

SIXTEENTH CONGRESS OF THE REPUBLIC)
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First Regular Session)



Senate
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SENATE

Senate Bill No. 1400

RECEIVED BY: *ji*

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The common experience among nations upon becoming sovereign states is the immediate launching of a collective effort to craft a comprehensive national security law. The experience of the Philippines upon becoming a sovereign nation on 04 July 1946 did not fit this model. Instead, we chose to continue adopting for 53 years Commonwealth Act Number 1 or National Defense Act that was enacted in 1935.

The clouds of war were then looming over the Asian Far East. The Japanese started waging war against China and there was a perception that Japan was on the course of expansionism, which included designs on the Philippine Islands. Our colonial masters had just completed War Plan Orange that called for the organization of indigenous ground forces to defend their colony, the Philippine Islands, with the United States Armed Forces providing a strategic umbrella over the whole American theater of operations. These developments were not lost to the Filipino leaders of that era.

Immediately after the passing of the Tydings-McDuffie Act, which provided for the establishment of a commonwealth government in transition for the eventual granting of Philippine independence, then Senate President Manuel L. Quezon proceeded to the United States to discuss the defense of the country. By mutual agreement between US. President Franklin D. Roosevelt and Quezon, General Douglas H. MacArthur was named military adviser to the commonwealth government. Through MacArthur's efforts and those of his principal assistants, United States Army Majors Dwight D. Eisenhower and James B. Ord, Bill No. 102 providing for the defense of the Philippines was drafted and subsequently passed by the Philippine Assembly on December 20, 1935. On December 21, 1935, Quezon, then already President of the Commonwealth Government of the Philippines, signed it into law as Commonwealth Act Number 1 otherwise known as the National Defense Act of 1935. The National Defense Act of 1935 provided the legal basis for contingency planning for the defense of the Philippines under the aegis of War Plan Orange.

In the context of War Plan Orange, the US mission to the Commonwealth Government of the Philippines proceeded to create only one service, the Philippine Army, provided the mechanisms for mobilizing Filipinos for military service in time of peace, and gave instructions to the Filipino people on how to conduct themselves when the war came.

That war did come about and eventually came to an end. The provisions of the Tydings-McDuffie Act did come into effect and the Filipino nation became the independent Republic of the Philippines. The scope of the National Defense Act of

1935, therefore, became inadequate the moment we became a sovereign nation and became increasingly so as we continued to mature.

National security, as students of policy preach, is a complex and multidimensional matter. It must be based on the national principles embodied in the Constitution. The National Defense Act of 1935 was based on the 1935 Constitution. A national security act must integrate the roles of the economic, social, cultural and political dimensions into the comprehensive effort of defense. The national principles governing these dimensions as prescribed by the 1987 Constitution differ significantly from those in the 1935 Constitution.

In laying down the national principles, the framers of the 1935 Constitution did not have to consider the experiences of a domestically gestated authoritarian rule, bear witness to the upheavals of ideological strife, share the euphoria of a people power revolution, and wonder at the novelty of people empowerment. The 1935 Constitution was a product of the experiences of a people who had just broken out of four centuries of colonial rule. The 1987 Constitution is a reflection of the aspirations of a nation that is still experiencing growing up pains and has only itself to rely upon.

After July 4, 1946, the first effort to shape the defense policy in keeping with the times was the issuance by President Manuel Roxas on October 4, 1947 of Executive Order No. 94, which saw the conversion of the Army of the Philippines to the Armed Forces of the Philippines. The enactment of RA No. 422 during the presidency of Elpidio Quirino, which authorized the president to reorganize the executive branch of government, opened the floodgates for changes in defense policies by executive issuances or even department orders. Executive Order No. 389, on recommendation of Secretary Ramon Magsaysay, reorganized the Armed Forces of the Philippines into four major services. Defense policies that were formulated by Congress consisted mostly of personnel administration of the Armed Forces of the Philippines.

The proposed National Defense and Security Act of 2013 (NDSA 2013) translates into operational terms the multi-dimensional provisions of the 1987 Constitution that apply to national defense and security. This bill also aims to redirect the links of the numerous enabling acts on national defense and security from the National Defense Act of 1935 to the 1987 Constitution.

The NDSA 2013 is founded on seven basic security and defense policies from where the principles, processes, structures and critical details cascade into four titles, 25 articles and 81 sections covering a comprehensive layout of those interdependent facets of national life that impinge on national defense and security policy. The proposed law provides the mechanism for the coordination of departments and agencies in addressing the multi-dimensional facet of national defense and security. The Cluster E of the Cabinet will be transformed into the National Command Authority which would have added powers than just an interim entity. Also, it seeks to achieve common understanding of defense and security issues by providing the facility for consensus building and consultation processes, an Asian innate value. By making the National Security Council and the Peace and Order Council as consultative entities from which the President could harness popular consensus, defense and security policies would ensure national commitment.


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


JINGGOY EJERCITO ESTRADA
Senator

'13 AUG 29 A9 52

SENATE

Senate Bill No. 1400

RECEIVED BY: 

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

AN ACT
PROVIDING FOR THE NATIONAL DEFENSE AND SECURITY OF THE
REPUBLIC OF THE PHILIPPINES, AND FOR OTHER PURPOSES

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

PRELIMINARY PROVISIONS

SECTION 1. This act shall be known as the "**National Defense and Security Act of 2013**".

