

10 JUL -6 P4:52

SENATE

Senate Bill No. 443

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

After more than two (2) decades, the National Defense College of the Philippines (NDCP) continues to provide for continuing and intensive studies relative to national defense and security to qualified military leaders and civilian executives.

To strengthen its mandate and mission, this bill seeks to transform the NDCP to university status to be known as "National Defense University of the Philippines" or NDUP.

The NDUP shall have as its objectives the development of the skill and competence, as well as the enhancement of proper attitude and values of its students, to be able to formulate and implement national security policies and conduct strategic and international studies in support of said policies. For this purpose, masters and doctorate degrees in national security administration shall be offered to qualify military officials and civilian executives.

An organizational set-up with the corresponding personnel, qualifications and remuneration shall likewise be established in support of the new mandate. Moreover, the NDUP shall be under the general supervision of the secretary of National Defense who shall be responsible for the organization of the university and appointment of heads units and other officials.

In this regard, immediate passage of the bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

SENATE

Senate Bill No. 443

REGISTERED BY



INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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

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

SECTION 1. Policy. – it shall be the policy of the State to provide advanced education in national security administration to outstanding men and women in the military as well as key officers in government agencies and the private sector.

SEC. 2. Establishment of NDUP. – In furtherance of the policy enunciated under section 1, there shall be established in the Philippines an educational, training and research institution to be known as the “National Defense University of the Philippines” or NDUP.

SEC. 3. Objectives. – as an institution of higher learning, National Defense University of the Philippines shall aim to promote, to the highest degree possible, the traditional functions of teaching, research and extension. The NDUP shall have as its objectives and development of the skills and competence as well as the enhancement of proper attitude and values of its students so that they can help formulate and implement national security policies. It shall also conduct strategic and international studies and support of, or as basis for national security policies.

SEC. 4. Functions. – In order to achieve the objective defined in the preceding section, the NDUP shall:

- A. Conduct academic program consisting of graduate courses at both masters and doctorate levels of studies and other special courses in the field of national security administration;
- B. Undertake research and studies program that will enhance the quality and effectiveness of national security formulation and management;
- C. Provide an extension program consisting of short courses, seminar workshop, policy conferences and fora on national security issues which may be held various location in the country to supplement its academic and research studies program;
- D. Perform such other functions as may be directed by the republic of the Philippines.

SEC. 5. *Organizational.* – The NDUP, as an academic institution of the Department of National Defense, shall initially to be composed of the National Defense University of the Philippines, Center for National Security Studies and a *Center of Extension Services*. Other units may be established by the secretary of the National Defense upon the recommendation of the President of NDUP in response to particular needs of the defense established.

SEC. 6. *The President.* – Under the general direction and supervision of the Secretary of National Defense, the NDUP shall be headed by a president who shall have full power and authority to administer, manage and control its affairs. The president of the NDUP shall be a holder for doctorate degree and preferably with a meters' in National Security Administration shall be appointed by the President of the Philippines upon the recommendation by the Secretary of National Defense. This committee may be formulate its rule for selection and based therefrom, shall select and recommended at least three (3) candidates from which the Secretary of National Defense may choose to recommend for appointment by the President of the Philippines.

SEC. 7. *The Executive Vice President and other Vice President.* – The President of NDUP shall be assisted by an Executive Vice President, Vice President of Academic Affairs, Vice President for Administration Services, Vice President for Research and special Studies and a Vice President for Extension Activities.

- A. **Function.** The Executive Vice President who shall be responsible for planning and development shall act for the President in his absence and shall perform such other functions as may be assigned to him by the President. The vice President for Academic Affairs shall be responsible for the development, implementation, supervision and evaluation of the academic program. The Vice President for Administrative Service shall be responsible for the over-all administration support to all activities of the University. The Vice President for Research and Special Studies shall direct the conduct of research work and special studies while the Vice President Extension Services shall be responsible for the outreach program and extension activities of the NDUP.
- B. **Qualifications.** The Executive Vice President and all the Vice Presidents shall be holders of a doctorate degree and preferably also holders of National Security Administration or equivalent degree. They shall be appointed by the Secretary of National Defense.

