

SEVENTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Third Regular Session

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Senate
Office of the Secretary

19 MAY 22 P7:15

SENATE

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COMMITTEE REPORT NO. 681

Prepared and submitted jointly by the Committees on Education, Arts and Culture; National Defense and Security; Youth; and Finance on MAY 22 2019 2019.

Re: **SB No. 2232** prepared by the Committees

Recommending its approval in substitution of Senate Bill Nos. 189, 200, 1131, 1322 and 1417.

Sponsor: **Senator Sherwin T. Gatchalian**

MR. PRESIDENT:

The Senate Committees on Education, Arts and Culture; National Defense and Security; Youth; and Finance to which was referred SBN 189, introduced by Senators Emmanuel "Manny" D. Pacquiao and Vicente C. Sotto III, entitled:

"AN ACT

**PROVIDING FOR THE RESTORATION OF MANDATORY MILITARY TRAINING FOR
ALL GRADE 11 AND GRADE 12 STUDENTS BY REINSTATING SECTION 38 AND 39
OF REPUBLIC ACT NO. 7077, OTHERWISE KNOWN AS THE CITIZEN ARMED
FORCE OR ARMED FORCES OF THE PHILIPPINES RESERVIST ACT"**

Senate Bill No. 200, introduced by Senator Sherwin T. Gatchalian, entitled:

"AN ACT

**TO RE-INSTITUTIONALIZE THE MANDATORY MILITARY AND CIVIC RESERVE
OFFICERS' TRAINING CORPS (ROTC) FOR STUDENTS IN ALL COLLEGES,
UNIVERSITIES AND TECHNICAL OR VOCATIONAL SCHOOLS"**

Senate Bill No. 1131, introduced by Senator Joseph Victor G. Ejercito, entitled:

"AN ACT

**RE-INSTITUTING RESERVE OFFICERS' TRAINING CORPS (ROTC) AS A
MANDATORY COURSE FOR TERTIARY LEVEL STUDENTS AND FOR OTHER
PURPOSES"**

Senate Bill No. 1322, introduced by Senator Aquilino "Koko" Pimentel III, entitled:

"AN ACT

**INSTITUTING THE CITIZEN SERVICE TRAINING COURSE, ESTABLISHING THE
CITIZEN SERVICE CORPS, CREATING THE CITIZEN SERVICE MOBILIZATION
COMMISSION, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES"**

And **Senate Bill No. 1417**, introduced by Senator Richard J. Gordon, entitled:

"AN ACT

**REQUIRING BASIC CITIZEN SERVICE TRAINING, ESTABLISHING THE CITIZEN
SERVICE CORPS, CREATING THE CITIZEN SERVICE COMMISSION FOR THIS
PURPOSE, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES"**

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached bill, **Senate Bill No. 2232**, prepared by the Committees entitled:

"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"**

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be approved in substitution of Senate Bill Nos. 189, 200, 1131, 1322 and 1417 with Senators Pacquiao, Sotto III, Gatchalian, Ejercito, Pimentel III, and Gordon as authors thereof.

Respectfully submitted:

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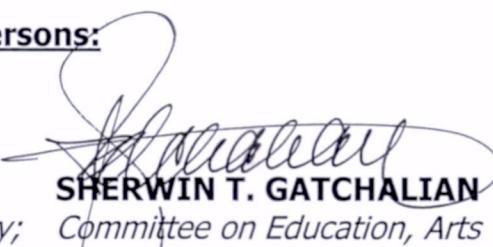


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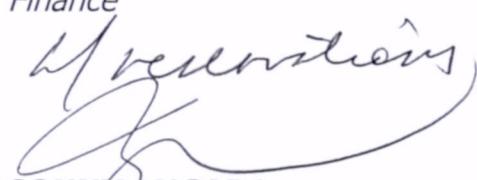
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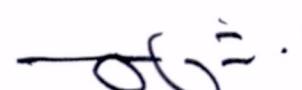
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will never forget
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SENATE

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S. B. No. 2232

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Prepared and submitted by the Committees on Education, Arts and Culture; National Defense and Security; Youth; and Finance with Senators Emmanuel Pacquiao; Vicente Sotto III; Sherwin Gatchalian; Joseph Victor Ejercito; Aquilino Pimentel; and Richard Gordon as authors.

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 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**".

3 **SEC. 2. *Declaration of Policy***. - It is the policy of the State to serve
4 and protect the people. The government may call upon the people to defend
5 the State and, in fulfillment thereof, all citizens may be required, under
6 conditions provided by law, to render personal, military or civil service. The
7 State recognizes the role of the youth in nation-building and shall promote

1 and protect their physical, moral, spiritual, intellectual and social well-
2 being. It shall inculcate in the youth patriotism and nationalism, and
3 encourage their involvement in public and civic affairs.