SEC. 2. Declaration of Principles. -

- a. Civilian authority is at all times supreme over the military. The President of the Philippines shall be the Commander-in-Chief of the Armed Forces of the Philippines and, whenever it becomes necessary, the President may call such armed forces to prevent or suppress lawless violence, invasion or rebellion.
- b. The prime duty of the Government is to serve and protect the people. The Government may call upon the people to defend the State and, in the fulfillment thereof, all citizens may be required, under conditions provided by law, to render personal, military or civil service.
- c. The maintenance of peace and order, the protection of life, liberty and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

SEC. 3. Declaration of National Defense Policies. - The national defense policy of the State shall be as follows:

- a. **Obligation.** The obligation to preserve the State is symbiotic between the Government, the individual citizen and private sector organizations. The security of the State and the freedom, independence, sovereignty and territorial integrity of the Republic of the Philippines shall be guaranteed by all citizens for personal civil or military service. The government is obliged to encourage all citizens and private sector organizations to prepare themselves during peacetime for national service in times of war or national emergencies through a system of incentives.

- b. **Authority.** Authority over national defense and security matters shall be vested upon persons and entities in accordance with the hierarchy of defense conditions set herein.
- c. **Organization for National Defense and Security:** The organization for national defense and security and its operation shall:
 - 1. Optimize the societal and political processes of a democratic state as provided by the Constitution where the Filipino people *reign supreme and whose active participation and consultation shall be sought*;
 - 2. Adapt as closely as possible to the configuration of Philippine territory and exclusive economic zones as defined by international law, conventions and other agreements, and mitigate its disadvantageous effects by securing it through proactive means;
 - 3. Consider as a policy-planning imperative the archipelagic nature of Philippine territory that is located astride international lines of communications.
- d. **Mobilization.** The different types and scope of mobilization shall be carried out as a means for preparedness as well as in response to a threat of or actual aggression, deterioration of internal security conditions, or impending calamities and disasters.
- e. **Defense Real Estate:** Portions of the state's domain determined by law as vital to national defense and security shall be placed in the category of national parks, held under trust by the defense establishment, the preservation and development of which shall be accorded the protection guaranteed by the Constitution.
- f. **Industrial Mobilization and Convertibility:** Planning and programming of industrial and infrastructure development to include research and development shall consider mobilization for defense as a primary objective and shall be subject to concurrence by the National Defense Systems Board.
- g. **Defense Education.** Internalization of the individual citizen's obligation to protect the state shall be made part of the formative and continuing education of all citizens.

ARTICLE 1 - Definition of Terms

SEC. 4. The following terms, when applied to this Act, shall mean:

- a. **National Defense:** the mechanism of the state to marshal a nation's forces and resources for the purpose of protecting national interests and responding to threats thereto.
- b. **National Security:** the state or condition wherein the national interests of the Republic of the Philippines, its sovereignty and territorial integrity, the well being of its people and institutions, are preserved, protected and enhanced.

- c. Exclusive Economic Zone (EEZ): the area which extends to a distance of 200 nautical miles beyond and from the baselines from which the territorial sea is measured; except that when the outer limits of the zone as thus determined overlap the EEZ of an adjacent or neighboring state, the common boundaries shall be determined by agreement of the parties in accordance with the generally recognized principles of international law.
- d. State of Emergency: an unforeseen combination of circumstances which vests the Chief Executive extraordinary powers within the constitutional framework to address the situation.\
- e. Threat: an act manifesting non-recognition or disregard of Philippine sovereignty and national territory; an act by a hostile state demonstrating the potential use of force to impose its will on the Filipino nation; a condition or set of conditions which demonstrates a potential to affect the security of the state.
- f. Challenge: an act manifesting non-recognition or disregard of Philippine rights to Exclusive Economic Zones as provided by international law, treaties and agreements.
- g. Internal Disorders: certain destabilizing conditions to include insurrection, rebellion, insurgency and other similar conditions which threaten the security of the state.
- h. Localized: the definition of an area the coverage of which is not more than one province.
- i. Region-wide: an area covering more than one province but within an administrative region.
- j. Area-Wide: an area covering more than one administrative region; areas within a unified command.
- k. Internal Security Operations: actions taken by the executive branch in accordance with the processes provided herein to address internal disorders arising either from internal or external causes.
- l. Command: the absolute capability endowed by law to act authoritatively; an entity of the state empowered to direct the armed forces.
- m. Armed Forces: when written in the lower case, refers to all uniformed services of the government bearing arms; when expressed in full and started with capital letters as Armed Forces of the Philippines, refers to the military establishment under the Department of National Defense.
- n. Type Command: a subordinate command of a major service that is charged with the mission of developing, training, maintaining and providing operating forces that perform specific warfare functions.
- o. Forces: formations of manpower, materiel and combat systems capable of counteracting threats.

- p. Reserves: those armed forces composed of citizens called to military service.
- q. Cadre: the nucleus of commissioned and non-commissioned officers as defined by law possessing the technical competence needed to organize, train, equip and direct reserve forces; the core framework of reserve forces.
- r. Civil Defense: protective measures and emergency relief activities conducted under civilian authority for the purpose of minimizing damage to persons or property and for maintaining vital facilities and services during war or natural disasters.

SEC. 5. Defense Conditions and Authority.

