

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **2399**

HOUSE OF REPRESENTATIVES

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Introduced by Kabataan Party-list Representative Sarah Jane I. Elago

EXPLANATORY NOTE

The objective of this bill is to abolish the Reserve Officers Training Corps (ROTC) in universities and colleges, both public and private, while at the same time provide more engaging social and civic service programs that will uplift the Filipino students' sense of nationalism and duty under the National Service Training Program (NSTP).

From Mandatory ROTC to NSTP

The ROTC was established pursuant to RA 7077 for the purpose of providing a strong civilian base for the expansion of the Armed Forces of the Philippines (AFP) in the event of war, invasion and rebellion. The program made it compulsory for male students in colleges and universities to undergo two (2) years of military training.

Years after its implementation, ROTC was proven irrelevant in fostering discipline, social responsibility, and patriotism in the youth. It became a hotbed for abuses including corruption, bribery, extortion, collection of unauthorized and excessive fees, and physical and verbal violence. It became nothing but a burden to students.

In 2001, the brutal murder of University of Santo Tomas student Mark Welson Chua became a catalyst for a broad movement to abolish the ROTC program in schools. Chua's death was linked to his exposition of the corruption in the UST Corps. The clamor to remove the ROTC program in tertiary schools resulted in the creation of the NSTP by virtue of Republic Act 9163 promulgated on 23 January 2002. The NSTP offered civilian programs for men and women alongside ROTC which in turn was made optional.

The public clamor to totally abolish the ROTC grew anew amidst new reports of hazing and violence. Last July 14, 2016, several ROTC cadets were reportedly involved in a hazing incident at the University of Mindanao-Tagum. In a viral video circulating on social media, several students were seen being

physically abused – one student was continually hit hard on the chest, while another was hit in the stomach – by their seniors in the Corps. It is believed that the incident is part of the initiation rites of new cadets. The university is said to be currently investigating the matter.

Later developments have revealed the Duterte administration's attempt to reinstate mandatory ROTC, to supposedly instill "love of country and good citizenship." The proposal, however, is bereft of the historical opposition of the youth and student sector against ROTC. As such, Kabataan Party-list forwards the opposite and seeks to completely remove ROTC from the NSTP.

Military must keep out of campuses

ROTC aims to provide military training to students for national defense under the tutelage of the Department of National Defense and taught by soldiers. Mandatory ROTC advocates cite the impasse in the West Philippine Sea as justification for the program's reinstatement in colleges and universities. While the Philippine Constitution asserts that the people are duty-bound to defend the State, providing military training, institutional or material support, should not be the responsibility of civilian educational institutions. Using campuses for military training and, for some campuses the provision of a barracks, is inconsistent with Rules 22-24 of the International Humanitarian Law and other treaties which restrict the use of schools for military purposes. It is also inconsistent with Republic Act 7610 or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act which states "public infrastructure such as schools, hospitals, and rural health units shall not be utilized for military purposes such as command posts, barracks, detachments, and supply depots."

The military culture propagated by the ROTC is inconsistent with academic freedom. Schools are places for opening minds to new ideas, critical and independent thinking. The school is a venue for interaction among people of different background, status, beliefs, and the exchange of ideas. Military training imposes strict obedience to authority and hierarchy; it prescribes that critical thinking must be subordinate to the chain of command. Allowing military training within the campus imposes the military worldview in institutions where students are required to be intellectually engaged and politically diverse.

The ROTC fosters a militarist culture detrimental to the development of the youth. It perpetrates corruption and political patronage, sexism and machismo, the culture of violence and human rights violation, and ideological bigotry.

Students experience their first exposure to corrupt practices under the ROTC where physical comforts and passing grades are given in exchange for cash and other favors (i.e. bottles of alcohol, reams of cigarettes, car rides etc.)

Under the mandatory ROTC, reports of physical and psychological abuse had been far too common. Officers humiliate, brutalize, and even maim cadets in the guise of 'training' is nothing short of the violation of basic human rights. These violent practices are deeply ingrained and identified with the ROTC and the military that up until now, it is still justifiable to fear for the welfare of present and future ROTC students.

