

SENATE

'19 JUL -2 P2:06

S.B. No. 191

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INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

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 AND APPROPRIATING FUNDS THEREFOR"

EXPLANATORY NOTE

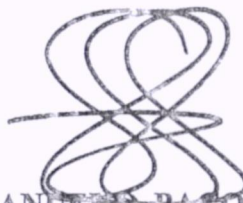
Article III, Section 4 of the 1987 Constitution states that "The prime duty of the Government is to serve and protect the people. The Government may call upon the people to defend the State and, in the fulfillment thereof, all citizens may be required, under conditions provided by law, to render personal military or civil service."

The Constitution likewise recognizes the vital role of the youth in nation building and it pursues to promote their physical, moral, spiritual, intellectual, and social well-being. The State is decreed to inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

Pursuant to these policies, this bill seeks to provide for the restoration of mandatory military training for all students enrolled in Grade 11 and Grade 12 by reinstating Sections 38 and 39 of Republic Act (RA) No. 7077, otherwise known as the "Citizen Armed Force or Armed Forces of the Philippines Reservist Act." It is designed to motivate, train, organize and mobilize our youth for national defense preparedness.

To equip our youth with necessary knowledge and skills in securing and defending the country in times of national emergency, this bill seeks to institutionalize, develop, train, organize, and administrate basic Reserve Officers Training Corps (ROTC) in Grades 11 and 12 in public and private educational institutions, further amending Republic Act No. 7077 or 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," and appropriate funds for the purpose.

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

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EMMANUEL B. PACQUIAO



SENATE

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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 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 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 "Senior High School Reserve
2 Officers Training Corps (ROTC) Act".
3
- 4 **Section 2. Declaration of Policy.** - It is the policy of the State to serve and protect the
5 people. The government may call upon the people to defend the State and, in fulfillment
6 thereof, all citizens may be required, under conditions provided by law, to render
7 personal, military or civil service. The State recognizes the role of the youth in nation-
8 building and shall promote and protect their physical, moral, spiritual, intellectual
9 and social well-being. It shall inculcate in the youth patriotism and nationalism,
10 and encourage their involvement in public and civic affairs.
11
- 12 Towards this end, the State shall enhance the capacity of the nation to produce the
13 needed manpower and to expand its human resources in times of war, calamities and
14 disasters, national or local emergencies, and in support to the Government's law
15 enforcement strategy against crimes by creating a pool of trained reservists.
16
17
- 18 **Section 3. Definition of Terms.** - As used in this Act:
19

- 1 a. *Reserve Force* – refers to the organization of trained reservists
2 under the command of the Armed Forces of the Philippines who may
3 be called for duty in the event of war, invasion or rebellion; to assist
4 in relief and rescue during disaster or calamities; to assist in
5 socioeconomic development; and to assist in the operation and
6 maintenance of essential government or private utilities in the
7 furtherance of overall mission;
8
- 9 b. *Basic Reserve Officers' Training Corps (ROTC)* – refers to
10 a mandatory two (2) year basic leadership and military training
11 program for students enrolled in Grades 11 and Grades 12 in all senior
12 high schools in public and private educational institutions;
13
- 14 c. *Advance ROTC* – refers to the optional and enhanced ROTC course that
15 is offered in universities, colleges, vocational schools and other
16 tertiary institutions;
17
- 18 d. *Clustered ROTC Unit* – refers to two or more educational
19 institutions that are strategically grouped together for the purpose of
20 holding ROTC classes in one location;
21
- 22 e. *Grievance Committee* – refers to an independent body that is
23 tasked to investigate any complaint or allegation of abuse, violence or
24 corruption in any clustered ROTC unit or any educational institution
25 implementing the ROTC Program;
26
- 27 f. *National Grievance Committee* – refers to the appellate body that has
28 jurisdiction to hear appeals on the findings and
29 recommendations of any local grievance committee;
30
- 31 g. *Public Educational Institutions* – refer to educational institutions that
32 are established and administered by the government;
33
- 34 h. *Private Educational Institutions* – refer to educational institutions
35 maintained and administered by private individuals or groups;
36
- 37 i. *Registration* – the act of recording the name and/or other relevant
38 information of the students who have completed the ROTC
39 Program in Grades 11 and 12 on the official list of ROTC
40 graduates. Provided, that the registration that is referred to under this
41 Act shall not be construed as enlistment in the AFP Reserve or Regular
42 Force.

