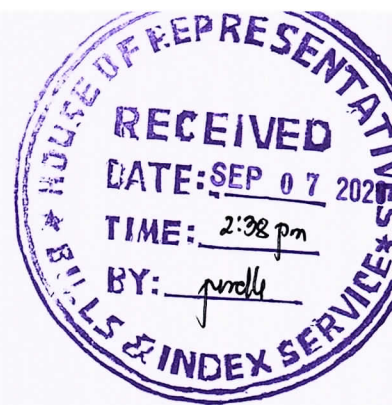


REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES

Quezon City

EIGHTEENTH CONGRESS

Second Regular Session



House Bill No. 7594

Introduced by **MAGDALO Party-List Representative**

HON. MANUEL DG. CABOCHAN III

EXPLANATORY NOTE

The Philippines' defense and security sector is essentially established by and anchored on Commonwealth Act No. 1, also known as the National Defense Act. Under this legislation, the Department of National Defense (DND) was created with the prime mandate to defend our country against internal and external threats to ensure national peace security. This was strengthened through the promulgation of Executive Order No. 292 s. 1987, which granted the DND an executive supervision over the Armed Forces of the Philippines (AFP), Philippine Veterans Affairs Office (PVAO), Government Arsenal (GA), National Defense University (NDU) and Office of Civil Defense (OCD) to ensure the effective defense posture of the country¹. The DND is also the main agency to oversee and administer the AFP Modernization Program.

Since the enactment of the National Defense Act in 1935, the defense and security sector has undergone institutional and organizational developments, and technical and capability enhancements. There were also new defense policies, principles and concepts introduced and adopted to keep up with the changing security environment. It is, therefore, high time for us to update our defense and security

¹ Official Gazette. Executive Order No. 292. Book IV, TITLE VII, Subtitle II, Chapter 1 - General Provisions. Information retrieved from <https://www.officialgazette.gov.ph/1987/07/25/executive-order-no-292-book-ivtitle-viiisubtitle-iichapter-1-general-provisions-3/>. Dated July 25, 1987.

legislations and institutionalize the changes and improvements in our defense establishments through this proposed measure.

Some of the salient provisions of this bill are the following: (1) prohibition of sale of defense real estates, (2) inclusion of the Secretary of National Defense in the chain of command, establishment of Joint Force Operational Commands as force employers and the Component Services as force providers, (3) budget allocation of not less than 3% of the Gross Domestic Product for the DND and its bureaus, (4) exemption of acquisition of special defense equipment or material from government procurement laws, (5) establishment of Warrant Officers in the AFP who will specialize in specific technical areas, (6) mandatory citizen service of all Filipino citizens, and (7) transformation of the National Defense College of the Philippines to National Defense University of the Philippines. These are aimed to establish a credible and professional defense and security sector.

In view of the foregoing, the urgent passage of this bill is earnestly sought.



MANUEL DG. CABOCHAN III

Representative

Magdalo Para Sa Pilipino Party-List

REPUBLIC OF THE PHILIPPINES
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HON. MANUEL DG. CABOCHAN III

AN ACT

**TO FURTHER DEVELOP CAPABILITY AND ESTABLISH EXPEDITIOUS
TRANSFORMATION OF THE DEPARTMENT OF NATIONAL DEFENSE AND ITS
BUREAUS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER
PURPOSES**

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

PRELIMINARY PROVISIONS

SECTION 1. *Short Title.*— This Act shall be known as "The National Defense
Act of 2020."

Sec. 2. *Declaration of National Defense Policies.*— The national defense
policies of the Republic of the Philippines shall be as follows:

(a) In defending the Philippines, the paramount consideration shall be
national sovereignty, territorial integrity, national interest and the broad
concern of national security;

(b) The preservation of the State is the obligation of every citizen. The
security, freedom and independence of the Philippines shall be guaranteed

1 by the employment of all citizens, without distinction of age or sex, and all
2 resources;

3 (c) The civil authority shall at all times be supreme over the military. The
4 President of the Philippines, as the Commander-in-Chief of all military
5 forces, shall be responsible for mobilization measures that are prepared at
6 all times;