Likewise, the Armed Forces of the Philippines (AFP) uses the ROTC program as an extension of their counter-insurgency campaign through its red-baiting campaign against progressive student groups. In many ROTC lectures, soldier-instructors tagged student activist groups as affiliated with the New People's Army, thereby justifying state-sanctioned acts of terror against dissenters. It has also been reported that AFP uses the program to establish the Student Intelligence Network (SIN) to monitor organizations, fraternities, student councils and school publications critical of government policies. It has been documented that ROTC Cadets were required to draw up a list of students involved in political activities and create dossiers that may include contact details, class schedules, and home addresses. This creates an atmosphere of fear among students to participate in legitimate activities that are critical of the government. It is worth noting that there are many documented cases of human rights violations perpetrated against student leaders that have been linked to the military.

The ROTC is a bastion of machismo and sexism in campuses. Homophobic slurs and physical abuse to 'induce manliness' are common in training sessions. Up until now, there are reports that openly gay students enrolled in ROTC are deliberately being ostracized by being given menial tasks such as serving snacks or cheering for other cadets. Some conservative sections of society even promote mandatory ROTC as a "cure for being gay."

Advocates of the ROTC equate the bearing of arms and marching under the heat and being shouted at to nationalism, patriotism, and discipline. This imposition of unnecessary and arguably undeserved reverence for the military culture is disturbing and potentially dangerous, especially in institutions of learning where the civilian rule is supreme.

Internationally, military conscription and ROTC are associated with military allies of the United States of America. Ironically, ROTC is not required in school and campuses in the US and have been shunned by many leading American colleges and universities including Ivy League schools due to the broad anti-war and anti-violence stance of educational institutions.

The Need for Greater Youth Participation in Socio-Civic Affairs


What we need as a nation today is not an army of young men and women trained in the ways of the military but an army of volunteers and advocates ready to serve and uphold the needs of their communities and the nation as a whole. In the present state of affairs, the youth needs to defend the nation first

and foremost from threats of illiteracy, political and social apathy, and the perpetuation of social inequities that continue to obstruct genuine national progress.

There is indeed a need for educational institutions to fulfill their constitutional mandate to "inculcate patriotism and nationalism, foster love of humanity, respect for human rights, appreciation of the role of national heroes in the historical development of the country, teach the rights and duties of citizenship, strengthen ethical and spiritual values, develop moral character and personal discipline, encourage critical and creative thinking, broaden scientific and technological knowledge, and promote vocational efficiency," as stated in Article XIV Section 3(2) of the 1987 Constitution.

In this light, Congress must mandate colleges and universities to have programs that raise the students' socio-political consciousness, and enable them to actively participate in the urgent task of understanding and addressing the basic ills of society. This bill also seeks to provide a wide array of programs under NSTP which enable students to render services in a more varied manner and increase the potential of students of finding their lifetime advocacy in the process. In providing more avenues for civic service, the government can truly foster among the youth patriotism, nationalism and selfless service to others as enshrined in the Constitution.

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



HON. SARAH JANE I. ELAGO
Representative, Kabataan Party-list

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House Bill No. _____

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AN ACT
ABOLISHING THE RESERVE OFFICERS TRAINING CORPS AND ESTABLISHING
ADDITIONAL SOCIAL AND CIVIC SERVICE PROGRAMS AVAILABLE TO STUDENTS
BY AMENDING REPUBLIC ACT 9163 OR THE NATIONAL SERVICE TRAINING
PROGRAM (NSTP) ACT OF 2001

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

1 **SECTION 1.** *Short Title.* – This act shall be known as the “ROTC Abolition Act of
2 2016.”

3 **SECTION 2.** *Abolition of the Reserve Officers Training Corps (ROTC).* – The Reserve
4 Officers Training Corps created pursuant to Republic Act No. 7077 is hereby abolished.