1 **Section 4. Scope.** – The conduct of basic military and leadership training under the
2 ROTC shall apply to all students in Grades 11 and 12 in all senior high schools in public
3 and private educational institutions.
4

5 **Section 5. Establishment of the ROTC Program in all Public and Private Educational**
6 **Institutions.** –
7

- 8 a. There is hereby established a mandatory two (2) year Basic ROTC program
9 for students enrolled in Grades 11 and 12 which shall form part of the basic
10 curricula for the Senior High School Education in any public and private
11 educational institutions in pursuance to the provisions of the National
12 Defense Act, Revised Administrative Code of 1987, and the 1987 Constitution,
13 with the objective of producing well-trained and prepared reservists for
14 military and civic service. The ROTC training is aimed to instill
15 patriotism, love of country, moral and spiritual virtues, respect for human
16 rights and adherence to the Constitution.
17 b. The Basic ROTC, instituted as part of the curricula shall be
18 administered in accordance with the following modules:
19

20 B.1. Enhancing the students consciousness in the ethics of service,
21 patriotism and nationalism, respect for human rights, appreciation of the role of
22 national heroes in the historical development of the country, strengthen ethical
23 and spiritual values, develop personal discipline and leadership and to encourage
24 creative thinking for scientific and technological development;
25

26 B.2. Basic military training for students in order to motivate, train, organize,
27 and utilize for national defense preparedness or civil-military operations: Provided, that
28 no student below the age of eighteen (18) years shall take a direct part in hostilities;
29

30 B.3. Civic training for students in order to be active participants and
31 volunteers for the development and improvement of health, education,
32 ecology and environmental protection, human and civil rights awareness and law
33 enforcement.
34

35 B.4. Preparedness during actual disaster response operations on needs
36 assessment, improved skills for search, rescue and relief operations, and
37 early recovery activities. Integration of capacity-building activities revolving
38 around risk-related situations in order for students to be proactive in lessening
39 the socio-economic and environmental impacts of disasters including climate
40 change. These capacity building activities will help build understanding and skills
41 with the end in view of applying disaster risk reduction and management
42 principles, concepts, and concrete action steps towards building their resilience;

- 1
2
3 c. Any student who fails to undergo the mandatory Basic ROTC in accordance
4 with this Act shall not be qualified for graduation. In addition thereto, the
5 non-taking of ROTC by any student shall be a ground for Compulsory
6 Military Training in pursuance to Section 14 of Republic Act No. 7077. Any
7 educational institution that fails to institute and implement the Basic ROTC
8 program in pursuance to this Act shall be subject to disciplinary
9 and administrative sanctions as the Department of Education (DepEd) may
10 impose.
11
12 d. Guided by the provisions of Section 5(b) hereof, the DND and the
13 DepEd, in consultation with other relevant government agencies and private
14 stakeholders as the Secretary of National Defense may determine, shall
15 design and formulate the Program of Instruction (POI) on the Basic ROTC
16 program in Grades 11 and 12.
17

18 **Section 6.** *Schools as Zones of Peace.* – Pursuant to Republic Act No. 11188 entitled “Special
19 Protection of Children in Situations of Armed Conflict”, every educational institution
20 implementing the ROTC under this Act shall comply with the declaration and guidelines
21 that are provided for under the said law to maintain the neutrality of the schools as
22 zones of peace.
23

24 **Section 7.** *Students Exempted from this Act.* – The following may be exempted from the
25 coverage of this Act:
26

