

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

0 12 13 1352

S E N A T E
S.B. No. 1382

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

The Constitution provides that the State must give priority to education to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development. This policy is anchored on the State's recognition of the protection of life, liberty, and property, and promotion of the general welfare as essential for the enjoyment by all the people of the blessings of democracy. Continuing advancement in national defense and security education is one way to promote and uphold this principle.

Basic national frameworks such as the country's defense and security have slowly become incapable of adapting to the changes taking place in the 21st century. The security environment surrounding the Philippines is changing significantly, as evidenced by the fight against terrorism and regional conflicts. One crucial step to benefit our national security to the times is to restructure our country's defense and security education. A reorganized national defense and security education must produce national security leaders and managers in various sectors of the society to lead in the strategic thinking of diverse and sometimes metamorphosed security issues. The education program should be thorough and customized to address national security scenarios comprehensive and integrated enough to cover all sectors of the society.

At present, the absence of a mechanism to organize and integrate national security and defense education program is demonstrated by the poorly coordinated and independently pursued programs of defense and armed forces schools and colleges. Thus, an over-all administrative and operational educational institution in the field of defense and security education in the country is necessary.

This bill seeks to ensure that defense and security education is holistic, integrated, comprehensive and attuned to national security and defense requirements of the country through the establishment of the National Defense University of the Philippines that will promote the enhancement and development of security and defense instruction, research and training in the country.

In view of the foregoing, the passage of this bill is earnestly sought.


LOREN LEGARDA
Senator

SENATE
S.B. No. 1382

Introduced by Senator Loren Legarda

**AN ACT ESTABLISHING
THE NATIONAL DEFENSE UNIVERSITY OF THE PHILIPPINES
AND FOR OTHER PURPOSES**

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

1 **SECTION 1. Title.** - This Act shall be known as the " **National Defense**
2 **University of the Philippines Act of 2010.**"

3
4 **SEC. 2. Policy.** - It shall be the policy of the State to provide a continuing
5 advanced education in the field of defense and security to outstanding and qualified
6 men and women in the military service as well as to key officers in the government
7 service and private sector. The State shall likewise ensure that defense and security
8 education is holistic, integrated, comprehensive and attuned to national security and
9 defense requirements of the country.

10
11 **SEC. 3. Establishment of National Defense University of the Philippines.** - In
12 furtherance of the policy enunciated in Section 2 of this Act, an educational
13 institution known as the National Defense University of the Philippines (NDUP)
14 shall be established.

15
16 **SEC. 4. Objectives.** - The NDUP shall be established to serve as the over-all
17 administrative and operational educational institution in the field of defense and
18 security education in the country. It shall aim to promote, to the highest degree
19 possible, the enhancement and development of national security and defense
20 instruction, research and training in the country.

21

1 **SEC. 5. *Organization.*** - The NDUP shall be organized as an attached agency
2 of the Department of National Defense.

3
4 The NDUP shall be headed by a Commandant who shall be appointed by the
5 President of the Philippines upon the recommendation of the Secretary of National
6 Defense. The Commandant of the NDUP shall have the rank of, or equivalent to, a
7 Lieutenant General in the Armed Forces of the Philippines or a department
8 undersecretary as the case may be.

9
10 **SEC. 6. *Board of Regents.*** - The NDUP shall have a Board of Regents to be
11 composed of the following:

- 12
- | | | |
|----|--|-----------------|
| 13 | a. Secretary of National Defense | - Chairman |
| 14 | b. National Security Adviser | - Vice Chairman |
| 15 | c. Chairman, House Committee on Defense and Security | - Member |
| 16 | d. Chairman, Senate Committee Defense and Security | - Member |
| 17 | e. Chief of Staff, AFP | - Member |
| 18 | f. Chairman, Commission on Higher Education | - Member |
| 19 | g. Commandant, NDUP | - Member |
- 20

21 **SEC. 6. *Powers and Functions of the Board of Regents.*** - The Board of
22 Regents shall act on all matters related to the conduct of defense and security
23 education in the country, which shall include but is not limited to the following:

- 24
- 25 a. To adopt and define the thrusts of the NDUP and provide policy guidelines
26 to ensure their implementation;
- 27
- 28 b. To approve any proposal for revision, merger or abolition of any academic or
29 training programs or curriculum offered in its autonomous schools and
30 colleges;
- 31
- 32 c. To approve the graduation of students as recommended by their respective
33 colleges and schools and confer honorary degrees upon persons in
34 recognition of their outstanding contributions to defense and security of the
35 country;