SEC. 8. *The Dean of the Colleges and the Directors of Centers.* – The Colleges of the National Defense University of the Philippines shall be headed by a Dean while the Center for National Security Studies and Center for Extension services shall each be under a director. They shall be holders of a doctorate degree and preferably also with a master's degree in National Security Administration.

SEC. 9. *Term of Office.* – The President, Executive Vice President, all Vice President, the Dean of the Colleges and Directors of the Center shall serve for a term of six (6) years without prejudice to one re-appointment for the same period.

SEC. 10. *Registrar.* – The NDUP shall have a Registrar who shall be appointed by the Secretary of National Defense upon recommendation of the University President. The Registrar shall keep all Transcripts of Records and related records of students as well as the minutes of academic board meetings.

SEC. 11. Course Offering. – The University shall offer graduate degree at both master and doctorate of study in National Security Administration and Development and shall undertake applied research and strategic and international studies. The Center for Extension Services shall undertake an extension and outreach program for promotion of national security consciousness. The NDUP shall conduct such other courses or perform such studies as it may deem necessary to carry out its mandate or as directed by the Secretary of National Defense or the President of the Philippines.

SEC. 12. Conferment of Academic and Degrees. – The NDUP shall confer graduate degrees upon successful candidates for graduation and may award graduate and may honorary degree upon persons who have made outstanding contribution to or have distinguished themselves in the field of national security.

SEC. 13. Direction and Supervision of NDUP. - The NDUP shall be under the general direction and supervision of the Secretary of National Defense who shall organize the university and appoint the heads of units other official with the ranks comparable with those of other graduate colleges or universities. The NDUP shall have such personnel as may be necessary to enable the institution to effectively carry out its mandate.

SEC. 14. The Academic Board. –

a) Composition. The National Defense University of the Philippines shall have an academic board composed of the Vice-President for Academic Affairs Chairman, the Dean of the NDUP, the Director of the Center for National Strategic studies, the director of the Center for Extension Services, the heads of the academic disciplines of the college, the institutes and the centers as members. The Board may be expanded, at the discretion of the President, to include such staff and faculty members as may be determined by him provided the additional members shall not exceed twenty (20). Resources persons may be requested to attend academic board meetings to provide information or expertise necessary in making appropriate recommendation or decisions.

b) Function. The Academic Board shall assist the President in the discharge of the following functions:

- (1) To supervise the academic affairs of the University;
- (2) To take responsibility for discipline of students;
- (3) To recommend the courses of study which shall include, but not necessarily limited to, all facets and elements of national security, strategic and international studies;
- (4) To recommend the establishment of professional chairs in the University; and
- (5) To recommend the adoption of admission requirements and the conferment of degrees to candidates for graduation for the approval of the President.

SEC. 15. The Board of Visitors. –

A. Compositions. The NDUP shall have a Board of Visitors composed of not more than nine (9) members who are distinguished alumni of NDUP, captains of industry, members of the academe or government officials whose functional and professional expertise span the mission and specific curricula of the University and who shall be appointed by the Secretary of National Defense for a term of three (3) years. No member of the Board shall serve a total of more than nine (9) years.

B. Meetings. The Board shall meet at least once every year to assist the NDUP in the review of the curricular offering, make written observations and submit recommendations relative to the accomplishment of the mission of the University.

C. Honoraria and expenses. The members of the Board shall not receive any salary but shall, however, be entitled to honoraria and reimbursement for actual and necessary expenses incurred in attendance to meetings as may be determined by the Secretary of National Defense.

SEC. 16. Remuneration. - The salary, privileges and other benefits of the President, the Vice President, the Dean of the College and the Directors of the two Centers shall be comparable to that being received by the president, academic heads, faculty, and staff of premier educational institutions in the country; *Provided*, That in addition to the regular salaries, merit increases and across-the-board salary adjustments and other forms of emoluments and benefits may be given.

SEC. 17. Exemption from Compensation and Position Classification and Civil Service Commission Rules. - The President, the Executive Vice President, the Vice Presidents, the College Dean, the Institute Director, and the members of the faculty shall be exempt from the rules and regulations of the office on the compensation and position classification. Likewise, they shall be exempt from the civil service examination regulations as a requisite for appointment. No religious or political affiliation shall be a matter of inquiry in the appointment of the officials or employees of the University.

