

EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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'19 JUL -2 P1:14

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SENATE

S. No. 177

Introduced by SEN. SHERWIN T. GATCHALIAN

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

This bill seeks to establish a mandatory two (2) year Basic ROTC program for students enrolled in Grades 11 and 12 in all senior high schools in public and private educational institutions.

In its Declaration of Principles and State Policies, our Constitution has espoused that the government may call upon the people to defend the State and, in the fulfillment thereof, all citizens may be required, under conditions required by law, to render personal military or civil service. At the same time, the State recognizes the vital role of the youth in nation-building and seeks to promote and protect their physical, moral, spiritual, intellectual and social well-being. It also seeks to inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

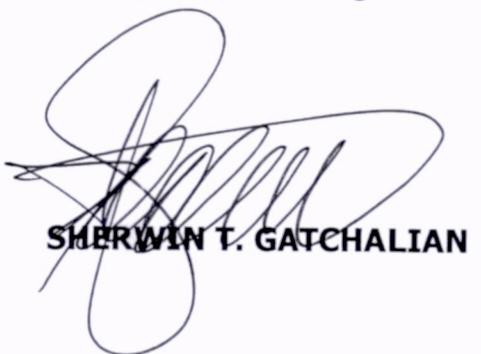
Discipline is a foundational attribute necessary to succeed in any endeavor, and this is doubly true in nation-building. As it is the youth of today who will lead the nation in the near future, our ability to instill in them the importance of this skill will determine whether they as a generation will hit the ground running or tap on the snooze button every time the country is faced with challenges.

The revival of the mandatory basic ROTC program will inculcate this kind of discipline in our youth through the enhancement of the values of leadership, camaraderie, and sacrifice for common objectives. The program will also be designed around the ideals of patriotism and nationalism, all while emphasizing on respect for human rights and the strengthening of ethical and spiritual values.

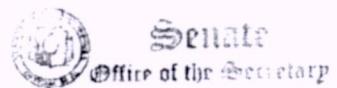
Under this bill, the ROTC program will also put a premium on disaster preparedness and capacity-building for risk-related situations – skills that become increasingly necessary as the country bears the brunt of climate change, among other internal and external threats.

The standards of discipline, love for country, disaster preparedness and basic military training are valuable at any given time, but more so now. This generation of Filipino youth thus stand to benefit immensely from this endeavor.

In view of the foregoing, support for the passage and approval of this legislation
is earnestly sought.



SHERWIN T. GATCHALIAN



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PROGRAM AND APPROPRIATING FUNDS THEREFOR**

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

- 1 SEC. 1. *Short Title* - This Act shall be known as the "Senior High School Reserve Officers Training Corps (ROTC) Act".
- 2 SEC. 2. *Declaration of Policy*. - It is the policy of the State to serve and protect

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

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

11 *SEC. 3. Definition of Terms-*

12 a) *Reserve Force* – refers to the organization of trained reservists under the
13 command of the Armed Forces of the Philippines who may be called for duty
14 in the event of war, invasion or rebellion; to assist in relief and rescue during
15 disaster or calamities; to assist in socioeconomic development; and to assist
16 in the operation and maintenance of essential government or private utilities
17 in the furtherance of overall mission.

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

22 c) *Advance ROTC* – refers to the optional and enhanced ROTC course that is
23 offered in universities, colleges, vocational schools and other tertiary
24 institutions.

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

28 e) *Grievance Committee* – refers to an independent body that is tasked to
29 investigate any complaint or allegation of abuse, violence or corruption in
30 any clustered ROTC unit or any educational institution implementing the

1 ROTC Program.

- 2 f) *National Grievance Committee* – refers to the appellate body that has
3 jurisdiction to hear appeals on the findings and recommendations of any
4 local grievance committee.
- 5 g) *Public Educational Institutions* – refer to educational institutions that are
6 established and administered by the government.
- 7 h) *Private Educational Institutions* – refer to educational institutions maintained
8 and administered by private individuals or groups.
- 9 i) *Registration* – the act of recording the name and/or other relevant
10 information of the students who have completed the ROTC Program in
11 Grades 11 and 12 on the official list of ROTC graduates. *Provided*, that the
12 registration that is referred to under this Act shall not be construed as
13 enlistment in the AFP Reserve or Regular Force.