5 **SECTION 3.** Section 2 of Republic Act No. 9163 is hereby amended to read as
6 follows:

7 “Section 2. *Declaration of Policy.* - [Recognizing the youth’s virtual role in nation
8 building, then state shall promote civic consciousness among the youth and shall
9 develop their physical moral, spiritual intellectual and social well-being.]

10 It shall inculcate to the youth patriotism, nationalism and advance their
11 involvement in public and civic affairs. In pursuit of this goal the youth, the most
12 valuable resource of the national shall motivate trained organized and mobilized in
13 military training, literacy civic welfare and other similar endeavors in the service of
14 the nation.”

15 **SECTION 4.** Section 3 of Republic Act No. 9163 is hereby amended to read as
16 follows:

1 "Section 3. *Definition of Terms.* - For purposes of this Act, the following are hereby
2 defined as follows:

3 (a)"National Service Training Program (NSTP)" is a CIVILIAN program aimed at
4 enhancing civic AND SOCIAL consciousness [and defense] AND DISASTER
5 preparedness in the youth by developing the ethics of service and patriotism while
6 undergoing training in any of its program components. Its various components are
7 specially designed to enhance the youth's active contribution to the general welfare;

8 (b) [*Reserve Officer Training Corps*] (ROTC) – is program institutionalized under
9 Section 38 and 39 of RA No. 7077 designed to provide military training to tertiary
10 level students in order to motivate, train, organized and mobilize them for national
11 defense preparedness.]“COMPREHENSIVE COMMUNITY SERVICE PROGRAM” IS A
12 CIVILIAN PROGRAM DESIGNED TO TRAIN STUDENTS IN BASIC SERVICES IN A
13 SPECIFIC COMMUNITY WHICH MAY INCLUDE PLANNED AND SYSTEMATIC
14 TREE PLANTING, STREET CLEANING, WASTE SEGREGATION, TRAFFIC
15 MANAGEMENT, AND OTHER RELATED ACTIVITIES;

16 (c) “Literacy Training Service” is a CIVILIAN program designed to train students TO
17 CONDUCT LITERACY TRAINING, LIVELIHOOD TRAINING AND OTHER SIMILAR
18 TRAINING WITH THE BASIC SECTORS, ESPECIALLY THE URBANPOOR,
19 WORKERS, FARMERS, INDIGENOUS PEOPLE, FISHER FOLK, WOMENAND
20 CHILDREN;

21 (d) “COMMUNITY-BASED HEALTH AND NUTRITION PROGRAM” IS A CIVILIAN
22 PROGRAM DESIGNED TO TRAIN STUDENTS IN HEALTH AND
23 NUTRITIONEDUCATION IN SPECIFIC COMMUNITIES;

24 (e) “COMMUNITY IMMERSION PROGRAM” IS A CIVILIAN PROGRAM DESIGNED
25 TO STRENGTHEN THE SOCIAL CONSCIOUSNESS OF STUDENTS THROUGH
26 EXPOSURE AND IMMERSION AMONG THE BASIC SECTORS, SUCH AS
27 THERURAL AND URBAN POOR COMMUNITIES, TRADE UNIONS, PEASANTS,
28 FISHERFOLK, INDIGENOUS PEOPLE, AMONG OTHERS;

29 (f) “DISASTER PREPAREDNESS PROGRAM” IS A CIVILIAN PROGRAM DESIGNED
30 TO TRAIN STUDENTS IN DISASTER PREVENTION AND PREPAREDNESS IN
31 THEEVENT OF FLOODS, EARTHQUAKES, FIRE AND OTHER NATURAL AND MAN-
32 MADE CALAMITIES, RESCUE AND RELIEF OPERATIONS, MEDICAL
33 ANDHUMANITARIAN MISSIONS, AND OTHER RELATED ACTIVITIES;

(g) "ECOLOGICAL SERVICES PROGRAM" IS A CIVILIAN PROGRAM DESIGNED TO TRAIN STUDENTS IN ENVIRONMENTAL PROTECTION AND AWARENESSACTIVITIES, AMONG OTHERS;