- 27 a. Those who are physically or psychologically unfit, as certified by Armed
28 Forces of the Philippines (AFP) Surgeon General or his authorized medical
29 officer, in pursuance to the recommendation of the educational institutions
30 where the concerned student is enrolled;
31 b. Those who have undergone or are undergoing similar military training;
32 c. Those who were chosen by their school to serve as varsity players in sports
33 competitions;
34 d. Those who may be exempted from training for valid reasons as approved by
35 the DND, upon recommendation by any educational institution
36

37 **Section 8.** *Advance ROTC.* – The basic ROTC established in Section 4, paragraph 1 of
38 RA 9163, also known as the “National Service Training Program (NSTP) Act of
39 2001”, as a component of the NSTP which forms part of the curricula for students of
40 any baccalaureate degree course shall be modified or reclassified as the Advance ROTC
41 pursuant to Section 39 of RA 7077, or the “Citizen Armed Force or Armed Forces
42 of the Philippines Reservist Act.”

1
2 The Advance ROTC in the tertiary level shall continue as an optional and
3 voluntary component of the NSTP. Students who volunteer for the Advance ROTC
4 program in universities, colleges, vocational schools and other tertiary institutions
5 shall remain to be governed by RA 9163 insofar as they are consistent with this Act.
6

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

14 The Department of National Defense, in coordination with the CHED, shall
15 prescribe the curriculum for Advance ROTC and the program of instruction in
16 pursuance to the applicable provisions of Republic Act No.7077.
17

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

27 The AFP shall create an office dedicated to the supervision and
28 administration of the ROTC program within the Reserve Commands of the AFP in
29 coordination with the DepEd.
30

31 **Section 10. Registration in the Reserve Force.** – Pursuant to Sec. 14 of Republic Act No.
32 7077, a student who has completed the Basic ROTC program in senior high school
33 shall be registered in the Reserve Force only upon reaching the age of eighteen (18).
34

35 **Section 11. Guidelines to safeguard students of the Basic ROTC Program** – In order for the
36 proper and effective implementation of the Basic ROTC Program, the following policies
37 shall be adopted to prevent the occurrence of hazing, corruption and other forms of
38 abuses:
39

40 a. The Basic ROTC Program prohibits hazing as defined under R.A. 8049, as
41 amended by R.A. 11053, and as such, adopts the penalties for any act committed
42 under the provisions of the said law;

- 1
2 b. Cognizant of the provisions under R.A. 7610 or the “Special Protection of Children
3 Against Abuse, Exploitation and Discrimination Act”, any physical, sexual or
4 psychological abuse, emotional maltreatment, or any act by deed which tends to
5 degrade or demean the dignity of a child/student is prohibited;
- 6 c. Consistent with DepEd Order No. 40, Series of 2012 on Child Protection
7 Policy, the Basic ROTC Program proscribes physical, humiliating or degrading
8 punishments or penalties by a teacher, school administrator, an adult, or any
9 other child who has been given or has assumed authority or responsibility
10 for punishment or discipline for an alleged or actual offense for the purpose of
11 discipline, training or control except for mild to moderate physical exercises
12 such as push-ups, sit-ups and running within the medically
13 recommended limit for the concerned age group;
- 14 d. In case of the School Officials or employees of public or government educational
15 institutions, who shall accept any gift from any student, or from any
16 parent/guardian of the student, or who shall commit other practices
17 contemplated under R.A. 3019 on “Graft and Corrupt Practices Act” and
18 the Revised Penal Code on Bribery and Corruption the maximum penalty shall
19 be imposed;
- 20 e. The penalties provided under the Revised Penal Code for the Crimes of
21 Bribery and Corruption shall be imposed upon school officials or employees
22 of private educational institutions who shall accept directly or indirectly, any
23 gift, in cash or in kind, from any student, or from any parent/guardian of the
24 student in relation to or pertinent with the conduct of the Basic ROTC training
25 program.
- 26