- a. Defense Conditions shall be the bases for the designation of persons and entities to act in behalf of the state. Defense Conditions, hereinafter referred to as DEFCON, are circumstances where the three categories of events -- calamities, internal disorders and externally caused incidents -- acting separately or in concert tend to, or actually threaten, the security of the state. The combination of the different intensity levels of these events constitutes the following hierarchy:
 - 1. Defense Condition One - Natural calamity or disaster impending; absence of threats, internal or external;
 - 2. Defense Condition Two - State of localized calamity or disaster; state of localized internal disorder; right to exclusive economic zone challenged;
 - 3. Defense Condition Three - State of region-wide calamity or disaster; state of region-wide internal disorder; right to exclusive economic zone is threatened;
 - 4. Defense Condition Four - State of nation-wide calamity or disaster; state of nation-wide internal disorder; sovereignty and territorial integrity threatened;
 - 5. Defense Condition Five - Civil war prevailing; war is imminent;
 - 6. Defense Condition Six - Existence of a state of war.
- b. The following persons and entities are hereby designated to act in behalf of the state in accordance with the hierarchy of defense conditions set herein:
 - 1. Defense Condition One - Director General, Civil Defense Authority.
 - 2. Defense Condition Two - Director General, Civil Defense Authority; Chief, Philippine National Police; and heads of other national law enforcement agencies or their delegated subordinates in the furtherance of their mandated functions.

3. Defense Condition Three - The President of the Republic of the Philippines in his capacity as Commander-in-Chief of all armed forces or his duly delegated subordinate(s).
4. Defense Condition Four - The President of the Republic of the Philippines in his capacity as Commander-in-Chief of all armed forces.
5. Defense Condition Five - The President of the Republic of the Philippines in consultation with the national security entities designated herein.
6. Defense Condition Six - Where material time is available, the President seeks authority from the Congress of the Republic of the Philippines; where material time is not available the President may invoke his powers to declare emergency measures as provided by the Constitution.

TITLE I - ORGANIZATION FOR NATIONAL DEFENSE AND SECURITY

ARTICLE 1 - General Provisions

SEC. 6. It is the policy of the State to ensure that the mechanism for the coordination of departments and agencies in addressing the complexity of national defense and security is well established.

SEC. 7. The evolution of national defense and security policies shall undergo processes as prescribed herein:

- a. Consultation: The process by which the Chief Executive seeks a formal consensus on policy short of a referendum. This process may be undertaken during the formulation of policy and in determining the continuance or modification of existing policies.
- b. Advisement: The process by which the Chief Executive seeks technical, expertise and other forms of relevant inputs to the formulation, execution and review of policy.
- c. Review and Oversight: The process by which the implementation of policy is monitored, deviations investigated and continuance determined.

ARTICLE 2 - National Defense and Security Policy Entities

SEC. 8. The consultative entities are hereby created:

- a. Peace and Order Councils: The existence of the following levels of Peace and Order Council (POC) shall be institutionalized as consultative entities:
 1. National Peace and Order Council
 2. Regional Peace and Order Council
 3. Provincial Peace and Order Council
 4. City or Municipal Peace and Order Council

The Chief Executive, taking into consideration time factors and the extent of broad base consultation needed on a certain issue, shall consult the appropriate POC level. In the declaration of a defense condition (DEFCON), the designated authorities mandated herein are required to consult the appropriate POC starting at DEFCON 3.

b. **National Security Council:** The National Security Council (NSC) is a consultative entity from where the President generates broad spectrum of political support for potentially contentious decisions. The broad spectrum political character of the National Security Council shall be composed of the following representatives from the legislature and the ranks of the past Presidents and past Chief Justices of the Supreme Court:

1. President as Chairman
2. Vice-president
3. Senate President
4. Speaker of the House of Representatives
5. Chairman, Senate Committee on Foreign Relations
6. Chairman, House Committee on Foreign Relations
7. Chairman, Senate Committee on National Defense and Security
8. Chairman, House Committee on National Defense
9. Chairman, Senate Committee on Public Order
10. Chairman, House Committee on Public Order and Security
11. Past Presidents of the Philippines
12. Former Chief Justices, Supreme Court
13. National Security Adviser

c. The Chief Executive is required to convene the National Security Council for the purpose of the following:

1. Communicating intention to declare DEFCON 3, 4 or 5;
2. Communicating planning, programming and budget guidance for a forthcoming budget call.

SEC. 9. The following entities shall perform advisory functions:

- a. **National Security Adviser:** The National Security Adviser is the principal advisor of the President on national security matters. He shall also be the concurrent Director General of the National Security Council and head of its Secretariat.
- b. **National Intelligence Agency (NIA):** The NIA is the central authority on national intelligence. As such, it shall conduct, direct, coordinate and integrate government activities involving national intelligence, and the preparation of intelligence estimates of local and foreign situations for the formulation of national policies. It shall be headed by a Director General.
- c. **National Economic and Development Authority (NEDA):** The existing NEDA shall likewise serve as an advisory entity. It shall be the focal point for the direction, coordination and integration of government activities involving the economy and the preparation of estimates and forecasts of

the nation's capacity to support and/or finance national defense and security objectives on the short, medium and long-term bases.

d. There shall be created a National Defense Systems Board (NDSB) which shall be composed of the Secretaries of the following departments:

1. Department of National Defense – Chairman
2. National Economic and Development Authority
3. Department of Budget and Management
4. Department of Trade and Industry
5. Department of Public Works and Highways
6. Department of Environmental and Natural Resources
7. Department of Transportation and Communications
8. Department of Health
9. National Security Adviser
10. Department of Energy

e. The NDSB shall perform the following functions:

1. Advise the President on matters involving the declaration of certain portions of the state's domain as vital to national defense and security thus classifying them as defense real estate.
2. Advise the President on matters involving the national defense and security convertibility or dual-use provisions for industrial and infrastructure development.
3. Advise the President on other development projects, such as but not limited to, exploitation or utilization of natural resources in or adjacent to declared defense real estate.
4. Recommend to the President such initiatives that relate to defense systems.