SEC. 18. Honoraria of Faculty Members and Consultants. - The National Defense University of the Philippines shall have a core faculty composed of professors, instructors and lecturers in full time basis. Consultants of the University on part-time basis may be drawn from the military and civilian branches of the national government, from business, and from public and private educational institutions. All academic consultants, professors, instructors or lecturers, whether civilian or military personnel, in addition to their regular salaries, shall be entitled to receive honorarium or fees as may be fixed by the President with the approval of the Secretary of National Defense.

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

SEC. 20. Personnel on Special Studies Details or Secondment. - Heads of bureaus and officers of the national government are hereby authorized to loan or transfer upon request of the President of the University, such apparatus or supplies as may be needed by the University and to assign employees on detail or secondment, for duty therein, when in the judgment of the head of the bureau or office such supplies or employees can be spared without serious detriment to the public service. For the purpose of promotion or other personnel transactions, service in the university either by uniformed or civilian personnel shall be counted as part of active service in their mother units.

SEC. 21. Academic Freedom. -The NDUP shall enjoy academic freedom.

SEC. 22. Grant of Career Executive Service Eligibility. - For purposes of appointment or promotion to key and sensitive positions in the government, graduates of doctoral or graduate courses of the National Defense University of the Philippines are granted a career executive service officer eligibility, level 3 and 5, respectively and preferential consideration and/or credit points in the grade or class of their respective positions. This provision on eligibility shall have retroactive effect insofar as it benefits holders of a master in national security administration degree from the NDUP.

SEC. 23. Promotion to General / Flag Rank. - For purposes of promotion to the rank of brigadier general or flag officer in the Armed Forces of the Philippines a master's degree in national security administration shall be a requirement. Nonetheless, accreditation of equivalent courses taken in foreign schools may be allowed as an exemption on case to case basis upon consultation with the Chief of Staff, AFP and the recommendation of NDUP.

SEC. 24. Grant of Commission to Civilian Graduates. - Subject to existing AFP regulations, civilian graduates of regular courses from NDUP may be commissioned as officers in the Reserve Corps of the AFP with the initial rank of lieutenant colonel for those who are holders of master's degree. For holders of Doctorate in National Security Administration, the rank of full colonel may be given provided that the candidate is at least forty-two (42) years old and holds the rank equivalent to a department undersecretary. Those who are holders of commission in the AFP (inactive) below the rank of lieutenant colonel shall be promoted to lieutenant colonel or full colonel, as the case may be.

SEC. 25. Eligibility, Lists, and Authority to Use "MNSA" and "DNSA". - All graduates of the masters in national security administration course and doctorate in National Security Administration shall be included in the MNSA and DNSA eligibility list and authorized to use with honor the abbreviation "MNSA" after their name while those graduating with doctoral degree may use "DNSA". The eligibility lists shall be published periodically by the NDUP, copy of which shall be furnished the Chief of Staff of the AFP.

SEC. 26. Annual Report. -Within thirty (30) days after the opening of the regular classes each year, the President of the NDUP shall submit to the Secretary of National Defense with a copy of the Offices of the President of the Philippines and both Houses of Congress, an annual report containing details on the conduct of the preceding classes, progress on the on-going classes, and conditions and needs of the University.

SEC. 27. Transfer of Personnel, Equipment, Assets and Liabilities. - All personnel, records, equipment, appropriations, assets and liabilities of the National Defense College of the Philippines are hereby transferred to the NDUP.

SEC. 28. Campus of NDUP. - The NDUP campus shall be located in Metro Manila.

SEC. 29. Officer-in-Charge of the NDUP. - The incumbent President of the NDUP shall be the officer-in-charge of NDUP pending appointment of its president.

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

SEC. 31. *Initial Appropriations.* - The amount of One Hundred Fifty Million Pesos (P150,000,000.00) or such sum or sums as may be needed to carry out the provisions of this Act shall be appropriated and shall be carried generally under the Department of National Defense in the General Appropriations Act.

SEC 32. *Repealing Clause.* - All laws, decrees, executive orders, presidential issuances, rules and regulations or part thereof contrary to or inconsistent with any provisions of this Act are hereby repealed or amended accordingly. If any part or provision of this Act is declared unconstitutional, the remaining provisions which are not affected thereby shall continue to have the force and effect of law.

SEC 33. *Effectivity.* -This Act shall take effect upon its approval.

Approved,