(h) "HUMAN RIGHTS EDUCATION AND ADVOCACY" IS A CIVILIAN PROGRAM DESIGNED TO TRAIN STUDENTS IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS, INCLUDING INDIVIDUAL AND COLLECTIVE CIVIL, POLITICAL, SOCIAL, ECONOMIC AND CULTURAL RIGHTS, DOCUMENTATION, FACT-FINDING MISSIONS, AND OTHER RELATED ACTIVITIES;"

SECTION 5. Section 4 of Republic Act No. 9163 is hereby amended to read as follows:

"Section 4. *Establishment of the National Service Training Program.* – There is hereby established a National Service Training Program, which shall form part of the curricula of all baccalaureate degree courses and of at least two (2)-year technical vocational courses and is a requisite for graduation consisting of the following service components:

(1)[The Reserve Officers Training Corps (ROTC) which is hereby made optional and voluntary upon the effectivity of this Act] THE COMPREHENSIVE COMMUNITY SERVICE PROGRAM

(2)The Literacy Training Service;

(3)THE COMMUNITY-BASED HEALTH AND NUTRITION PROGRAM

(4)THE COMMUNITY IMMERSION PROGRAM

(5)THE DISASTER PREPAREDNESS PROGRAM

(6)THE ECOLOGICAL SERVICES PROGRAM

(7)THE HUMAN RIGHTS EDUCATION AND ADVOCACY PROGRAM; AND

(8) OTHER SIMILAR PROGRAMS THAT THE SCHOOL, IN CONSULTATION WITH THE SCHOOL'S STUDENT COUNCILS AND STUDENT ORGANIZATIONS, AND WITH THE APPROVAL OF THE COMMISSION ON HIGHER EDUCATION, MAY IMPLEMENT

[The ROTC under the NSTP shall instill patriotism, moral virtues, respect for rights of civilians, and adherence to the Constitution, among others.] Citizenship AND

1 SOCIAL CONSCIOUSNESS training shall be given emphasis in ALL THE NSTP
2 PROGRAM COMPONENTS.

3 [The Commission on Higher Education (CHED) and Technical Education and Skills
4 Development Authority (TESDA), in consultation with the Department of National
5 Defense (DND), Philippine Association of State Universities and Colleges (PASUC),
6 Coordinating Council of Private Educational Associations of the Philippines
7 (COCOPEA) and other concerned government agencies, may design and implement
8 such other program components as may be necessary in consonance with the
9 provisions of this Act.]

10 THE SCHOOL, IN CONSULTATION WITH THE SCHOOL'S STUDENT COUNCILS,
11 STUDENT ORGANIZATIONS, AND OTHER CONCERNED GOVERNMENT
12 AGENCIES, WITH THE APPROVAL OF THE COMMISSION ON HIGHER
13 EDUCATION (CHED) AND TECHNICAL EDUCATION AND SKILLS DEVELOPMENT
14 AUTHORITY (TESDA), MAY DESIGNAND IMPLEMENT SUCH OTHER PROGRAM
15 COMPONENTS AS MAY BE NECESSARY INCONSONANCE WITH THE PROVISIONS
16 OF THIS ACT."

17 **SECTION 6.** Section 6 of Republic Act No. 9163 is hereby amended to read as
18 follows:

19 "Section 6.x xx

20 In lieu of the two-semester program for any of the components of the NSTP a one
21 (1) summer program may be designed formulated and adopted by the [DND,] CHED
22 and TESDA."

23 **SECTION 7.** Section 7 of Republic Act No. 9163 is hereby amended to read as
24 follows:

25 "Section 7. *NSTP Offering in Higher and Technical Educational Institutions.*– All
26 higher and technical and vocational institutions, public and private, must offer at
27 least TWO of the program components[,provided that state universities and colleges
28 shall offer the ROTC components and at least one other component as education
29 institution may ROTC if they have at least three hundred and fifty (350) cadets
30 students] enumerated in this Act.

31 In offering the NSTP whether, during the semestral or summer periods, clustering
32 of affected students from different educational institutions may be done, taking
33 into account logistics, a branch of service and geographical considerations.