The organization, staffing and budget of the National Defense Systems Board shall be provided for in an executive issuance by the President.

SEC. 10 . Review and Oversight. Congress shall be the principal entity to conduct periodic review and oversight initiatives over existing national defense and security policy established by law.

ARTICLE 2 - National Command Authority

SEC. 11. There shall be created the National Command Authority (NCA). Its function is to provide prompt operational decision analysis to national level defense and security estimates and produce the responsive decision outputs for the President.

The National Command Authority processes requirements for major force mobilization and deployments and statements regarding current government positions on national defense and security issues. Its organization and staffing shall be provided for in an executive issuance by the President.

SEC. 12. The National Command Authority shall be composed of the following:

- a. The President of the Republic the Philippines as Chairman
- b. Secretary of National Defense
- c. Secretary of the Interior and Local Government
- d. Secretary of Foreign Affairs
- e. Secretary of Justice
- f. Chief of Staff, AFP
- g. Chief, PNP
- h. National Security Adviser
- i. Director General, Civil Defense Authority

ARTICLE 3 - The Strategic Defense Structure

SEC. 13. The President shall, within the first year of his administration, determine the Strategic Defense Structure (SDS) of the country for joint approval of Congress provided, that if no such structure is proposed, the existing defense structure shall remain effective for the rest of his administration unless Congress initiates amendments thereto or replacements thereof; and provided further that the SDS initiated by Congress shall have an effective life of not less than four years.

SEC. 14. The Strategic Defense Structure (SDS) shall prescribe the wartime table of organization and equipment, the troop ceiling or percentage of peacetime fill-up and the table of distribution of ranks within the prescribed troop ceiling. The SDS shall likewise consider the operating environment peculiar to the major services of the AFP and set the jurisdictions of Armed Forces of the Philippines unified commands and their equivalent in the law enforcement agencies and the Civil Defense Authority.

SEC. 15. The Unified Commands of the AFP shall serve as command and control headquarters of the operational forces provided by the major services and as directors of joint and combined operations. The organization of the Unified Commands shall as far as practicable recognize the applicability of certain warfare functions on the geographic peculiarities and the prevailing threat conditions.

SEC. 16. An Area Commissioner shall be appointed by the President, in his capacity as the Commander-in-Chief, when an area-wide state of emergency, natural or man-made, is declared in accordance with DEFCONs 3 and 4. His tenure of office is coterminous with the stipulated period of emergency granted to the President by Congress. His mission is to address the emergency in his area of responsibility in conformity with the guidance and policy directives from the President.

ARTICLE 4 - Department of National Defense

SEC. 17. Organization. The Department of National Defense (hereinafter referred to as DND) shall be composed of the Secretary, the Undersecretaries

and Assistant Secretaries and their immediate staff as determined by them respectively and such other bodies as provided by law.

SEC. 18. The Secretary of National Defense (hereinafter referred to as SND) is the head of the Department of National Defense. The SND is the principal advisor to the President on national defense matters. The SND shall optimize the effectiveness of the DND in guarding against external and internal threats to national defense and security; in assisting social and economic development, and in performing such other functions as may be provided by law. The SND shall perform the following duties:

- a. Establish general policies and programs for the national defense establishment and for all of the agencies therein;
- b. Exercise general direction, authority and control over such agencies;
- c. Take appropriate steps to eliminate unnecessary duplication or overlapping in the fields of procurement, supply, transportation, storage, health and research;
- d. Supervise and coordinate the preparation of the budget estimates of the departments and agencies comprising the national defense establishment; formulate and determine the budget estimates for submittal to the Department of Budget of Management; and supervise the budget programs of such departments and agencies under the applicable appropriation act.

SEC. 19. Office of the Undersecretaries. There shall be three (3) Undersecretaries. The Undersecretaries shall perform such powers and duties as the SND may prescribe. They, in the order of precedence designated by the President, shall act for and exercise such powers and duties of the SND when he is incapable to do so.

ARTICLE 5 - Armed Forces of the Philippines

SEC. 20. The Armed Forces of the Philippines (AFP) is the military establishment of the country under the command, control and supervision of the President of the Philippines as its Commander-in-Chief through the Chief of Staff, AFP. Its broad functions are:

- a. Protect the people and the State, and secure the sovereignty of the State and the integrity of the national territory;
- b. Promote and advance the national interests and objectives;
- c. Plan, organize, develop, maintain and deploy the Base Force and Reserve Force for national defense and security;
- d. Assist in national social and economic development;
- e. Subject to the provisions of this act, prepare all armed forces for the effective prosecution of war and defend the territory of the Philippines against all enemies, foreign or domestic; and,

- f. Perform such other functions as may be provided by law or assigned by higher authorities.

SEC. 21. The AFP shall be composed of a citizen armed force which shall undergo military training and service as provided by law. It shall be organized and maintained in a manner that shall render it capable of rapid expansion from a peacetime organization to a wartime or emergency organization. It shall comprise be composed of:

- a. A Base Force necessary for the day-to-day security of the state. The Base Force shall constitute the core formation of the citizen armed force from which expansion may be carried through mobilization process. The Base Force shall consist of career professional officers, enlisted personnel, reservists called to active duty, draftees, trainees and government sponsored Filipino cadets enrolled in local or foreign military schools. The officers and enlisted ranks of the Base Force shall be drawn proportionately from all provinces and cities as far as practicable.
- b. A Reserve Force, which shall be organized, trained, maintained, integrated, and test-mobilized and test-deployed annually during peacetime for the purpose of employment with the Base Force in times of war or national emergencies. All able-bodied citizens shall undergo military training after which they shall become reservists with appropriate ranks.
- c. A civilian component maintained through a plantilla approved by the proper authorities.

