



SENATE

S. No. 897

'19 AUG 13 P1:08

Introduced by SENATOR MANUEL LITO M. LAPID

RECEIVED

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

Section 4, Article II 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."

On June 27, 1991, Republic Act No. 7077, also known as the "Citizen Armed Forces of the Philippines Reservist Act, was enacted that provided for the establishment of the Reserve Officers' Training Corps (ROTC) as a requirement for tertiary level students to acquire a baccalaureate degree in colleges, universities and similar learning institutions.

However, the passage of Republic Act No. 9163, or the "National Service Training Program Act of 2001", which amended RA No. 7077, made ROTC optional

and voluntary. The National Service Training Program (NSTP) provided trainings towards civic consciousness and defense preparedness with 3 program components: (1) Reserve Officers' Training Corps (ROTC), (2) Literacy Training Service, and (3) Civic Welfare Training Service. Under the NSTP, there was a significant decline in the number of students who enroll in ROTC.

This bill therefore is being proposed to promote the spirit of nationalism, nation-building and national preparedness among our Filipino youth and enhance the capacity of our nation to produce the needed manpower in times of war, calamities and disasters and national or local emergencies.

It seeks to establish a mandatory two (2) year Basic ROTC Program as part of the basic curricula in all senior high schools in public and private educational institutions. Also, it provides for the following, among others: (1) Safeguards for students from the occurrence of hazing, corruption and other forms of abuses. (2) A Grievance Committee that is tasked to receive complaints or *motu proprio* conduct investigations on any complaint or allegation of abuse, violence or corruption in any educational institution implementing the Basic ROTC Program and (3) Advance ROTC Program in tertiary institutions which shall continue to be voluntary and optional under RA 9163 and RA 7077.

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



MANUEL "LITO" M. LAPID
Senator

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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

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

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

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

11 Towards this end, the State shall enhance the capacity of the nation to produce
12 the needed manpower and to expand its human resources in times of war, calamities

1 and disasters, national or local emergencies, and in support to the Government's law
2 enforcement strategy against crimes by creating a pool of trained reservists.

3
4 Sec. 3. *Definition of Terms.*— For the purpose of this Act:

5 (a) *Reserve Force Product* - refers to the organization of trained reservists
6 under the command of the Armed Forces of the Philippines who may be called for
7 duty in the event of war, invasion or rebellion; to assist in relief and rescue during
8 disaster or calamities; to assist in socioeconomic development; and to assist in the
9 operation and maintenance of essential government or private utilities in the
10 furtherance of overall mission.

11 (b) *Basic Reserve Officers' Training Corps (ROTC)* – refers to a mandatory two
12 (2) year basic leadership and military training program for students enrolled in Grades
13 11 and 12 in all senior high schools in public and private educational institutions.

14 (c) *Advance ROTC* – refers to the optional and enhanced ROTC course that is
15 offered in universities, colleges, vocational school and other tertiary institutions.

16 (d) *Clustered ROTC Unit* – refers to two or more educational institutions that
17 are strategically grouped together for the purpose of holding ROTC classes in one
18 location.

19 (e) *Grievance Committee* – refers to an independent body that is tasked to
20 investigate any complaint or allegation of abuse, violence or corruption in any
21 clustered ROTC unit or any educational institution implementing the ROTC program.

22 (f) *National Grievance Committee* – refers to the appellate body that has
23 jurisdiction to hear appeals on the findings and recommendations of any local
24 grievance committee.

25 (g) *Public Educational Institutions* – refer to educational institutions that are
26 established and administered by the government.

27 (h) *Private Educational Institutions* – refer to educational institutions
28 maintained and administered by private individuals or groups.

29 (i) *Registration* – the act of recording the name and/or other relevant
30 information of the students who have completed the ROTC Program in Grades 11 and
31 12 on the official list of ROTC graduates. *Provided*, that the registration that is referred

1 to under this Act shall not be construed as enlisted in the AFP Reserve or Regular
2 Force.

3
4 Sec. 4. *Coverage.* – The conduct of basic military and leadership training under
5 the ROTC shall apply to all student in Grades 11 and 12 in all senior high schools in
6 public and private educational institutions.

7
8 Sec. 5. *Establishment of the ROTC Program in all Public and Private Educational*
9 *Institutions.*–

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

19 (b) The Basic ROTC, instituted as part of the curricula shall be
20 administered in accordance with the following modules:

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

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

31 b.3. Civic training for students in order to be active participants and
32 volunteers for the development and improvement of health, education,

1 ecology and environmental protection, human and civil rights awareness
2 and law enforcement.

