

Republic of the Philippines
Quezon City
House of Representatives

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 3835



Introduced by: **REP. JOSEPH STEPHEN S. PADUANO**

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

The 1987 Philippine Constitution under the Declaration of Principles and State Policies espoused that the government may call upon the people to defend the State, 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.

The revival of the mandatory Reserve Officers Training Corps Program will inculcate the kind of discipline in our youth through the enhancement of the values of leadership, camaraderie and sacrifice for common objectives. The ROTC Program will be designed around the ideals of patriotism and nationalism as enshrined in the 1987 Constitution, of course, emphasizing on respect for human rights and the strengthening of ethical and spiritual values.

Under this proposed measure, included in the ROTC Program is the disaster preparedness and capacity building for risk related situations – skills that are necessary as our country bears the brunt of climate change.

The standards of discipline, love of country, disaster preparedness and the basic military training must be inculcated to the present generation of Filipino youth.

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


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

SECTION 1. Short Title – This Act shall be known as the **"Senior High School Reserve Officers Training Corps (ROTC) Act of 2019"**.

SEC. 2 – Declaration of Policy – It is the policy of the State to serve and protect the people. The government may call upon the people to defend the State and, in fulfilment thereof, all citizens may be required, under conditions provided by law, to render personal, military or civil service. The State recognizes the role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their 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.

SEC. 3. Definition of Terms –

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

- b. Basic Reserve Officers' Training Corps (ROTC) – refers to a mandatory two (2) year basic leadership and military training program for students enrolled in Grades 11 and 12 in all senior high schools in public and private educational institutions.
- c. Advance ROTC – refers to the optional and enhanced ROTC Course that is offered in universities, colleges, vocational schools and other tertiary institutions.
- d. Clustered ROTC Unit – refers to two or more educational institutions that are strategically grouped together for the purpose of holding ROTC classes in one location.
- e. Grievance Committee – refers to an independent body that is tasked to investigate any complaint or allegations of abuse, violence or corruption in any clustered ROTC unit or any educational institution implementing the ROTC Program.
- f. National Grievance Committee – refers to the appellate body that has jurisdiction to hear appeals on the findings and recommendations of any local grievance committee,
- g. Public Educational Institutions – refer to educational institutions that are established and administered by the government.
- h. Private Educational Institution – refer to educational institutions maintained and administered by private individuals or groups.
- i. Registration – the act of recording the name and/or other relevant information of the students who have completed the ROTC Program in Grades 11 and 12 on the official list of ROTC graduates. Provided, that the registration that is referred to under this Act, shall not be construed as enlistment in the AFP Reserve or Regular Force.

SEC. 4. Coverage – The conduct of basic military and leadership 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.

SEC. 5. Establishment of the 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 the basic curricula for the Senior High School Education in any public or private educational institutions in pursuance to the provisions of the National Defense Act, Revised Administrative Code of 1987, 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 instil patriotism, love of country., moral and spiritual virtues, respect for human rights and adherence to the Constitution.
- b) The Basic ROTC, instituted as part of the curricula shall be administered in accordance with the following modules:
 - b.1. Enhancing the student's 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;

b.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 student below the age of eighteen (18) years shall take a direct part in hostilities.

b.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, human and civil rights awareness and law enforcement.

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

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 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 Basic ROTC program in pursuance of this Act shall be subject to disciplinary and administrative sanctions as the Department of Education (DepEd) may impose.

d. Guided by the provisions of Section 5(b) hereof, the DND and the DepEd, 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.

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

SEC. 7. 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 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 varsity players in sports competitions.
- d. Those who may be exempted from training for valid reasons as approved by the DND, upon recommendation by any educational institution.

SEC. 8. Advance ROTC – The Basic ROTC established in Section 4, paragraph 1 of RA 9163, also known as the “National Service Training Program (NSTP) Act of 2001”, as a component of the NSTP which forms part of the curricula for students of any baccalaureate degree shall

be modified or reclassified as the Advance ROTC pursuant to Section 39 of RA 7077, or the "Citizen Armed Force or Armed Forces of the Philippines Reservist Act".