27 **Section 12. Establishment of Grievance Committees. –**

- 28 a. A Grievance Committee shall be formed from a cluster of
29 educational institutions that shall receive complaints and/or motu proprio
30 conduct investigations on any complaint or allegation of abuse, violence
31 or corruption in any educational institution implementing the Basic ROTC
32 Program;
- 33 b. Every Grievance Committee shall be composed of three members to be chosen by
34 the Secretary of National Defense and the Secretary of Education: one (1) District
35 Commandant from the DND, one (1) District Schools Supervisor from the DepEd,
36 and one (1) Legal Officer from the DepEd;
- 37 c. The DepEd and the DND shall formulate the manner by which the educational
38 institutions implementing the Basic ROTC shall be clustered for the efficient
39 resolution of grievances;
- 40 d. The Grievance Committee shall function as an independent investigative
41 body, which shall formulate the recommendation to the proper disciplinary
42 authority that has jurisdiction over the respondent, depending on whether

1 he/she belongs to the military for which purpose, the Articles of War shall
2 be employed. Whereas, for school officials and/or employees of public
3 and private educational institutions, the provisions of R.A. 6713 or the Code
4 of Conduct of Public Officers and Employees and other relevant laws on the
5 matter shall be applied. This is without prejudice to administrative cases that
6 may be filed pursuant to the Civil Service rules for public officers and employees
7 involved in the complaint.

- 8 e. Nothing herein shall prevent any person from filing directly with the regular
9 courts any incident of violation of Republic Act 11053 or the Anti-Hazing Act
10 of 2018.

11
12 **Section 13.** *Powers and Duties of the Grievance Committee.* – In view of the laws
13 providing protection for children, every Grievance Committee shall be pro-active in its
14 duty to:

- 15 1. Encourage the reporting of any incident of hazing, violence, abuse and corruption in
16 every clustered ROTC unit;
- 17 2. Motu proprio or upon a complaint filed by any person, investigate, any act of
18 hazing, violence, abuse and corruption in the clustered ROTC unit;
- 19 3. Issue preventive suspension orders against officers of the ROTC or any school
20 employee involved in the training within three (3) days: (a) upon receipt
21 of the complaint, or (b) after initiation of the motu proprio investigation,
22 to preclude him from exerting undue influence over the complainant and
23 impede the normal course of the investigation;
- 24 4. Recommend the appropriate action for any offense committed in the clustered
25 ROTC unit to the proper disciplinary authority which has jurisdiction over the
26 respondent within fifteen (15) days (a) upon receipt of the complaint, or
27 (b) after initiation of the motu proprio investigation;
- 28 5. Monitor all complaints filed with the Committee and maintain an updated
29 record of the status of each case;
- 30 6. Provide the parties of the complaint its findings and recommendations within
31 thirty (30) days upon receipt thereof;
- 32 7. Promulgate rules and regulations necessary to carry out its objectives, functions
33 and disciplinary procedures;
- 34 8. Performs such other functions as may be provided by law.

35
36 **Section 14.** *National Grievance Committee.* – There is hereby established a
37 National Grievance Committee (NGC) composed of the Secretary of National Defense
38 or his permanent authorized representative, the Secretary of Education or his permanent
39 authorized representative, and the Secretary of Justice or his permanent authorized
40 representative.

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

5 **Section 15. *Incentives for Undergoing the ROTC Program.*** –

6 a. Subject to other requirements that may be prescribed by rules and
7 regulations, graduates of the Advance ROTC shall be eligible for
8 commissionship/lateral entry and enlistment in the AFP, Philippine National Police (PNP),
9 Philippine Coast Guard (PCG), Bureau of Jail Management (BJMP), and Bureau of
10 Fire Protection (BFP) unless a waiver is issued by the Department Secretaries of the
11 aforementioned military and civilian armed forces;

12 b. Students undergoing the Basic ROTC and those accepted in the ROTC Advance
13 Course shall be provided with free hospitalization in any government hospital
14 in case of Mandatory insurance for students undergoing ROTC shall be provided
15 by the school where the students are enrolled;

16 c. Students undergoing the Advance ROTC shall be given access and privileges with any
17 AFP Commissary. The Chief of Staff of the Armed Forces of the Philippines shall issue the
18 necessary regulations for the implementation of this privilege.

