



Sixteenth Congress
Second Regular Session

HOUSE BILL NO. **5865**

Introduced by Honorable Felix William B. Fuentebella

EXPLANATORY NOTE

This bill seeks to strengthen the national security of the Philippines.

Strengthening national security requires an improved defense system anchored on the capabilities of the country's armed forces and police forces.

This proposed measure intends to provide the Armed Forces of the Philippines and the Philippine National Police with improved capabilities in manpower, equipment and facilities to better address the assessed threats on the country's defense and security, both internal and external.

The enhancement of the manpower and logistic capability of the AFP and the PNP is needed to ensure sustained law enforcement, public security, and internal security operations, and the security of the sovereignty of the State and the integrity of the national territory. The importance of an enhanced coordination mechanism between the AFP and PNP also needs to be emphasized to ensure the success of operations on the field and to institutionalize inter-operability between them including the use of compatible communications equipment.

The defense of the State is the concern of all the people and not only of the government. Every citizen must be ready to answer the call of the government to assist in the defense of the country. The National Service Training Program as established under Republic Act No. 9163, also known as the "*National Service Training Program (NSTP) Act of 2001*," should be modified by changing the service components into more relevant components suitable to the needs of the country. It is proposed that the NSTP will now consist of the following service components:

- (1) Reserve Officers' Training Service;
- (2) Enlisted Reservists' Training Service;
- (3) Disaster Preparedness Training Service; and,
- (4) Humanitarian Aid and Other Assistance Training Service.

State universities and colleges will be required to offer the Reserve Officers' Training Service and the Enlisted Reservists' Training Service to all their students who will also be granted preference in joining the AFP and PNP subject to other requirements of existing laws, rules and regulations.

In order to support the budgetary requirements for the enhancement of the capabilities of the AFP and the PNP, this measure also seeks to appropriate an annual budget for each of the AFP and PNP of an amount not less than one percent (1%) of the total national budget which will be administered by the Secretary of National Defense and Secretary of the Interior and Local Government, respectively.

In view of the foregoing, approval of this bill is earnestly recommended.


FELIX WILLIAM B. FUENTEBELLA

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

following principles:

b) 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.

Pursuant to these principles, the State shall promulgate measures which will (1) provide the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) with improved capabilities and the necessary mechanism for enhanced coordination to better address the existing and emerging issues and concerns on national defense and security of the country; and (2) ensure that a national mobilization shall be effectively carried out in any case of threatened or actual aggression.

SEC. 2. *President as Commander-in-Chief of AFP.* – The President shall be the Commander-in-Chief of all armed forces of the Philippines and whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion or rebellion.

SEC. 3. *President as Chief Executive.* – The President, as chief executive, shall exercise control and supervision over all police forces through the National Police Commission (NAPOLCOM).

SEC. 4. *Coordination During Law Enforcement Operations.* – The AFP and the PNP, in coordination with the Office of the Presidential Adviser on the Peace Process, shall review, clarify and strengthen the Joint AFP/PNP Operational Guidelines for Ad Hoc Joint Action Group (AHJAG) especially in the area of coordination during law enforcement operations against high value targets.

SEC. 5. *Inter-operability Between Government Agencies.* – The AFP and PNP shall jointly review related provisions of their respective written

1 manuals and protocols to synchronize, reconcile and institutionalize inter-
2 operability not only between these two agencies but also with other relevant
3 government agencies. The National Crisis Management Core Manual is one of
4 the essential references that may be used by the AFP and PNP for purposes of
5 the joint review.

6 SEC. 4. *National Service Training Program.* – The National Service
7 Training Program, as established under Republic Act No. 9163, also known as
8 the “*National Service Training Program (NSTP) Act of 2001*,” shall continue to
9 form part of the curricula of all baccalaureate degree courses and of at least two
10 (2)-year technical vocational courses and as a requisite for graduation, and shall
11 now consist of the following service components:

- 12 1) Reserve Officers’ Training Service;
- 13 2) Enlisted Reservists’ Training Service;
- 14 3) Disaster Preparedness Training Service; and
- 15 4) Humanitarian Aid and Other Assistance Training Service.