SEC. 22. The organizing principles of the AFP shall be the following:

- a. The Major Services through their respective commanders are responsible to the Commander-in-Chief through the Chief of Staff, AFP and the Secretary of National Defense for the development, administration and maintenance of forces. The Unified Command Commanders are responsible to the Commander-in-Chief through the Chief of Staff, AFP and the National Command Authority for the deployment, direction and control of forces.
- b. It shall conform to Section 3 and Sections 15 of Article 3 in the organization of the Unified Commands.
- c. It shall develop the capability to participate in the socio-economic development program of the government and thereby keep the military within mainstream society.
- d. It shall prescribe the manning levels of the Base Force in a manner that shall ensure a more predictable base for costing forecasts and programming of troop ceilings.

SEC. 23. The Armed Forces of the Philippines shall be organized as follows:

- a. General Headquarters - the Headquarters of the Commander-in-Chief from where administrative and operational matters are planned, executed and supervised. It shall be located as close as practicable to the political seat of government.
- b. Unified Commands - deploy, direct and control the operating forces.
- c. Major Services - maintain and provide forces peculiar to operating environments:
 - (1) Philippine Army
 - (2) Philippine Air Force
 - (3) Philippine Navy

ARTICLE 6 - General Headquarters, Armed Forces of the Philippines

SEC. 24. There shall be in the Armed Forces of the Philippines a General Headquarters composed of the joint general, special, technical and such other staff offices which may be necessary for the administration and operation of the military establishment. It shall be under the direction and authority of the President of the Philippines. It shall:

- a. Prepare strategic security and defense plans of the AFP;
- b. Prepare logistics plans and assign logistic responsibilities within the AFP in accordance with those plans;
- c. Formulate policies for AFP joint training and coordinate the military education of the different major services;
- d. Perform such other functions as the President or the Secretary of National Defense may prescribe.

SEC. 25. The AFP leadership shall be composed of the following:

- a. Chief of Staff, AFP: Shall be with the rank of General Admiral and serves as the principal adviser to and heads the General Headquarters of the Commander-in-Chief. The Chief of Staff, AFP shall be appointed by the President for a term not exceeding three years in accordance with the Constitution. However, in times of war or other national emergency declared by Congress, the President may extend such tour of duty.
- b. Vice Chief of Staff: Shall be with the rank of Lieutenant General Vice Admiral and serves as the principal assistant of the Chief of Staff, AFP.
- c. Deputy Chief of Staff: Shall be with the rank of Lieutenant General Vice Admiral and serves as the supervisor and coordinator of the Joint, Special, and Technical Staff.

ARTICLE 7 - Philippine Army

SEC. 26. The Philippine Army shall be composed of its headquarters, land combat and service support units and such other units as may be necessary for the conduct of ground operations. It shall be responsible for the preparation of land forces necessary for the effective prosecution of war, except as otherwise assigned; and, in accordance with the integrated mobilization plans, program for the expansion of the peacetime strength of the Army to meet the needs of war. It shall be headed by the Commanding General, Philippine Army (CGPA), who shall hold the rank of Lieutenant General.

SEC. 27. The Philippine Army shall:

- a. Organize, train, equip and employ active territorial and maneuver forces for prompt and sustained operations on land;
- b. Prepare such units as may be necessary for the effective execution of national defense plans and programs and armed forces missions, including the expansion of the peacetime army component to meet any emergency;
- c. Develop doctrines, procedures, tactics, techniques, and organization and equipment (to include aviation) peculiar to the Army for uni-service operations;
- d. In coordination with the cognizant agencies identified herein, develop and maintain strategic resistance areas in the highlands, engagement areas in the lowlands, ground lines of support and the command center system specified by the strategic defense structure (SDS); develop and maintain programs for the prompt conversion of such public utilities and industries which may be needed in the conduct of ground warfare into peculiar warfare formations during mobilization.
- e. Organize, train, equip, administer, regularly test-mobilize, and test-deploy the army reserve component.

ARTICLE 8 - Philippine Air Force

SEC. 28. The Philippine Air Force shall be composed of its headquarters, air combat and service forces, and such other units as may be necessary for the conduct of air operations. It shall be responsible for the preparation of air forces necessary for the effective prosecution of war, except as otherwise assigned; and, in accordance with the integrated mobilization plans, program for the expansion of the peacetime components of the Air Force to meet the needs of war. It shall be headed by the Commanding General, Philippine Air Force (CGPAF) who shall hold the rank of Lieutenant General.

SEC. 29. The Philippine Air Force shall:

- a. Organize, train, equip and employ air forces for prompt and sustained air operations;

- b. Provide for air defense;
- c. Organize, train, and equip air forces for airlift, airborne, and tactical air operations unilaterally or jointly with ground and/or naval forces;
- d. In coordination with the cognizant agencies identified herein, develop and maintain a system of alternative airbases, air corridor components of strategic lines of support; develop and maintain programs aimed at the propagation of individual aviation skills in the private sector and the prompt conversion of the aviation industry into peculiar air warfare formations during mobilization;
- e. Formulate and develop doctrines, concepts, systems, procedures, strategies, tactics and techniques for operations peculiar to the Air Force; and,
- f. Organize, train, equip, administer, regularly test-mobilize, and test-deploy the air force reserve component.