3 b. 4. Preparedness during actual disaster response operations on need
4 assessment, improved skills for search, rescue and relief operations, and
5 early recovery activities. Integration of capacity-building activities revolving
6 around risk-related situations in order for the students to be proactive in
7 lessening the socio-economic and environmental impacts of disasters
8 including climate change. These capacity building activities will help build
9 understanding and skills with the end in view of applying disaster risk
10 reduction and management principles, concepts, and concrete action steps
11 towards building their resilience.

12 c. Any student who fails to undergo the mandatory Basic ROTC in
13 accordance with this Act shall not be qualified for graduation. In addition
14 thereto, the non-taking of ROTC by any student shall be a ground for
15 Compulsory Military Training pursuant to Section 14 of Republic Act No.
16 7077. Any educational institution that fails to institute and implement the
17 Basic ROTC program pursuant to this Act shall be subject to disciplinary and
18 administrative sanctions as the Department of Education (DepEd) may
19 impose.

20 d. Guided by the provisions of Section 5(b) hereof, the DND and the
21 DepEd, in consultation with other relevant government agencies and private
22 stakeholders as the Secretary of National Defense may determine, shall
23 design and formulate the Program of Instruction (POI) on the Basic ROTC
24 program in Grades 11 and 12.

25
26 SECTION 6. *Schools as Zones of Peace.* – Pursuant to Republic Act No. 11188
27 entitled, "Special Protection of Children in Situations of Armed Conflict", every
28 educational institution implementing the ROTC under this Act shall comply with the
29 declaration and guidelines that are provided for under the said law to maintain the
30 neutrality of the schools as zones of peace.

31

1 SECTION 7. *Students Exempted from this Act.* – The following may be exempted
2 from the coverage of this Act.

- 3 a. Those who are physically or psychologically unfit, as certified by the Local
4 Health Officer, pursuant to the recommendation of the educational
5 institutions where the concerned student is enrolled.
- 6 b. Those who have undergone or are undergoing similar military training.
- 7 c. Those who were chosen by their school to serve as varsity players in sports
8 competitions.

9 SECTION 8. Advance ROTC. – The basic ROTC established on Section 4,
10 paragraph 1 of RA 9163, also known as the "National Service Training Program (NSTP)
11 Act of 2001", as a component of the NSTP which forms part of the curricula for
12 students of any baccalaureate degree course shall be modified or reclassified as the
13 Advance ROTC pursuant to Section 39 of RA 7077, or the "Citizen Armed Force or
14 Armed Forces of the Philippines Reservist Act."

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

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

26 The Department of National Defense, in coordination with the CHED, shall
27 prescribe the curriculum for Advance ROTC and the program of instruction pursuant
28 to the applicable provisions of Republic Act No. 7077.

29

1 SEC. 9. *Organization, Operation and Maintenance of ROTC Units.* – The
2 organization, operation and maintenance for the establishment of the Basic ROTC shall
3 be in accordance with Sections 41 and 42 of the Republic Act No. 7077 which shall
4 remain effective and operative unless inconsistent with this Act. The Secretary of
5 National Defense, in consultation with the DepEd, shall prescribe the organization and
6 operational manual of ROTC units in public and private educational institutions shall
7 be required to provide an adequate office for the ROTC administrative staff assigned
8 thereat.

9 The AFP shall create an office dedicated to the supervision and administration
10 of the ROTC program within the Reserve Commands of the AFP in coordination with
11 the DepEd.

12
13 SEC. 10. *Registration in the Reserve Force.* – Pursuant to Sec. 14 of Republic
14 Act No. 7077, a student has completed the Basic ROTC program in senior high school
15 shall be registered in the Reserve Force only upon reaching the age of eighteen (18).

