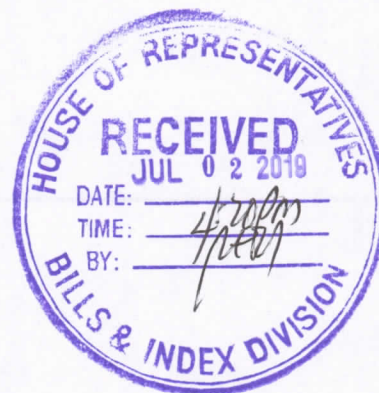


EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

HOUSE OF REPRESENTATIVES
H. No. 1118



Introduced by **Representative Raul C. Tupas**

EXPLANATORY NOTE

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, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7077, OTHERWISE KNOWN AS THE "CITIZEN ARMED FORCES OF THE PHILIPPINES RESERVIST ACT", AND APPROPRIATING FUNDS THEREFOR

Section 4 of Article II of the Constitution provides: "*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.*"

This constitutional provision upholds that the defense of the State is primarily the duty of both the government and its people. It shall be the responsibility of every Filipino to defend the security, freedom and independence of the Philippine Republic by rendering personal, military or civil service. Accordingly, Republic Act No. 7077, otherwise known as the "*Armed Forces of the Philippines Reservist Act*" mandated the military training for students enrolled in colleges, universities and similar learning institutions and established the Reserves Officers' Training Corps (ROTC) course as a requirement in acquiring a baccalaureate degree.

The enactment of Republic Act No. 9163, otherwise known as the "National Service Training Program of 2001", made the Reserve Officers' Training Corps (ROTC) optional among male college students and this resulted to the decrease in number of those pursuing military training. At present, there is an increasing concern about the sustainability of the Armed Forces of the Philippines (AFP) reserve manpower supply and the capacity of the government to respond to any national security threat or national emergency, not to mention our country's stake in the West Philippine Sea.

This bill seeks to provide for the restoration of mandatory military training for all Grade 11 and Grade 12 students. The bill was deliberated and approved on Third Reading by the House of Representatives during the 17th Congress. President Duterte also identified the measure as part of his legislative priority agenda.

Hence, early approval of this bill is earnestly sought.


RAUL "BOBOY" C. TUPAS

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

SECTION 1. Short Title. – This Act shall be known as the "Reserve Officers' Training Corps (ROTC) Act".

SECTION 2. Declaration of Constitutional Policy. – 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. In the same manner, the State recognizes the vital role of the youth in nation-building, and shall promote civic consciousness among the youth and shall develop their physical, moral, spiritual, intellectual and social well-being. It shall inculcate in the youth patriotism, nationalism, and encourage involvement in public and civic affairs.

Towards this end, the State shall enhance the capacity of the nation to produce the needed manpower and to expand its human resources in times of war, calamities and disasters, national or local emergencies, and in support to the government's law enforcement strategy against crimes, by creating a pool of trained reservists.

SECTION 3. Coverage. – The conduct of military training under the ROTC shall apply to all students in Grades 11 and 12 in all senior high schools in public and private educational institutions.

SECTION 4. Establishment of ROTC Program in All Public and Private Educational Institutions. –

- a) There is hereby established a mandatory two (2)-year Basic ROTC program for students enrolled in Grades 11 and 12 which shall form part of the basic curricula for the Senior High School Education in public and private educational institutions in

pursuance to the provisions of the National Defense Act and the 1987 Constitution, with the objective of producing well-trained and prepared reservists for military and civic service. The ROTC training is aimed to instill patriotism, love of country, moral and spiritual virtues, respect for human rights and adherence to the Constitution. In no way shall the ROTC be used for political aims, to teach and instill a particular ideology and as a mechanism for hazing and abuse.

b) The ROTC shall include the following program of instruction:

1. Enhancing the students' consciousness in the ethics of service, patriotism and nationalism, respect for human rights, appreciation of the role of national heroes in the historical development of the country, strengthen ethical and spiritual values, develop personal discipline and leadership, and to encourage creative thinking for scientific and technological development.
2. Basic military training for students in order to motivate, train, organize and utilize for national defense preparedness or civil-military operations: *Provided*, That no students below the age eighteen (18) shall take a direct part in hostilities.
3. Civic training for students in order to be active participants and volunteers for the development and improvement of health, education, ecology and environmental protection, disaster risk reduction and management, human and civil rights awareness, and law enforcement.

c) Any student who fails to undergo the mandatory Basic ROTC in accordance with this Act shall not be qualified for graduation. In addition thereto, the non-taking of Basic ROTC by any student shall be a ground for Compulsory Military Training in pursuance to Section 14 of Republic Act No. 7077. Any educational institution that fails to institute and implement the ROTC Program in pursuance to this Act shall be subject to disciplinary and administrative sanctions as the Department of Education (DepEd), Commission on Higher Education (CHED), and Technical Education and Skills Development Authority (TESDA) may impose.

d) Guided by the provision of Section 4 (b) hereof, the Department of National Defense (DND), DepEd, and TESDA, in consultation with other relevant government agencies and private stakeholders as the Secretary of National Defense may determine, shall design and formulate the Program of Instruction (POI) on the Basic ROTC program in Grades 11 and 12, within sixty (60) days from the approval of this Act and shall jointly issue the implementing rules and regulations for the effective implementation of the provisions of this Act.