ARTICLE 9 - Philippine Navy

SEC. 30. The Philippine Navy shall be composed of its headquarters, naval combat forces, service forces, the Philippine Marine Corps and such other forces as may be necessary for the conduct of naval operations. It shall be responsible for the preparation of naval forces necessary for the effective prosecution of war, except as otherwise assigned; and, in accordance with the integrated mobilization plans, program for the expansion of the peace-time components of the navy to meet the needs of war. It shall be headed by the Flag Officer in Command, Philippine Navy (FOIC, PN) who shall hold the rank of Vice Admiral.

SEC. 31. The Philippine Navy shall:

- a. Organize, train, equip and deploy naval forces for prompt and sustained naval operations;
- b. Provide for naval defense;
- c. Secure the country's internal and territorial waters and its interest in the exclusive economic zone;
- d. In coordination with the cognizant agencies identified herein, develop and maintain the principal and alternate base systems, maritime links to ground lines of support, programs aimed at the prompt conversion of maritime industry sectors into peculiar naval warfare formations during mobilization, and such programs aimed at propagating among private sector individuals and groups such maritime skills which can be used for naval warfare;
- e. Prepare the necessary naval units for the effective execution of national defense plans and programs and Armed Forces missions, including the expansion of a peacetime navy component to meet the needs of war;

- f. Develop doctrines, concepts, systems, procedures, strategies, tactics, and techniques for operations peculiar to the Navy; and,
- g. Organize, train, equip, regularly test-mobilize and test-deploy the naval reserve component.

SEC. 32. The Philippine Marine Corps (PMC) shall be a type command of the Philippine Navy and shall be headed by the Commandant, Philippine Marine Corps, who shall hold the rank of Major General. The mission of the Corps is to provide combined arms maneuver forces to the unified commands and landing forces to Navy fleet forces for the conduct of amphibious operations and such other actions essential to the prosecution of naval defense. The Philippine Marine Corps shall have the following functions:

- a. Organize, train, equip and maintain units of combined arms for amphibious operations, ground combat operations and internal security operations, and provide coastal artillery defense and early warning and surveillance of maritime corridors and choke points;
- b. Develop in coordination with other services the doctrines, tactics, techniques and equipment employed by landing forces during amphibious operations;
- c. Maintain deployable forces-in-readiness up to division size; type command rear service support units and the core formations of the Marine ready reserve forces;
- d. Participate in national socio-economic development and assist in times of calamities and disasters;
- e. Perform such other duties as may be directed by higher authorities.

ARTICLE 10 - Reserve Forces

SEC. 33. The organization, development, maintenance and direction of Reserve Forces shall as much as practicable adhere to the following principles:

- a. Shall be as capable as the Base Forces;
- b. Conform to the organization and training of the Base Forces;
- c. Be established through the *same* tables of organization and distribution as the Base Forces;
- d. Shall be made interoperable with the deployment doctrines of the Unified Commands.

SEC. 34. The development, maintenance, employment and deployment of Reserve Forces shall consist of the following process:

- a. **Manpower Development Phase.** The Major Services through their respective Reserve Commands shall maintain a manpower development program for the production of the different reservist lists

of their respective reserve components. Major Service Reserve Commands shall be responsible for the registration, individual training and administration of reservists. Under peacetime conditions below DEFCON Four, ready reserve lists shall be composed of volunteers. Compulsory service may be invoked only when DEFCON Four and higher is declared.

- b. Reserve Forces Development Phase. The Major Services through their respective Type Commands shall receive from their Reserve Commands reservists called for periodic peacetime mobilization and integration into activated ready reserve formations in accordance with the doctrine and warfare requirements of Unified Commands. Major Service type commands shall be responsible for the equipage, unit training, and administration of activated ready reserve formations. Activated reservists shall remain in the ready reserve status for two years.
- c. Reserve Forces Deployment Phase. Unified Commands receive activated ready reserve formations for deployment. Unified Commands shall likewise ensure that activated ready reserve formations remain interoperable with base forces under their direction.
- d. Civil Defense Deployment Phase. Area directors of the Civil Defense Authority assume operational control over activated ready reserve formations after their Unified Command deployment. These activated ready reserve formations assume civil defense tasks for a period of one year.
- e. Deactivation Phase. Deactivation of activated ready reserve formations shall be made after completion of Phases (b), (c) and (d) through their respective Major Services upon recommendation of the Civil Defense Authority.

SEC. 35. The DND shall provide a continuing career development program to attract dedicated reservists for service in the reserve cadres.

ARTICLE 11- Administration and Management of the AFP

SEC. 36. The administration of the Armed Forces of the Philippines shall be the responsibility of the Secretary of National Defense.