7 (d) The national defense organization shall be adapted as closely as possible
8 to the territorial and administrative organization of the Philippines;

9 (e) The employment of the nation's citizens and resources for national
10 defense shall be effected by a mobilization based on the defense posture
11 prescribed in the defense concept, strategy and/or plan issued by
12 Department of National Defense (DND);

13 (f) The mobilization shall include the execution of all measures necessary to
14 pass from a peace to a war footing or in any case of actual invasion or
15 when public safety and security so requires as well as during its transition
16 to normalcy or rehabilitation;

17 (g) The mobilization plans of financial, industrial, economic, technological and
18 social resources of the Philippines shall conform to the defense concept
19 and shall be prepared by the executive departments concerned in
20 accordance with the following general policies:

21 (1) The respective responsibilities of the concerned executive
22 departments in mobilization planning will be prescribed by the
23 President;

24 (2) Forces and resources shall be employed so as to ensure unity and
25 continuity of effort until normalcy has been attained.

26 (h) No profit incident to war shall accrue to any individual, corporation,
27 association or partnership;

28 (i) The state values the dignity of every human person, guarantees full
29 respect for human rights, including but not limited to the rights of
30 indigenous cultural communities, the equitable rights of women in
31 peacebuilding, gender and development, and the protection of children
32 and other vulnerable groups; and adheres to the generally accepted

1 principles of international law, including applicable conventions, protocols
2 and other international agreements.

3
4 *Sec. 3. Defense Conditions and Authority.*— Defense conditions shall be the
5 bases for the designation of persons and entities to act in behalf of the state.
6 Defense Conditions, hereinafter referred to as DEFCON, are levels of national
7 security—peace, conflict and war— that tend to, or actually threaten, the security of
8 the state. The level of defense conditions and the persons or entities designated to
9 act in behalf of the state shall be prescribed by the President.

10
11 *Sec. 4. National Security Council.*— The Secretary of National Defense (SND)
12 shall be a member of the National Security Council with the mandate, power,
13 functions, composition and policies as provided by law or executive issuances.

14 **EMPLOYMENT OF PERSONS AND RESOURCES**

15
16
17 *Sec. 5. Military Service.*— Military service shall be obligatory for all citizens of
18 the Philippines. The methods and procedure for the classification, selection,
19 examination, induction, training, employment, and release of all citizens from their
20 military obligations shall be as prescribed by the President.

21
22 *Sec. 6. Registration.*— The registration of citizens for mandatory military
23 service shall be a military function carried out by the Component Services through
24 their respective Reserve Commands.

25
26 *Sec. 7. Mobilization.*— During a mobilization, the President through the SND
27 shall have the power to secure all such resources as may be necessary for national
28 defense.

29
30 *Sec. 8. Defense Budget.*— Total annual budget for the Department and its
31 bureaus shall not be less than three percent (3%) of the Gross Domestic Products of
32 the Philippines of the preceding year to sustain effective defense posture.

1

2 **TITLE I**

3 **DEPARTMENT OF NATIONAL DEFENSE**

4 **Article I – General Provisions**

5

6 Sec. 9. *Mandate.*– The Department of National Defense (DND) is the primary
7 government agency charged with the duty of implementing the provisions of this
8 Act. The defense establishment shall be maintained to maximize its effectiveness for
9 guarding against external and internal threats to national security.

10

11 Sec. 10. *Powers and Functions of the DND.*– To carry out the above-declared
12 policy, the DND shall exercise and perform the following powers and functions:

- 13 (a) Design, formulate and prepare national defense concepts, policies,
14 strategies, plans and programs;
- 15 (b) Formulate, develop and update the national defense plan of the country,
16 including the mobilization plan for the employment of the country's
17 citizens and resources for national defense;
- 18 (c) Develop and build defense capabilities of the Armed Forces to address
19 readiness and mission requirements and threats;
- 20 (d) Design and prescribe a Defense System of Management (DSOM) that shall
21 integrate and institutionalize the, but not limited to, strategic defense
22 assessment, planning, resource and financial management, acquisition,
23 control, support, administration, and decision making responsibilities of
24 the SND, CSAFP, and other DND and AFP senior leaders.
- 25 (e) Control, monitor, coordinate, supervise and evaluate the implementation
26 of national defense policies, plans, programs and activities;
- 27 (f) Exercise supervision and control over the Armed Forces of the Philippines
28 (AFP), Government Arsenal (GA), Office of Civil Defense (OCD), Philippine
29 Veterans Affairs Office (PVAO) and the National Defense University
30 (NDU);
- 31 (g) Formulate, establish, implement, supervise and control quality
32 management system;