16 State universities and colleges shall offer the Reserved Officers’ Training
17 Service and the Enlisted Reservists’ Training Service components and at least
18 one other component as provided herein. All four (4) components herein shall
19 instill patriotism, moral virtues, respect for rights of civilians, and adherence to
20 the Constitution, among others. The Commission on Higher Education and
21 Technical Education and Skills Development Authority, in consultation with the
22 Department of National Defense, Philippine Association of State Universities

and Colleges, Coordinating Council of Private Educational Associations of the Philippines and other concerned government agencies, may design and implement such other program components as may be necessary in consonance with the provisions of this Act.

SEC. 5. *Preference and Rank When Joining the AFP.* – All students who enrolled in the Reserve Officers' Training Service or the Enlisted Reservists' Training Service under the NSTP and who graduated with honors shall be granted preference when they join the active service of the AFP, subject to other requirements under existing laws, rules or regulations, and upon completion of the necessary Officer Candidate Course or any equivalent course required by the major services of the AFP, shall be commissioned as a second lieutenant in the regular force of the AFP.

The same preference shall be granted to student who enrolled in the Reserve Officers' Training Service or the Enlisted Reservists' Training Service under the NSTP and who graduated with honors who will join the PNP.

SEC. 6. *Legal Assistance to AFP and PNP Members.* –The Secretary of Justice, the Chief of Staff of the AFP, the Chairperson of the National Police Commission (NAPOLCOM) or the Chief of the PNP may authorize lawyers of their respective agencies to provide legal assistance to any member of the AFP or PNP who is facing before the prosecutor's office, the court or any competent body, any charge arising from an incident related to the performance of official duty: *Provided*, That government lawyers so authorized shall have the power to

1 administer oaths: *Provided, further,* That in such cases, when necessary, as
2 determined by the Secretary of Justice, a private counsel may be provided at the
3 expense of the Government. The Secretary of Justice, the Chief of Staff of the
4 AFP, the Chairperson of the NAPOLCOM and the Chief of the PNP shall
5 jointly promulgate rules and regulations to implement the provisions of this
6 Section.

7 Private lawyers or professional partnerships who shall provide free legal
8 assistance to any member of the AFP or PNP who is facing before the
9 prosecutor's office, the court or any competent body, any charge arising from an
10 incident related to the performance of official duty shall be entitled to the
11 incentives under Republic Act No. 9999, also known as the "*Free Legal*
12 *Assistance Act of 2010*," subject to the requirements therein.

13 **SEC. 7. Budgetary Policy for the AFP and PNP.** – Congress shall
14 appropriate as annual budget for the AFP an amount which shall not be less than
15 one percent (1%) of the total national budget. This budget allocation shall be
16 administered by the Secretary of National Defense.

17 Congress shall also appropriate as annual budget for the PNP an amount
18 which shall not be less than one percent (1%) of the total national budget. This
19 budget allocation shall be administered by the Secretary of the Interior and
20 Local Government.

1 The annual appropriations for the AFP and PNP shall be utilized to
2 improve the capabilities of the AFP units and PNP units, respectively, by
3 increasing their manpower and upgrading their and equipment and facilities.

4 SEC. 8. *Appropriations.* – The amount of Ten billion pesos
5 (P10,000,000,000.00) each shall be appropriated to the AFP and PNP annually
6 to be sourced from the revenue assessed and collected on all local mobile phone
7 text messages sent from their networks. For this purpose, an excise tax of five
8 centavos for each text message, which shall be borne solely by the
9 telecommunications company and shall not be passed-on to consumers, shall be
10 imposed on all local telecommunications company.

11 SEC. 9. *Separability Clause.* – If any provision or part of this Act is
12 declared invalid or unconstitutional, the remaining parts or provisions not
13 affected shall remain in full force and effect.

14 SEC. 10. *Repealing Clause.* – Section 4 of Republic Act No. 9163, also
15 known as the “*National Service Training Program (NSTP) Act of 2001*,” is
16 hereby amended accordingly. All other laws, decrees, orders, rules and
17 regulations, and other issuances inconsistent with this Act are hereby repealed,
18 amended or modified accordingly.

19 SEC. 11. *Effectivity.* – This Act shall take effect fifteen (15) days after
20 publication in the *Official Gazette* or in a newspaper of general circulation.

21 Approved,