The Advance ROTC in the tertiary level shall continue as an optional and voluntary component of the NSTP. Students who volunteer for the Advance ROTC program in universities, colleges, vocational schools and other tertiary institutions shall remain to be governed by RA 9163 insofar as they are consistent with this 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. It shall be mandatory for all public and private universities, colleges and similar learning institutions to offer and provide a training school for the Advance ROTC program which shall have a duration in accordance with the curriculum prescribed by the DND and the Commission on Higher Education (CHED).

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

SEC. 9. Organization, Operation and Maintenance of ROTC Units – The organization, operation and maintenance for the establishment of the Basic ROTC shall be in accordance with Section 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, shall prescribe the organization and operational manual of ROTC units 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.

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

SEC. 11. Guidelines to Safeguard students of the Basic ROTC Program – In order for the proper and effective implementation of the Basic ROTC program, the following policies shall be adopted to prevent the occurrence of hazing, corruption, and other forms of abuses:

- a. The Basic ROTC Program prohibits hazing as defined under RA 8049, as amended by RA 11053, and as such, adopts the penalties for any act committed under the provisions of the said law;
- b. Cognizant of the provisions under RA 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 prescribes 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 students, or from any parent/guardian of the student, or who shall commit other practices contemplated under RA 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 Committee –

- a. A Grievance Committee shall be formed from a cluster of educational institutions that shall receive complaints and/or motu proprio conduct investigation 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, one (1) District Schools Supervisor from the DepEd, and one (1) Legal Officer from the DepEd;
- c. The DepEd and the DND shall formulate the manner to which the educational institutions implementing the Basic ROTC shall be clustered for the efficient resolution of grievances.
- d. The Grievance Committee shall function as an independent investigative body, which shall formulate the recommendation to the proper disciplinary authority that has jurisdiction over the respondent, depending on whether he/she belongs to the military for which purpose, the Article of War shall be employed. Whereas, for schools' officials and/or employees of public and private educational institutions, the provisions of RA 6713 or the Code of Conduct of Public Officers and Employees and other relevant laws on the matter shall be applied. This is without prejudice to administrative cases that may be filed pursuant to the Civil Service rules for public officers and employees involved in the complaint.
- e. Nothing therein shall prevent any person from filing directly with the regular courts any incident of violation of Republic Act No. 11053 or the Anti-Hazing Act of 2018.

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

- 1. Encourage the reporting of any incident of hazing, violence, abuse and corruption in every clustered ROTC unit;
- 2. Motu Proprio or upon a complaint filed by any person, investigate, any act of hazing, violence, abuse and corruption in the clustered ROTC unit;
- 3. Issue preventive suspension orders against officers of the ROTC or any school employee involved in the training within three (3) days: (a) upon receipt of the

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. Perform 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 petition 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.
- b. Students undergoing the 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 the Advance ROTC shall be given access and privileges with any AFP Commissary. The Chief of Staff of the Armed Forces of the Philippines shall issue the necessary regulations for the implementation of this privilege.

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

SEC. 17. ROTC Instructors' Capacity Development and Enhancement Program – There is hereby created and established a training program for ROTC Instructors, to ensure that they meet the highest physical and moral standards to teach and carry out the ROTC

Program. The Instructors' Program shall be developed and administered under the guidance and tutelage of the DND and the DepEd.

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

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

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

SEC. 20. Transitory Provisions – In order to manage the initial implementation of the ROTC Program in Senior High School, the Department of National Defense and the Department of Education shall within six (6) months from the effectivity of this Act, design, institute and implement a Pilot Program.

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

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

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

SEC. 22. Penal Provisions – Offenses committed by persons involved in or in relation to the implementation of this Act shall be subject to penalties in accordance with the applicable laws, rules and regulations.

Grades 11 and 12 students undergoing the Basic ROTC Program must not be subjected to military laws.

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

SEC. 24. 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.

SEC. 25. Amendatory Clause – Section 38 and 39 of Republic Act No. 7077 and Section 4 of Republic Act No. 9163 are hereby deemed amended and modified accordingly.

SEC. 26. Repealing Clause – All other laws, executive orders, presidential decrees, rules and regulations inconsistent with any provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 27. Effectivity – This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulations.

APPROVED.