SECTION 5. *Students Exempted from this Act.* – The following may be exempted from the coverage of this Act:

- a) Those who are physically or psychologically unfit, as certified by the Armed Forces of the Philippines (AFP) Surgeon General or his authorized medical officer, in pursuance to the recommendation of the educational institutions where the concerned student is enrolled;

- b) Those who have undergone or are undergoing similar military training;
- c) Those who were chosen by their school to serve as the school's varsity players in sports competitions; and
- d) Those who may be exempted from training for valid reasons as approved by the DND, upon recommendation by any educational institution where the concerned student is enrolled.

SECTION 6. Acceptance for Advance ROTC. – Students who volunteer for Advance ROTC Program in universities, colleges, vocational schools and other tertiary institutions shall be governed by Section 40 of Republic Act No. 7077, or the Citizen Armed Forces of the Philippines Reservist Act. The provisions of Section 42 and 43 of Republic Act No. 7077 in terms of training, uniforms and supplies, and the scholarship incentive shall remain effective and applicable for those accepted in the Advance ROTC course.

SECTION 7. Organization, Operation and Maintenance of ROTC Units. – The organization, operation and maintenance for the establishment of ROTC shall be in accordance with Sections 41 and 42 of Republic Act No. 7077 which shall remain effective and operative unless inconsistent with this Act. The Secretary of National Defense, in consultation with the DepEd and TESDA, shall prescribe the organizational and operational manual of ROTC units in public and private educational institutions for Grades 11 and 12: *Provided, That* such educational institutions shall be required to provide an adequate office for the ROTC administrative staff assigned thereat.

The AFP shall create an office dedicated to the supervision and administration of the ROTC Program within the Reserve Commands of the AFP in coordination with the DepEd and TESDA.

SECTION 8. Incentives for Undergoing the ROTC Program. –

- a) Subject to other requirements prescribed by rules and regulations, graduates of Basic ROTC shall be eligible for commissionship/ lateral entry and enlistment in the AFP, Philippine National Police (PNP), Philippine Coast Guard (PCG), Bureau of Jail Management and Penology (BJMP), and Bureau of Fire Protection (BFP) unless a waiver is issued by the Department Secretaries of the aforementioned military and civilian armed forces.
- b) Students undergoing Basic ROTC and those accepted in the ROTC Advance Course shall be provided with free hospitalization in any government hospital in case of accident or injury during the training. Mandatory insurance for students undergoing ROTC shall be provided by the school where the students are enrolled.
- c) Students undergoing Basic and Advance ROTC shall be given access and privileges with any AFP Commissary and PX Stores nationwide. The Chief of Staff of the AFP shall issue the necessary regulations for the implementation of this privilege.

SECTION 9. *The ROTC Grievance Board.* – There shall be created a Reserve Officers' Training Corps (ROTC) Grievance Board composed of one (1) representative from the Department of National Defense and two (2) representatives from the Department of Education with the more senior representative from the Department of Education as chairperson. These representatives shall be appointed for their known integrity, probity, and independence.

The ROTC Grievance Board shall have the following powers:

- a) Investigate and resolve any and all complaints, in any form, involving corruption and abuse, in any form, in the ROTC Program;
- b) Ensure that the ROTC Program be free from politicization and from being used to instill a particular ideology; and
- c) Recommend policies and reforms to ensure adherence of the ROTC Program to the Constitution and all laws penalizing abuse in any form.

All decisions of the ROTC Grievance Board shall be appealable to the Office of the President.

SECTION 10. *Liability of the Educational Institution.* – The instructor or faculty-in-charge of the ROTC shall be responsible for monitoring the activities involved in the ROTC. The instructor or the faculty-in-charge must be a duly recognized active member, in good standing, of the faculty at the school in which the ROTC course is being implemented.

The school or the university and its administrators shall exercise special parental authority and supervise the implementation of the ROTC.

In case of violation of any of the provisions of this Act and other related laws, the instructor or faculty-in-charge and the school or university and its officials shall be responsible and liable for any damage or injury caused to a student.

SECTION 11. *Funding.* – The funding requirement to implement the establishment, maintenance and operations of the ROTC Program shall be included in the budget of the implementing agencies/ departments in the annual General Appropriations Act.

SECTION 12. *Separability Clause.* – If any provision of this Act is held invalid or unconstitutional, the other provisions not so declared shall remain in force and effect.

SECTION 13. *Repealing Clause.* – Pertinent provisions of Republic Act No. 7077, or the "Citizen Armed Forces of the Philippines Reservist Act", and all other laws, decrees, executive orders and rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SECTION 14. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,