16
17 SEC. 11. *Guidelines to safeguard students of the Basic ROTC Program.* – In
18 order for the proper and effective implementation of the Basic ROTC Program, the
19 following policies shall be adopted to prevent the occurrence of hazing, corruption and
20 other forms of abuses:

- 21
- 22 a. The Basic ROTC Program prohibits hazing as defined under R.A. 8049, as
23 amended by R.A. 11053, and as such, adopts the penalties for any act
24 committed under the provisions of the said law;
 - 25 b. Cognizant of the provisions under R.A. 7610 or the "*Special Protection of*
26 *Children against Abuse, Exploitation and Discrimination Act*", any physical,
27 sexual or psychological abuse, emotional maltreatment, or any act by deed
28 which tends to degrade or demean the dignity of a child/student is
29 prohibited;
 - 30 c. Consistent with *DepEd Order No. 40, Series of 2012 on Child Protection*
31 *Policy*, the Basic ROTC Program proscribed physical, humiliating or
32 degrading punishments or penalties by a teacher, school administrator, an

1 adult, or any other child who has been given or has assumed authority or
2 responsibility for punishment of discipline for an alleged or actual offense
3 for the purpose of discipline training or control *except* for mild to moderate
4 physical exercises such as push-ups, sit-ups and running within the
5 medically recommended limit for the concerned age group;

- 6 d. In case of the School Officials or employees of public or government
7 educational institutions, who shall accept any gift from any student, or from
8 any parent/guardian of the student, or who shall commit other practices
9 contemplated under *R.A. 3019 on "Graft and Corrupt Practices Act"* and the
10 *Revised Penal Code on Bribery and Corruption* the maximum penalty shall
11 be imposed;
- 12 e. The penalties provided under the *Revised Penal Code for the Crimes of*
13 *Bribery and Corruption* shall be imposed upon school officials or employees
14 of private educational institutions who shall accept directly or indirectly, any
15 gift, in cash or in kind, from any student, or from any parent/guardian of
16 the student in relation to or pertinent with the conduct of the Basic ROTC
17 training program.

18
19 **SEC. 12. *Establishment of Grievance Committee.***

- 20 a. A Grievance Committee shall be formed from a cluster of educational
21 institutions that shall receive complaints and/or *motu proprio* conduct
22 investigations on any complaint or allegation of abuse, violence or
23 corruption in any educational institution implementing the Basic ROTC
24 Program;
- 25 b. Every Grievance Committee shall be composed of three members, to be
26 chosen by the Secretary of National Defense and the Secretary of
27 Education: *one (1) District Commandant from the DND, one (1) District*
28 *Supervisor from the DepEd, and one (1) Legal Officer from the DepEd;*
- 29 c. The DepEd and the DND shall formulate the manner by which the
30 educational institutions implementing the Basic ROTC shall be clustered
31 for the efficient resolution of grievances;

1 d. The Grievance Committee shall function as an independent investigative
2 body, which shall formulate the recommendation to the proper
3 disciplinary authority that has jurisdiction over the respondent,
4 depending on whether he/she belongs to the military for which purpose,
5 the Articles of War shall be employed. Whereas, for school officials
6 and/or employees of public and private educational institutions, the
7 provisions of *R.A. 6713 or the Code of Conduct of Public Officers and*
8 *Employees* and other relevant laws on the matter shall be applied. This
9 is without prejudice to administrative cases that may be filed pursuant
10 to the Civil Service rules for public officers and employees involved in
11 the complaint.

12 Nothing herein shall prevent any person from filing directly with the
13 regular courts any incident of violation of *Republic Act 11053 or the Anti-*
14 *Hazing Act of 2018.*

15
16 SEC. 13. *Powers and Duties of the Grievance Committee.* – In view of the laws
17 providing protection for children, every Grievance Committee shall be pro-active in its
18 duty to:

- 19 (1) Encourage the reporting of any incident of hazing, violence, abuse and
20 corruption in every clustered ROTC unit;
- 21 (2) *Motu proprio* or upon a complaint filed by any person, investigate, any act
22 of hazing, violence, abuse and corruption in the clustered ROTC unit;
- 23 (3) Issue preventive suspension orders against officers of the ROTC or any
24 school employee involved in the training within three (3) days: (a) upon
25 receipt of the complaint, or (b) after initiation of the *motu proprio*
26 investigation, to preclude him from exerting undue influence over the
27 complainant and impede the normal course of the investigation;
- 28 (4) Recommend the appropriate action for any offense committed in the
29 clustered ROTC unit to the proper disciplinary authority which has
30 jurisdiction over the respondent within fifteen (15) days (a) upon receipt of
31 the complaint, or (b) after initiation of the *motu proprio* investigation;

- 1 (5) Monitor all complaints filed with the Committee and maintain an updated
2 record of the status of each case;
- 3 (6) Provide the parties of the complaint its findings and recommendations
4 within thirty (30) days upon receipt thereof;
- 5 (7) Promulgate rules and regulations necessary to carry out its objectives,
6 functions and disciplinary procedures;
- 7 (8) Performs such other functions as may be provided by law.