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

9 **SEC. 3. *Definition of Terms***-

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

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

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

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

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

31 f) *National Grievance Committee* – refers to the appellate body that
32 has jurisdiction to hear appeals on the findings and
33 recommendations of any local grievance committee.

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

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

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

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

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

27 b.1. Enhancing the students consciousness in the ethics of service,
28 patriotism and nationalism, respect for human rights, appreciation
29 of the role of national heroes in the historical development of the
30 country, strengthen ethical and spiritual values, develop personal
31 discipline and leadership and to encourage creative thinking for
32 scientific and technological development;

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

5 b.3. Civic training for students in order to be active participants and
6 volunteers for the development and improvement of health,
7 education, ecology and environmental protection, human and civil
8 rights awareness and law enforcement.

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

19 c. Any student who fails to undergo the mandatory Basic ROTC in
20 accordance with this Act shall not be qualified for graduation. In addition
21 thereto, the non-taking of ROTC by any student shall be a ground for
22 Compulsory Military Training in pursuance to Section 14 of Republic Act No.
23 7077. Any educational institution that fails to institute and implement the
24 Basic ROTC program in pursuance to this Act shall be subject to
25 disciplinary and administrative sanctions as the Department of Education
26 (DepEd) may impose.

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

32 **SEC. 6. Schools as Zones of Peace.** – Pursuant to Republic Act No.
33 11188 entitled “Special Protection of Children in Situations of Armed

1 *Conflict*", every educational institution implementing the ROTC under this
2 Act shall comply with the declaration and guidelines that are provided for
3 under the said law to maintain the neutrality of the schools as zones of
4 peace.

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

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

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

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

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

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

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

29 The provisions of Section 42 and 43 of Republic Act No. 7077 in terms
30 of training, uniforms and supplies, and the scholarship incentive shall
31 remain effective and applicable for those accepted in the Advance ROTC
32 course. It shall be mandatory for all public and private universities, college
33 and similar learning institutions to offer and provide a training school for

1 the Advance ROTC program which shall have a duration in accordance with
2 the curriculum prescribed by the DND and the Commission on Higher
3 Education (CHED).

4 The Department of National Defense, in coordination with the CHED,
5 shall prescribe the curriculum for Advance ROTC and the program of
6 instruction in pursuance to the applicable provisions of Republic Act No.
7 7077.

8 **SEC.9 Organization, Operation and Maintenance of ROTC Units.**

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

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

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

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

- 28 a. The Basic ROTC Program prohibits hazing as defined under **R.A.**
29 **8049, as amended by R.A. 11053**, and as such, adopts the
30 penalties for any act committed under the provisions of the said law;
31 b. Cognizant of the provisions under **R.A. 7610** or the “*Special Protection*
32 *of Children Against Abuse, Exploitation and Discrimination Act*”, any
33 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;
- b. Every Grievance Committee shall be composed of three members, to be chosen by the Secretary of National Defense and the Secretary of Education: *one (1) District Commandant from the DND,*

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

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

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

- 1 (4) Recommend the appropriate action for any offense committed in the
2 clustered ROTC unit to the proper disciplinary authority which has
3 jurisdiction over the respondent within fifteen (15) days (a) upon
4 receipt of the complaint, or (b) after initiation of the motu proprio
5 investigation;
- 6 (5) Monitor all complaints filed with the Committee and maintain an
7 updated record of the status of each case;
- 8 (6) Provide the parties of the complaint its findings and recommendations
9 within thirty (30) days upon receipt thereof.
- 10 (7) Promulgate rules and regulations necessary to carry out its objectives,
11 functions and disciplinary procedures;
- 12 (8) Performs such other functions as may be provided by law.

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

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

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

30 b. Students undergoing the Basic ROTC and those accepted in the
31 ROTC Advance Course shall be provided with free hospitalization in any
32 government hospital in case of accident or injury during the training.

1 Mandatory insurance for students undergoing ROTC shall be provided by
2 the school where the students are enrolled.

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

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

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

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

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

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

31 **SEC. 20. Transitory Provisions.** - In order to manage the initial
32 implementation of the ROTC Program in senior high school, the DND, and

1 the DepEd shall within six (6) months from the effectivity of this Act, design,
2 institute and implement a Pilot Program.

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

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

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

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

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

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

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

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

4 ***SEC. 27. Repealing Clause.*** – All other laws, executive orders,
5 presidential decrees, rules and regulations inconsistent with any provisions
6 of this Act are hereby repealed, amended or modified accordingly.

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

Approved,