- 1 d. To approve and promulgate rules on admission and discipline of students as
2 recommended by their respective component colleges;
3
- 4 e. To approve proposals for the creation, organization, abolition, merger or
5 reorganization of training and research centers and institutes within the
6 NDUP and in each autonomous colleges and schools;
7
- 8 f. To establish and maintain chairs in the autonomous schools and colleges and
9 provide for fellowship and scholarship programs to faculty, staff and
10 students who demonstrate exceptional merit and fitness;
11
- 12 g. To appoint heads of constituent and autonomous schools and colleges,
13 faculty members and other officials and employees, to draw up a position
14 classification and compensation plan for its faculty and staff, and to fix and
15 adjust salaries and benefits of the faculty members and other employees; to
16 determine their hours of service, and such other terms and conditions as it
17 may deem proper; to grant to them, in its discretion, leave of absence under
18 such regulations as it promulgate, any other provisions of law to the contrary
19 notwithstanding; and to remove them for cause as provided by law after due
20 investigation and proper hearing;
21
- 22 h. To receive and appropriate all sums as may be provided by law for the
23 support of the NDUP to the ends specified by law, and all other sums in the
24 manner it may, in its discretion, determine to carry out the purposes and
25 functions of this Act;
26
- 27 i. To authorize the construction or repair of its buildings, machinery,
28 equipment and other facilities, and the purchase and acquisition of real and
29 personal properties, including the necessary supplies, materials and
30 equipment;
31
- 32 j. To receive in trust legacies, gifts and donations of real and personal property
33 of all kinds and to administer and dispose the same when necessary for the
34 benefit of the NDUP and subject to the instructions of the donor, if any;

1 k. To propose, subject to the approval of the Secretary of National Defense, for
2 the inclusion of other AFP training and education institutions not covered by
3 Section 9 of this Act, into the NDUP system;

4
5 l. To delegate any of its powers to the President or any other officials or officers
6 as it may deem necessary; and

7
8 m. To prescribe rules for its own government and the discipline of the faculty
9 and other personnel and to enact for the government of the University such
10 general policies, rules and regulations, not contrary to law, as are consistent
11 with the purposes of this Act.

12
13 The Board of Regents shall have a regular meeting. A simple majority of all
14 the members of the Board of Regents holding office at the time the meeting is called
15 shall constitute a quorum.

16
17 **SEC. 8. *The Commandant of NDUP.*** - The Commandant of NDUP is the chief
18 academic officer, head of the University Faculty and the chief executive officer of the
19 NDUP. The Commandant shall preside over the meetings of the constituent schools
20 and colleges, if he or she attends. The Commandant shall likewise exercise the
21 powers specifically provided for in this Act, those determined by the Board of
22 Regents, those that usually pertain to the Office of the Commandant of NDUP, and
23 those that are related or necessary to its functions.

24
25 **SEC. 9. *The Constituent and Autonomous Colleges and Schools.*** - The
26 following schools and colleges existing under the Armed Forces of the Philippines
27 and the Department of National Defense shall be reorganized and placed under the
28 NDUP:

- 29
30 a. The National Defense College of the Philippines;
31 b. The AFP Command and General Staff College;
32 c. Special Intelligence Training School; and
33 d. The AFP Officer's Candidate School.

34
35 **SEC. 10. *The National Defense College of the Philippines.*** - The National
36 Defense College of the Philippines shall be the country's highest educational,

1 research and training institution in the field of national security and defense. For
2 this purpose, it shall maintain, establish and operate centers and institutes for
3 research, training and continuing studies in the field of national security in addition
4 to the regular courses it currently undertakes.

5
6 **SEC. 11. Academic Programs of the NDCP.** - Within two years after
7 effectivity of this Act, the Academic Board of the NDCP shall offer, subject to the
8 approval of the Board of Regents, the course curriculum and other requirements for
9 the conduct of the Doctor of National Security Affairs (DNSA). The said course shall
10 be offered in the third year following the effectivity of this Act: *Provided*, That no
11 person shall be admitted to the program unless he is more than 40 years old at the
12 time of admission, holder of a Master in National Security Administration (MNSA)
13 degree or an equivalent masters degree from a reputable school, with a rank of
14 Colonel or Naval Captain if from the military or Assistant Secretary or its equivalent
15 in the government service or Chairman, President or CEO of a private industry or
16 corporation vital to national security and interest to be identified by the Board of
17 Regents.

18
19 It shall provide for a continuing program for review and enhancement of
20 other courses and program being offered by NDCP in view of national security and
21 defense requirements.

22
23 **SEC. 12. Grant of Career Executive Service Eligibility.** - For purposes of
24 appointment or promotion to key and sensitive positions in the government,
25 graduates of doctoral or graduate courses of the NDCP are granted automatic career
26 executive service officer eligibility, level 3 and 5 respectively and preferential
27 consideration and/or credit points in the grade or class of their respective positions.
28 This provision shall have retroactive effect insofar as it benefits holders of a Masters
29 in National Security Administration from NDCP.

30
31 Immediately upon graduation and conferment of academic degrees by the
32 Board of Regents, the President of NDCP shall provide a list of graduates to the
33 Career Executive Service Board for formal conferment of corresponding eligibilities.
34 The conferment of such eligibilities shall be mandatory upon the Career Executive
35 Service Board and shall not be subject to any other requirements except the

1 certification of graduation coming from the Board of Regents and/or the President
2 of the NDCP as the case may be.