14 SEC. 4. *Coverage.* - The conduct of basic military and leadership training under
15 the ROTC shall apply to all students in Grades 11 and 12 in all senior high schools in
16 public and private educational institutions.

17 SEC. 5. *Establishment of the ROTC Program in all Public and Private Educational
18 Institutions.* –

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

27 b. The Basic ROTC, instituted as part of the curricula shall be administered in
28 accordance with the following modules:

- 1 b.1. Enhancing the students consciousness in the ethics of service, patriotism
2 and nationalism, respect for human rights, appreciation of the role of national
3 heroes in the historical development of the country, strengthen ethical and
4 spiritual values, develop personal discipline and leadership and to encourage
5 creative thinking for scientific and technological development;
- 6 b.2. Basic military training for students in order to motivate, train, organize and
7 utilize for national defense preparedness or civil-military operations: *Provided*,
8 That no student below the age of eighteen (18) years shall take a direct part
9 in hostilities.
- 10 b.3. Civic training for students in order to be active participants and volunteers
11 for the development and improvement of health, education, ecology and
12 environmental protection, human and civil rights awareness and law
13 enforcement.
- 14 b.4. Preparedness during actual disaster response operations on needs
15 assessment, improved skills for search, rescue and relief operations, and early
16 recovery activities. Integration of capacity-building activities revolving around
17 risk-related situations in order for students to be proactive in lessening the
18 socio-economic and environmental impacts of disasters including climate
19 change. These capacity building activities will help build understanding and
20 skills with the end in view of applying disaster risk reduction and management
21 principles, concepts, and concrete action steps towards building their
22 resilience.
- 23 c. Any student who fails to undergo the mandatory Basic ROTC in accordance with
24 this Act shall not be qualified for graduation. In addition thereto, the non-taking of
25 ROTC by any student shall be a ground for Compulsory Military Training in pursuance to
26 Section 14 of Republic Act No. 7077. Any educational institution that fails to institute
27 and implement the Basic ROTC program in pursuance to this Act shall be subject to
28 disciplinary and administrative sanctions as the Department of Education (DepEd) may
29 impose.

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

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

10 SEC. 7. *Students Exempted from this Act*. – The following may be exempted
11 from the coverage of this Act:

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

16 b. Those who have undergone or are undergoing similar military training.

17 c. Those who were chosen by their school to serve as varsity players in
18 sports competitions.

19 d. Those who may be exempted from training for valid reasons as approved
20 by the DND, upon recommendation by any educational institution.

21 SEC. 8. *Advance ROTC*. – The basic ROTC established in Section 4, paragraph 1
22 of RA 9163, also known as the "National Service Training Program (NSTP) Act of 2001",
23 as a component of the NSTP which forms part of the curricula for students of any
24 baccalaureate degree course shall be modified or reclassified as the Advance ROTC
25 pursuant to Section 39 of RA 7077, or the "Citizen Armed Force or Armed Forces of the
26 Philippines Reservist Act."

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

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

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

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

19 The AFP shall create an office dedicated to the supervision and administration of
20 the ROTC program within the Reserve Commands of the AFP in coordination with the
21 DepEd.