- 1 (h) Establish, promote and maintain bilateral and multilateral linkages for
2 defense and military cooperation with its international counterparts for the
3 purpose of addressing traditional and non-traditional security threats;
4 (i) Implement the country's international defense and security commitments
5 based on defense and security treaties, cooperation agreements,
6 international covenants, protocols and other similar arrangements;
7 (j) Develop self-reliance defense program to guarantee the enhancement of
8 responsive and progressive capabilities and maximum utilization of
9 resources.

10
11 Sec. 11. *Contracts.*— The DND is hereby authorized to enter into, make,
12 perform and carry out contracts of every class, kind and description which are
13 necessary or incidental to the performance of its mandate as provided herein, with
14 any person, firm or corporation, public or private, and with foreign government
15 entities, subject to the provisions of existing laws, rules and regulations.

16
17 Sec. 12. *Administration, Management and Control of Defense Real*
18 *Properties.*—

19 (a) The Department is hereby authorized to administer, operate, manage,
20 control, maintain and develop defense real properties for strategic basing and to
21 use, hold, acquire, or lease any private real property, right of way, or easement
22 which may be proper or necessary for the accomplishment of its mandate as
23 provided in this Act.

24 (b) The sale and/or exchange of strategic defense real properties shall be
25 prohibited unless otherwise recommended by the Secretary of National Defense,
26 approved by the President of the Philippines, with the consent of Congress.

27 (c) The lease and/or development of defense real properties, by joint venture
28 or otherwise shall be allowed upon prior approval by the President of the
29 Philippines.

30 (d) Any and all income derived from the lease or disposition of such defense
31 real estate shall be remitted only to the AFP Modernization Act Trust Fund, and
32 disbursed in accordance with existing laws, rules and regulations.

1
2 Sec. 13. *Self-Reliant Defense Program.*—

3 (a) All applicable laws and issuances relevant to the Self-Reliant Defense
4 Program (SRDP), notwithstanding pertinent provisions of existing procurement laws,
5 are hereby revitalized without prejudice to government accounting and auditing
6 rules and regulations. The President, upon the recommendation of the SND, shall
7 prescribe the SRDP.

8 (b) The SND, in behalf of the Government of the Republic of the Philippines,
9 is hereby authorized to enter into contracts, under such terms and conditions as
10 may be agreed upon, with any natural or juridical person, with or without public
11 bidding, for the manufacture or procurement of supplies, equipment, or components
12 thereof, facilities, utilities and appurtenances thereto which are necessary for the
13 manufacture, servicing, or operation of such supplies, equipment or components
14 thereof needed for national defense and covered by the SRDP.

15
16 Sec. 14. *Special Defense Materiel Acquisition.*— When the acquisition for use
17 by the AFP involves special defense equipment or materiel or the Secretary of
18 National Defense has determined that the interests of the country shall be protected
19 by negotiating directly with a local or foreign supplier, the AFP shall be exempted
20 from the requirement of government procurement laws subject to government
21 accounting and auditing rules and regulations: *Provided*, That the performance by
22 the supplier of its obligations under the procurement contract shall be covered by a
23 performance security instruments.

24
25 Sec. 15. *Exemption from Import Licenses.*— All acquisition of defense materiel
26 by the DND and its bureaus shall be exempt from permits, clearances, import and
27 other licenses imposed by other agencies of the government. In lieu thereof, the
28 SND shall issue a certification that the goods being imported are exempt from such
29 licenses.

30
31 Sec. 16. *Grants and Donations.*— The Department, or any of the bureaus,
32 agencies or offices under it, may accept donations, contributions, and grants from

1 various sources, domestic or foreign, for purposes relevant to its functions:
2 *Provided*, That in case of donations from foreign governments or persons,
3 acceptance thereof shall be subject to existing laws, rules and regulations.