SEC. 37. *Personnel Policies.* Personnel policies and administration shall be in accordance with the following principles:

- a. Recruitment to the Armed Forces shall be governed by the principle of equality, without distinction of any kind as to, ethnicity, gender, religion, and political beliefs. It shall be limited to natural born citizens in case of officers;
- b. Career management in education, training, assignment and appointment shall provide for equal opportunities to all members;

- c. Promotion of members of the Armed Forces shall be based on merit, efficiency and competence. It shall be governed by the principles of justice, equality, fairness, and professionalism;
- d. Members of the Armed Forces shall receive pay, allowances and other benefits that shall promote professionalism and afford them a respectable life;
- e. Members of the Armed Forces shall be entitled to retirement and separation benefits that shall enable them to live a decent life. Retirement and separation benefits shall not be subject to attachment, garnishment, levy, execution of any tax whatsoever, neither shall they be assigned, ceded or conveyed to any third party;
- f. The process of attrition of members of the Armed Forces shall consider the best interest of the service over that of its individual members; and,
- g. A pyramidal rank structure for both officers and enlisted personnel for the Base Force shall be maintained. The personnel attrited in the process of maintaining the pyramidal structure shall be incorporated into the Ready Reserve formations.

TITLE II - INTERNAL SECURITY

ARTICLE 12 - Policies on Internal Security Operations

SEC. 39. *Policy Declaration.* Constitutional guarantees on civil liberties shall be upheld during the conduct of internal security operations unless suspended through processes prescribed by the Constitution.

SEC. 40. Office of the Secretary of the Interior and Local Government: The Secretary of the Interior and Local Government (hereinafter referred to as SILG) shall be the principal adviser to the President on matters pertaining to interior and local government matters. The SILG shall optimize the effectiveness of the Department of Interior and Local Government (DILG) in the enhancement of public safety and peace and order programs by assisting in social, political and economic development and in performing such other function as may be provided by law.

SEC. 41. Responsibility for the conduct of internal security operations shall be linked with the hierarchy of defense conditions prescribed in Section 10, Article 3 of 22 this Act where the Philippine National Police is responsible for initiating responses to DEFCON One and Two. Starting from DEFCON Three (3) and higher, the Armed Forces of the Philippines shall assume operational responsibility over all internal security operations.

SEC. 42. All law enforcement agencies shall be converted into the different categories and types of ready reserve forces as prescribed by pertinent enabling laws and their implementing rules and regulations and shall be subordinated to the Armed Forces of the Philippines starting from DEFCON Five and Six.

SEC. 43. Ready Reserve Forces may be deployed for internal security operations under the operational direction of the Armed Forces of the Philippines.

SEC. 44. The Commander-in-Chief shall promulgate rules and regulations classifying law enforcement agencies into ready reserve forces to provide support and assistance to entities of the Civil Defense Authority during different DEFCON levels.

ARTICLE 13 - Organization of Law Enforcement Agencies

SEC. 45. As much as practicable, law enforcement agencies shall be organized along similar lines as the Unified Commands of the Armed Forces of the Philippines and the area organizations of the Civil Defense Authority in order to ensure interoperability of forces during mobilization for war and national emergencies.

SEC. 46. Law enforcement agencies shall be governed by the pertinent enabling acts and their respective implementing rules and regulations pertaining to preparations for their role as military reserves.

TITLE III - SUPPORT FOR NATIONAL DEFENSE AND SECURITY

ARTICLE 14 - Foreign Policy Support

SEC. 47. *Policy Declaration:* The Philippines renounces war as an instrument of national policy and adheres to the policy of peace, equality, justice, freedom, cooperation and amity with all nations.

SEC. 48. Office of the Secretary of Foreign Affairs: The Secretary of Foreign Affairs shall be the principal adviser to the President on matters pertaining to foreign affairs. The SFA shall optimize the effectiveness of the Department of Foreign Affairs (DFA) in the enhancement of foreign policy pertaining to security and defense and in the conduct of proactive diplomacy for the furtherance of Philippine national defense and security interests.

SEC. 49. The SFA shall be responsible for the determination, initiation and entry into multilateral or bilateral defense and security relations with other nations in consultation with the SND and SILG.

SEC. 50. The SFA shall likewise be responsible for the monitoring of external dimensions of domestic defense and security situations and the taking of appropriate measures abroad in consultation with the SND and SILG.

ARTICLE 15 - Civil Defense Authority

SEC. 51. The Civil Defense Authority, hereinafter referred to as the CDA, shall be responsible for coordinating at the national level the activities and functions of the various agencies and instrumentalities of the national government and private institutions and civic organizations devoted to public welfare so that the facilities and resources of the entire nation may be utilized to the maximum extent for the protection of the civilian populace and preservation of property during time of war and other national emergencies, whether natural or man-made.

SEC. 52. The Civil Defense Authority shall have the following functions:

- a. Establish and administer a comprehensive national civil defense and civil assistance program;
- b. Formulate policies and prepare plans for the protection and preservation of the well-being of the civilian populace during wars directly involving the Philippines or other national emergencies;
- c. Estimate the total material, manpower and fiscal requirements for carrying out the national civil defense and civil assistance program and allocate to the provinces and cities such aid in facilities, materials, and funds as may be made available from the national government;
- d. Develop and coordinate programs for informing, educating, and training the general public, members of disaster councils and volunteer workers on civil defense and civil assistance measures and activities;
- e. Furnish guidance to all provinces, cities and municipalities in the preparation, organization and operation of its civil defense units;
- f. Advise the President on matters concerning civil defense and civil assistance and make such recommendations as may be deemed appropriate or as may be required by the President; and,
- g. Perform such other functions as may be provided for by law.

ARTICLE 16 - Defense Real Estate

SEC. 53. Defense Real Estate (DRE) refers to portions of the public domain set aside and developed for the purpose of enhancing the defense posture of the country. DRE shall be classified as national parks.