8

9 SEC. 14. *National Grievance Committee.* – There is hereby established a
10 National Grievance Committee (NGC) composed of the Secretary of National Defense
11 or his permanent authorized representative, the Secretary of Education or his
12 permanent authorized representative, and the Secretary of Justice or his permanent
13 authorized representative.

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

18

19 SEC. 15. *Incentives for Undergoing the ROTC Program.* – a. Subject to other
20 requirements that may be prescribed by rules and regulations, graduates of the
21 Advance ROTC shall be eligible for commissionship/lateral entry and enlistment in the
22 AFP, Philippine National Police (PNP), Philippine Coast Guard (PCG), Bureau of Jail
23 Management and Penology (BJMP), and Bureau of Fire Protection (BFP) unless a
24 waiver is issued by the Department Secretaries of the aforementioned military and
25 civilian armed forces.

26 b. Students undergoing the Basic ROTC and those accepted in the ROTC
27 Advance Course shall be provided with free hospitalization in any government hospital
28 in case of accident or injury during the training. Mandatory insurance for students
29 undergoing ROTC shall be provided by the school where the students are enrolled.

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

1
2 SEC. 16. *Classification of ROTC Students.* – Grades 11 and 12 students who are
3 enrolled in the ROTC program shall be recognized as civilians in law.
4

5 SEC. 17. *ROTC Instructors' Capacity Development and Enhancement Program.*
6 – There is hereby created and established a training program for ROTC instructors, to
7 ensure that they meet the highest physical and moral standards to teach and carry
8 out the ROTC program. The Instructors' Program shall be developed and administered
9 under the guidance and tutelage of the DND and the DepEd.

10 A comprehensive training manual shall be developed for the conduct of these
11 trainings, incorporating among other things, gender-appropriate and child-sensitive
12 awareness, familiarity with relevant laws on the ROTC, Special Protection of Children,
13 other domestic laws and international obligations necessary and appropriate to
14 guaranty the integrity and the highest standard of moral scruple for the implementers'
15 of the ROTC Program.
16

17 SEC. 18. *Budget Appropriation.* – The funding requirement necessary to
18 implement the establishment, maintenance and operations of the Basic ROTC Program
19 shall be included in the budget of the implementing agencies/departments, which is
20 the DND and the DepEd, in the annual General Appropriations Act in the year following
21 its enactment.
22

23 SEC. 19. *Transitory Provisions.* – In order to manage the initial implementation
24 of the ROTC Program in senior high school, the DND, and the DepEd shall within six
25 (6) months from the effectivity of this Act, design, institute and implement a Pilot
26 Program.

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

1 SEC. 20. *Mandatory Evaluation and Review.* – The DND and the DepEd shall
2 jointly conduct an annual review and submit a report to Congress on the status of the
3 implementation of the Basic ROTC Program one year after its full implementation.

4
5 SEC. 21. *Penal Provisions.* – Offenses committed by persons involved in or in
6 relation to the implementation of this Act shall be subject to penalties in accordance
7 with the applicable laws, rules and regulations. Grades 11 and 12 students undergoing
8 the Basic ROTC Program must not be subjected to military law.

9
10 SEC. 22. *Offenses Punishable Under Existing Laws.* – For acts already penalized
11 under existing laws such as corruption, graft, hazing, sexual harassment, and other
12 abuses committed by persons authorized to administer the Basic ROTC and
13 development of the Corps, the maximum penalty imposable under existing laws shall
14 be imposed.

15
16 SEC. 23. *Separability Clause.* – If any provision of this Act is held invalid or
17 unconstitutional, the other provisions not so declared shall remain in force and effect.

18
19 SEC. 24. *Amendatory Clause.* – Section 38 and 39 of Republic Act No. 7077 and
20 Section 4 of Republic Act 9163, are hereby deemed amended and modified
21 accordingly.

22
23 SEC. 25. *Repealing Clause.* – All other laws, executive orders, presidential
24 decrees, rules and regulations inconsistent with any provisions of this Act are hereby
25 repealed, amended or modified accordingly.

26
27 SEC. 26. *Effectivity.* – This Act shall take effect fifteen (15) days following its
28 publication in at least two (2) newspapers of general circulation.

29
30 *Approved,*