4
5 **Sec. 17. *Defense Cooperation Agreements.* –**

6 (a) Unless otherwise provided by the Constitution, the Department of National
7 Defense may enter into Defense/Military Cooperation Agreements to develop,
8 enhance and sustain multi-dimensional defense and security engagements and
9 cooperation with the defense and armed forces of other countries.

10 (b) Defense/Military Cooperation Agreements shall include but not limited to
11 the exchange of information, exchange of visits, exchange of personnel, subject
12 matter expert exchange, logistics cooperation, defense industry cooperation,
13 humanitarian assistance and disaster response, defense and military doctrine
14 development, research and development in defense science and technology,
15 participation in trade, science or technology exhibits, military and defense exercises,
16 training activities, and education exchanges or other areas of mutual concern.

17
18 **Article II – Organization**

19
20 **Sec. 18. *Organizational Structure.* –** The Defense Department shall be
21 composed of the DND-Proper and its bureaus namely, the Armed Forces of the
22 Philippines (AFP), Philippine Veterans Affairs Office (PVAO), Government Arsenal
23 (GA), National Defense University (NDU), Office of Civil Defense (OCD), and other
24 instrumentalities under the supervision and control of the Secretary of National
25 Defense as provided for by law. Other bureaus or offices under DND may be
26 created by competent authorities.

27
28 **Sec. 19. *Composition.* –** The DND-Proper shall be composed of the Office of
29 the Secretary of National Defense and the Offices of the Undersecretaries and
30 Assistant Secretaries, and the Department Services.

1 the State. Its goal is to secure the sovereignty of the State and the integrity of the
2 national territory. It shall have the duty to:

- 3 (a) Defend against all forms of threats to national defense and security;
- 4 (b) Design, plan, organize, train, equip, develop, employ and sustain its
5 Regular and Reserve Force for national defense and security.

6
7 **Sec. 25. *Chain of Command.***— The exercise of authority, direction, command
8 and control over the AFP shall be carried out through the Chain of Command, which
9 is the line of authority and responsibility along which orders are passed, beginning
10 from the President as the Commander-in-Chief, through the SND, to the Chief of
11 Staff of the Armed Forces of the Philippines (CSAFP) down to the commander of the
12 lowest echelon of command in the AFP: *Provided*, That this does not preclude the
13 President from issuing orders directly to the AFP.

14
15 **Sec. 26. *Organization and Composition.***— The AFP shall be composed of three
16 (3) component services – the Philippine Army, the Philippine Air Force, and the
17 Philippine Navy. The composition of the AFP shall be guided by the Table of
18 Organization and Equipment prescribed by the SND upon recommendation of the
19 CSAFP.

20 21 **Article II – The Regular Force**

22 **A. Organization and Composition**

23 **Chapter 1 – General Provisions**

24
25 **Sec. 27. *Size and Composition.***— The Regular Force, alternately referred to as
26 the Standing Force, shall be initially composed of the following:

- 27 (a) Regular Officers, Warrant Officers and Enlisted Personnel;
- 28 (b) Reservists called to active duty, or on active duty tour for training; and
- 29 (c) Draftees, trainees and government-sponsored Filipino cadets enrolled in
30 local or foreign military schools.

31 The size and composition of the Regular Force shall be prescribed by the SND upon
32 the recommendation of the Chief of Staff.

1
2 Sec. 28. *Organizational Principle.*— The SND, upon the recommendation of the
3 Chief of Staff, shall organize the AFP into such commands, forces and units in
4 accordance with operational requirements. For this purpose, the national territory
5 may be divided into such operational areas as the SND may direct.
6

7 Sec. 29. *Organizational Structure.*— The Regular Force of the AFP shall consist
8 of the Joint Headquarters; the Joint Force Operational Commands; the Component
9 Services namely: the Philippine Army, the Philippine Navy and the Philippine Air
10 Force; and the other existing units, services, commands, and other support and
11 sustainment units of the AFP. The SND upon the recommendation of the CSAFP
12 may, in accordance with the policies or directives of the President, create additional
13 units, services, commands and task forces, or reorganize the AFP in response to any
14 situation or in pursuance of operational or contingency plans.
15