SEC. 54. In accordance with the provisions of current Strategic Defense Structure as stated in Section 20 of Article 7 hereof, the President shall determine those portions of the public domain identified as critical to the Strategic Defense Structure (SDS) of the country which require classification as Defense Real Estate, provided that no reclassification of properties classified as Defense Real Estate shall be effected earlier than five (5) years from the date of classification as such.

SEC. 55. Classification and utilization of portions of lands of the public domain for infrastructure development other than defense shall first be concurred in by the National Defense Systems Board.

ARTICLE 17 - Industrial Mobilization and Convertibility

SEC. 56. Industrial mobilization refers to the transformation of industry from its peacetime activity to a status necessary to support national defense and security objectives. It shall include mobilization of materials, labor, capital, production facilities, and transport services essential for national defense and security in times of war and other national emergencies. Mobilization may be invoked by the President through his powers provided herein or as specified by other legislation and executive issuances.

SEC. 57. Industrial Convertibility refers to a set of actions undertaken by the government to ensure that the development of industries and their concomitant infrastructure shall consider their potential defense utilization and are preplanned for conversion to wartime application.

SEC. 58. *Priorities and Allocations.* - During DEFCON 4, 5, and 6, the President is hereby authorized:

- a. To require that performance under contracts or orders which he deems necessary for national defense and security purposes shall take priority over any other contract or order; and,
- b. To allocate materials, facilities and resources as he deems necessary for national defense and security purposes.

SEC. 59. *Public Utilities and Other Private Enterprises at the Disposal of the State.* During the appropriate DEFCON level, the President may direct the temporary takeover or direct the operation of any public utility and such other businesses affected with public interest by the armed forces or other government agencies in order to ensure their unhampered operation. Public utilities and such other businesses affected with public interest shall refer to any establishment, firm or corporation which provides materials or services to the public such as electricity, natural gas, mineral oil and its derivatives, communications, transportation, water works and sewerage systems, shipyards, shipping, civil aviation, hospitals and clinics, mass media, architectural and engineering firms, and such other facilities whose products and services are vital to national defense and security.

SEC. 60. *Indemnity* - In case of any physical damage incurred by an industrial facility directly or indirectly resulting from the government takeover or supervision and control of such facility, the person(s) owning the facility shall be appropriately compensated.

SEC. 61. The President shall promulgate such rules and regulations that shall govern the provisions of this Article.

ARTICLE 18 - Defense Education

SEC. 62. The Department of National Defense shall maintain a defense and security education system that is formative, firm, progressive and continuing. This defense and security education system shall address the need of internalizing in the citizenry their obligation to preserve the state; in the active military professionals the vocation of their career, and in the political leadership sector the skills in formulating national defense and security policy.

SEC. 63. The Armed Forces of the Philippines shall operate the Philippine Military Academy that shall provide the formative education for cadets chosen to become career military officers.

SEC. 64. The Department of National Defense shall enter into arrangements with learning institutions, local or foreign, for the conduct of such education, training and research programs designed to keep the defense establishment abreast with current trends and developments.

SEC. 65. The Armed Forces of the Philippines shall maintain a military education and training system that shall:

- a. Cater to the career development of military professionals and selected members of the reserve;
- b. Ensure access to mainstream technology advances; and,
- c. Keep abreast with developments in warfare associated with the operating environments peculiar to the major services.

SEC. 66. The Department of National Defense shall operate the National Defense University that shall provide education for selected career military professionals, career executives in the civil service, leaders of industry and selected scholars from the private sector. The NDU shall maintain a strategic research and special studies institute. Civil service regulations may be waived in matters pertaining to the faculty and research staff of the NDU provided the rules and regulations therefore shall be prescribed by SND.

ARTICLE 19 - Resource Allocation

SEC. 67. The Congress of the Philippines shall, from time to time but shall be at least once a year, require the executive branch to submit a forecast of defense and security conditions and define the corresponding mobilization responses which shall constitute as a prerequisite process to the deliberations on the *General Appropriations Act*.

SEC. 68. The Congress shall ensure continuity of national defense and security objectives through the enactment of multi-year appropriations.

SEC. 69. The Congress shall likewise ensure that fidelity to the development, modernization and upgrade programs of the major services is

attained through the classification of their type commands to key budget item status.

TITLE IV - FINAL PROVISIONS

ARTICLE 20 -Transitory Provisions

SEC. 70. The Secretary of National Defense shall initiate the legislative process required for the categorization of all existing military camps and installations, defense reservations and infrastructure as national parks. The limits and boundaries shall be as they were originally intended in their respective legislation or proclamations, unless subsequent legislation, amendments thereto, or proclamations have altered such limits and boundaries.

SEC. 71. The current Office of Civil Defense under the Department of National Defense shall be transformed into the Civil Defense Authority, placed directly under the Office of the President.

SEC. 72. The Secretary of National Defense shall, within two years after the passage of this law, in conjunction with existing retirement laws, related executive issuances and provisions herein, promulgate a ten-year program of promoting the transfer of reserve officers in the active service and enlisted personnel, through optional retirement or other incentives, to the cadre service of the ready reserve forces.

ARTICLE 21 - Separability and Repealing Clauses

SEC. 73. *Separability Clause:* If for any reason, any provision of this Act is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in full force and effect.

SEC. 74. *Repealing Clause:* All laws, decrees, executive orders, proclamations, rules and regulations, and other issuances, or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly. Provisions of the Administrative Code of 1987 inconsistent with this Act are hereby amended.

SEC. 75. *Effectivity:* This Act shall take effect after fifteen (15) days following its complete publication in the Official Gazette or in any two (2) newspapers of general circulation.

Approved,