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

25 *SEC. 11. Guidelines to safeguard students of the Basic ROTC Program.* - In order
26 for the proper and effective implementation of the Basic ROTC Program, the following
27 policies shall be adopted to prevent the occurrence of hazing, corruption and other
28 forms of abuses:

29 a. The Basic ROTC Program prohibits hazing as defined under *R.A. 8049*, as
30 amended by *R.A. 11053*, and as such, adopts the penalties for any act

committed under the provisions of the said law;

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

SEC. 12. Establishment of Grievance Committees. -

- a. A Grievance Committee shall be formed from a cluster of educational institutions that shall receive complaints and/or *motu proprio* conduct investigations on any complaint or allegation of abuse, violence or corruption in any educational institution implementing the Basic ROTC Program;

- 1 b. Every Grievance Committee shall be composed of three members, to be
2 chosen by the Secretary of National Defense and the Secretary of Education:
3 *one (1) District Commandant from the DND, one (1) District Schools*
4 *Supervisor from the DepEd, and one (1) Legal Officer from the DepEd;*
- 5 c. The DepEd and the DND shall formulate the manner by which the educational
6 institutions implementing the Basic ROTC shall be clustered for the efficient
7 resolution of grievances;
- 8 d. The Grievance Committee shall function as an independent investigative
9 body, which shall formulate the recommendation to the proper disciplinary
10 authority that has jurisdiction over the respondent, depending on whether
11 he/she belongs to the military for which purpose, the Articles of War shall be
12 employed. Whereas, for school officials and/or employees of public and
13 private educational institutions, the provisions of *R.A. 6713 or the Code of*
14 *Conduct of Public Officers and Employees* and other relevant laws on the
15 matter shall be applied. This is without prejudice to administrative cases that
16 may be filed pursuant to the Civil Service rules for public officers and
17 employees involved in the complaint.
- 18 e. Nothing herein shall prevent any person from filing directly with the regular
19 courts any incident of violation of *Republic Act 11053 or the Anti-Hazing Act*
20 *of 2018.*

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

- 24 (1) Encourage the reporting of any incident of hazing, violence, abuse and
25 corruption in every clustered ROTC unit;
- 26 (2) *Motu proprio* or upon a complaint filed by any person, investigate, any act of
27 hazing, violence, abuse and corruption in the clustered ROTC unit;
- 28 (3) Issue preventive suspension orders against officers of the ROTC or any school
29 employee involved in the training within three (3) days: (a) upon receipt of the
30 complaint, or (b) after initiation of the motu proprio investigation, to preclude

him from exerting undue influence over the complainant and impede the normal course of the investigation;

(4) Recommend the appropriate action for any offense committed in the clustered ROTC unit to the proper disciplinary authority which has jurisdiction over the respondent within fifteen (15) days (a) upon receipt of the complaint, or (b) after initiation of the motu proprio investigation;

(5) Monitor all complaints filed with the Committee and maintain an updated record of the status of each case;

(6) Provide the parties of the complaint its findings and recommendations within thirty (30) days upon receipt thereof.

(7) Promulgate rules and regulations necessary to carry out its objectives, functions and disciplinary procedures;

(8) Performs such other functions as may be provided by law.

SEC. 14. *National Grievance Committee.* – There is hereby established a

National Grievance Committee (NGC) composed of the Secretary of National Defense or his permanent authorized representative, the Secretary of Education or his permanent authorized representative, and the Secretary of Justice or his permanent authorized representative.

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

SEC. 15. Incentives for Undergoing the ROTC Program. – a. Subject to other requirements that may be prescribed by rules and regulations, graduates of the Advance 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.

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

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

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

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

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

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

26 SEC. 19. *Implementing Rules.* – The DND and DepEd shall have the joint
27 responsibility for the adoption of the implementing rules of this Act within sixty (60)
28 days from the approval of this Act.

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

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

8 SEC. 21. *Joint Congressional Oversight Committee.* – A Joint Congressional
9 Oversight Committee is hereby created to oversee, monitor and evaluate the
10 implementation of this Act.

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

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

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

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

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

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

30 SEC. 27. *Repealing Clause.* – All other laws, executive orders, presidential

1 decrees, rules and regulations inconsistent with any provisions of this Act are hereby
2 repealed, amended or modified accordingly.

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

Approved,