19 **Section 16. *Classification of ROTC Students.*** - Grades 11 and 12 students who
20 are enrolled in the ROTC program shall be recognized as civilians in law.

21 **Section 17. *ROTC Instructors' Capacity Development and Enhancement***
22 ***Program.*** – There is hereby created and established a training program for ROTC
23 instructors, to ensure that they meet the highest physical and moral standards to teach
24 and carry out the ROTC program. The Instructors' Program shall be developed and
25 administered under the guidance and tutelage of the DND and the DepEd. A comprehensive
26 training manual shall be developed for the conduct of these trainings, incorporating
27 among other things, gender-appropriate and child-sensitive awareness, familiarity with
28 relevant laws on the ROTC, Special Protection of Children, other domestic laws
29 and international obligations necessary and appropriate to guaranty the integrity
30 and the highest standard of moral scruple for the implementers' of the ROTC
31 Program.

32 **Section 18. *Budget Appropriation.*** – The funding requirement necessary to
33 implement the establishment, maintenance and operations of the Basic ROTC Program
34 shall be included in the budget of the implementing agencies/departments, which
35 is the DND and the DepEd, in the annual General Appropriations Act in the year following
36 its enactment.

1 **Section 19. *Implementing Rules.*** – The DND and DepEd shall have the joint responsibility
2 for the adoption of the implementing rules of this Act within sixty (60) days from the
3 approval of this Act.

4 **Section 20. *Transitory Provisions.*** – In order to manage the initial implementation
5 of the ROTC Program in senior high school, the DND, and the DepEd shall within
6 six (6) months from the effectivity of this Act, design, institute and implement a Pilot
7 Program.

8 The DND and the DepEd shall jointly submit an annual review and evaluation report to
9 Congress on the implementation of the Pilot Program. Upon review and approval by
10 Congress, the framework utilized under the Pilot ROTC shall become the standard for the
11 full national implementation of the Basic ROTC Program.

12 **Section. 21. *Joint Congressional Oversight Committee.*** – A Joint Congressional
13 Oversight Committee is hereby created to oversee, monitor and evaluate the implementation
14 of this Act.

15 The Oversight Committee shall be composed of five (5) members each from the Senate
16 and from the House of Representatives, including the Chairman of the Committee
17 on Education, Arts and Culture of both Houses. The membership of the Committee of
18 every House shall have at least two (2) opposition or minority members.

19 **Section. 22. *Mandatory Evaluation and Review*** – The DND and the DepED shall
20 jointly conduct an annual review and submit a report to Congress on the status
21 of the implementation of the Basic ROTC Program one year after its full implementation.

22 **Section. 23. *Penal Provisions.*** – Offenses committed by persons involved in or in relation
23 to the implementation of this Act shall be subject to penalties in accordance
24 with the applicable laws, rules and regulations. Grades 11 and 12 students undergoing
25 the Basic ROTC Program must not be subjected to military law.

26 **Section. 24. *Offenses Punishable Under Existing Laws.*** – For acts already
27 penalized under existing laws such as corruption, graft, hazing, sexual harassment,
28 and other abuses committed by persons authorized to administer the Basic ROTC
29 and deployment of the Corps, the maximum penalty imposable under existing laws
30 shall be imposed.

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

33 **Section. 26. *Amendatory Clause.*** – Section 38 and 39 of Republic Act No. 7077 and Section
34 4 of Republic Act 9163, are hereby deemed amended and modified accordingly.

1 *Section. 27. Repealing Clause.* – All other laws, executive orders, presidential
2 decrees, rules and regulations inconsistent with any provisions of this Act are hereby
3 repealed, amended or modified accordingly.

4 *Section. 28. Effectivity.* - This Act shall take effect fifteen (15) days following its
5 publication in the Official Gazette or in at least two (2) newspapers of general circulation.

6

7

8 *Approved,*