3
4 **SEC. 13. *Promotion to General / Flag Rank.*** - For purposes of promotion to
5 the rank of brigadier general or flag officer in the Armed Forces of the Philippines, a
6 master's degree in national security administration shall be a requirement.
7 Nonetheless, accreditation of equivalent courses taken in foreign schools may be
8 allowed as an exception on case-to-case basis.

9
10 **SEC. 14. *Grant of Commission to Civilian Graduates.*** - Subject to existing
11 AFP regulations, civilian graduates of regular courses from NDCP may be
12 commissioned as officers in the Reserve Corps of the APP with the initial rank of
13 lieutenant colonel for those who are holders of a master's degree. For holders of
14 Doctorate in National Security Affairs, the rank of full colonel may be given:
15 *Provided,* That the candidate is at least forty (40) years old and holds the rank
16 equivalent to a department assistant secretary. Those who are holders of a
17 commission in the AFP (inactive) below the rank of lieutenant colonel shall be
18 promoted to lieutenant colonel or full colonel, as the case may be.

19
20 **SEC. 15. *The Command and General Staff College (CGSC)*** - The Command
21 and General Staff College (CGSC) shall be placed under the operational and
22 administrative supervision of the NDUP. All academic programs, training
23 programs, curricula, and modules currently conducted by the abovementioned
24 colleges shall, upon affectivity of this Act and subject to existing AFP and DND
25 regulations, be reviewed, evaluated and approved by the Board of Regents.

26
27 For students coming from the Armed Forces of the Philippines, a General
28 Staff Course (GSC) shall be a requirement for admission to the National Defense
29 College of the Philippines.

30
31 **SEC. 16. *The Special Intelligence Training School and Officers Candidate***
32 ***Schools (OCS)*** - The operational and administrative supervision over the Special
33 Intelligence Training School and all other Officers Candidate Schools maintained
34 and operated by the Armed Forces of the Philippines shall be transferred to the
35 NDUP. All academic programs, training programs, curricula, modules currently
36 conducted by the abovementioned schools shall, upon effectivity of this Act and

1 subject to existing AFP and DND regulations, be reviewed and evaluated and
2 approved by the Board of Regents.

3
4 **SEC. 17. *Honoraria of Faculty Members and Consultants.*** - The NDUP shall
5 have a core faculty composed of professors, instructors and lecturers on full time
6 basis. Consultants of the NDUP on part-time basis may be drawn from the military
7 and civilian branches of the national government, from business, and from public
8 and private educational institutions. All instructors, professors and lecturers may be
9 rotated and assigned to other autonomous colleges and schools if the exigency of
10 service so requires. All academic consultants, professors, instructors or lecturers,
11 whether civilian or military personnel, in addition to their regular salaries, shall be
12 entitled to receive honorarium or fees as may be approved by the Board of Regents.

13
14 **SEC. 18. *Fiscal Autonomy.*** - The NDUP shall enjoy fiscal autonomy. Pursuant
15 to such authority to collect various fees in all academic and training courses, it shall
16 be allowed to retain the proceeds of such collection and to appropriate the same for
17 the regular expenditure of NDUP subject to government accounting rules and
18 regulations. The NDUP may receive in trust legacies, devises, gifts, donations of real
19 and personal property of all kinds and nature and to administer the same for the
20 benefit of the NDUP in accordance with the instructions or directions of the donor or
21 in default thereof, as the law on donation may provide.

22
23 **SEC. 19. *Personnel Details or Secondment.*** - Heads of bureaus and officers of
24 the national government are hereby authorized to loan or transfer such apparatus or
25 supplies as may be needed by the NDUP and to assign employees on detail or
26 secondment, for duty therein. For the purpose of promotion or other personnel
27 transactions, service in the university either by uniformed or civilian personnel shall
28 be counted as part of active service in their mother units.

29
30 **SEC. 20. *Promulgation of Implementing Rules.*** - The Secretary of National
31 Defense is hereby empowered to promulgate rules and regulations to effectively
32 implement the objectives and purposes of this Act.

33
34 **SEC. 21. *Initial Appropriations.*** - The amount of One Hundred Fifty Million
35 Pesos (P150,000,000.00) or such sum or sums as may be needed to carry out the

1 provisions of this Act shall be appropriated and shall be carried generally under the
2 Department of National Defense in the General Appropriations Act.

3
4 **SEC. 22. *Repealing Clause.*** - All laws, decrees, executive orders, presidential
5 issuances, rules and regulations or part thereof contrary to or inconsistent with any
6 provisions of this Act are hereby repealed or amended accordingly.

7
8 **SEC. 23. *Separability Clause.*** - If any part or provision of this Act is declared
9 unconstitutional, the remaining provisions hereof not affected thereby shall continue
10 to have the force and effect of law.

11
12 **SEC. 24. *Effectivity.*** - This Act shall take effect immediately upon approval.

13
14 Approved,