Schools that do not meet the required number of students to maintain [the optional ROTC and] any of the NSTP components shall allow their students to cross-enroll to other schools [irrespective of whether or not the NSTP components in said schools are being administered by the same or another branch of service in the Armed Forces of the Philippines (AFP), CHED and TESDA to which schools are identified].

A STUDENT SHALL HAVE THE SOLE POWER TO CHOOSE THE PROGRAM HE OR SHE SHALL TAKE. IN NO CASE SHALL THE SCHOOL RESTRICT THE STUDENTS IN THEIR CHOICE OF PROGRAMS BY REASON OF LIMITATIONS IN SLOTS.

SECTION 8. Section 8 of Republic Act No. 9163 is hereby amended to read as follows:

"Section 8. [*Fees and Incentives*] NON-COLLECTION OF FEES - Higher and technical vocational institutions shall not collect any fee for any of the NSTP components. [except basic tuition fees, which shall not be more than fifty percent (50%) of what is currently charged by schools per unit.]

[In the case of ROTC, the DND shall formulate and adopt a program of assistance and/or incentive to those students who will take the said component.

[The school authorities concerned, CHED and TESDA shall ensure that group insurance for health and accident shall be provided for students enrolled in any of the NSTP components.]

GROUP INSURANCE FOR HEALTH AND ACCIDENT, ALONG WITH OTHER NEEDS OF THE VARIOUS NSTP COMPONENTS SHALL BE PROVIDED BY THE SCHOOL AUTHORITIES CONCERNED, WITHOUT INCURRING ADDITIONAL CHARGES FOR STUDENTS.

SECTION 9. Section 10 of Republic Act No. 9163 is hereby amended to read as follows:

"Section 10. x xx

The CHED and TESDA regional offices shall oversee and monitor the implementation of the NSTP under their jurisdiction to determine if the training is being conducted in consonance with the objectives of this Act. Periodic reports shall be submitted to the CHED, TESDA [and DND]in this regard."

1 **SECTION 10.** Section 11 of Republic Act No. 9163 is hereby amended to read as
2 follows:

3 "Section 11. *Creation of the National Service Reserve Corps* - There is hereby created
4 a National Service Reserve Corps, to be composed of the graduates of the [non-
5 ROTC components] NSTP. Members of this Corps may be tapped by the State for
6 literacy and civic welfare activities through the joint effort of the [DND] CHED and
7 TESDA, AND DEPARTMENT OF EDUCATION, DEPARTMENT OF HEALTH AND
8 OTHER CONCERNED AGENCIES.[Graduates of the ROTC shall form part of the
9 Citizens' Armed Force, pursuant to Republic Act No. 7077.]"

10 **SECTION 11. *Implementing Rules.***– The Commission on Higher Education shall
11 have the responsibility of revising the Implementing Rules and Regulations of Republic Act
12 No. 9163 in order to adapt to the amendments provided for by this Act. It shall consult
13 with other concerned government agencies, student councils and organizations, non-
14 government and other people's organizations, and school associations in drafting the
15 revisions.

16 **SECTION 12. *Personnel.*** – ROTC personnel shall be deemed separated from the
17 service and shall receive the retirement benefits to which they may be entitled under
18 existing laws, rules and regulations.

19 **SECTION 13. *Appropriations.*** – The amount necessary for the implementation of
20 this Act shall be incorporated in the Annual General Appropriations Act.

21 **SECTION 14. *Separability Clause.*** – If any section or provision of this Act shall be
22 declared unconstitutional, the remaining sections or provisions shall not be affected
23 thereby.

24 **SECTION 15. *Repealing Clause.*** – All laws, presidential decrees, executive orders,
25 letters of instruction, rules and regulations which are inconsistent with any of the
26 provisions of this Act are hereby repealed or modified accordingly.

27 **SECTION 16. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after
28 the completion of its publication in the Official Gazette or in any newspaper of general
29 circulation and shall be implemented in schools in the semester immediately succeeding
30 the effectivity.

Approved,

