later than
4 two (2) years from its effectivity.
5

6 Sec. 22. *Joint Congressional Oversight Committee.* – There is hereby
7 created a Joint Congressional Oversight Committee (JCOC) to oversee,
8 monitor, and evaluate the implementation of this Act. The JCOC shall be
9 composed of five (5) members each from the Senate and from the House of
10 Representatives with the Chairpersons of of the Committees on Basic
11 Education of both houses as Co-Chairpersons. The Chairpersons of the
12 Committees on National Defense and Security shall likewise be designated as
13 members of the JCOC. The Speaker of the House of Representatives and the
14 President of the Senate shall designate the other three (3) members of the
15 JCOC and the House and the Senate, respectively, from among the members
16 of the Committees on Basic Education, one (1) member of which shall be from
17 the minority.
18

19 Sec. 23. *Appropriations.* – The amount necessary for the implementation
20 of this Act shall be charged against those authorized in the current
21 appropriations of the DepEd and the DND. Thereafter, the amount necessary
22 for its continued implementation shall be included in the annual General
23 Appropriations Act.
24

25 Sec. 24. *Implementing Rules and Regulations.* – Within ninety (90) days
26 from the effectivity of this Act, the DepEd and the DND shall issue the rules
27 and regulations implementing its provisions. The Implementing Rules and
28 Regulations (IRR) issued pursuant to this section shall take effect thirty (30)
29 days after its publication in a newspaper of general circulation.
30

31 Sec. 25. *Separability Clause.* – If any provision of this Act is held invalid
32 or unconstitutional, the other provisions not so declared shall remain in force
33 and effect.

1 Sec. 26. *Repealing Clause.* – Section 38 and Section 39 of Republic Act
2 No. 7077, Section 4 of Republic Act No. 9163, and all other laws, executive
3 orders, presidential decrees, administrative orders, rules and regulations,
4 issuances, or parts thereof contrary to or inconsistent with any provisions of
5 this Act are hereby repealed or amended accordingly.

6
7 Sec. 27. *Effectivity.* – Notwithstanding the non-issuance of the IRR, this
8 Act shall take effect fifteen (15) days after its publication in the Official Gazette
9 or in a newspaper of general circulation.

Approved,