16 Sec. 30. *Operational Principles.*— The operational principles of the AFP shall
17 be as follows:

- 18 (a) The Commander-in-Chief shall exercise command and control through the
19 CSAFP with the supervision of the SND. The Joint Headquarters AFP, shall
20 be the command and control element of the AFP;
21 (b) The Joint Headquarters AFP shall exercise centralized command and
22 control to ensure unity and coordination of efforts throughout the military
23 establishment;
24 (c) The Joint Force Operational Commands as force employers shall be
25 responsible for the decentralized execution of joint operations to achieve
26 maximum operational effectiveness within the military establishment
27 unless otherwise determined by the CSAFP through the supervision of the
28 SND;
29 (d) The Component Services as force providers shall be responsible for the
30 development, organization, training, equipping, maintenance and
31 sustainment of combat forces, combat service forces, technical and
32 administrative service, and combat service support forces;

1 (e) The AFP Reserve Force shall provide for the base of expansion of the
2 Component Services.

3 4 **Chapter 2 – The General Headquarters Armed Forces of the Philippines**

5
6 Sec. 31. *Mandate.*— The General Headquarters, which shall be headed by the
7 CSAFP, shall be the command and control element of the AFP.

8
9 Sec. 32. *Organization.*— The General Headquarters shall be composed of the
10 Office of the Chief of Staff of the Armed Forces of the Philippines, Office of the Vice
11 Chief of Staff, Office of the Deputy Chief of Staff; the AFP Joint, Personal and
12 Special Staff and the other key staff offices and units necessary for effective
13 command and control of the AFP as recommended by the CSAFP with the approval
14 of the SND.

15
16 Sec. 33. *Chief of Staff of the Armed Forces of the Philippines.*— The President
17 shall appoint the CSAFP from among the officers with the rank of Lieutenant
18 General/Vice Admiral in the active service, who shall hold the rank of
19 General/Admiral.

20
21 CSAFP shall serve a minimum tour of duty of 2 years and maximum of 3
22 years; *Provided*, That no officer shall be appointed as CSAFP if that officer has less
23 than one (1) year remaining in the active service; *Provided further*, That the CSAFP
24 may be removed by the President as Commander in Chief at any time for loss of
25 trust and confidence; *Provided finally*, That the end of tour of duty as CSAFP, which
26 may be sooner than or beyond but not to exceed one (1) year after the compulsory
27 retirement age of other military personnel as provided by law, shall serve as the
28 distinct compulsory retirement of the CSAFP.

29
30 Sec. 34. *Powers and Functions.*— The Chief of Staff shall:

31 (a) Serve as the principal military advisor to the President and the Secretary
32 of National Defense;

- 1 (b) Be responsible for the formulation of the national military strategy
2 consistent with the national defense strategy;
- 3 (c) Be responsible for the development of the policies, strategies, missions,
4 plans and programs of the AFP;
- 5 (d) Prescribe the organization, powers, functions and duties of the various
6 staff, services, and other units of the AFP in accordance with the national
7 defense policy;
- 8 (e) Perform such other functions and duties as may be provided by law or
9 assigned or delegated by the President or SND.
- 10

11 *Sec. 35. Vice Chief of Staff.*— The Vice Chief of Staff shall be the principal
12 assistant of the CSAFP and shall perform the functions of the CSAFP during the
13 latter's absence or incapacity. He shall be appointed in the same manner as the
14 CSAFP.

15

16 The Vice Chief of Staff shall serve for a minimum term of 1 year and
17 maximum of 3 years unless otherwise promoted to the next higher position and
18 without prejudice to compulsory retirement age of military personnel as provided for
19 by law; *Provided*, That no officer shall be appointed as a Vice Chief of Staff if that
20 officer has less than one (1) year remaining in the active service; *Provided further*,
21 That Vice Chief of Staff may be removed by the President as Commander in Chief at
22 any time for loss of trust and confidence and consequently deemed compulsorily
23 retired from the active military service effective on the date of relief.

24

25 *Sec. 36. Deputy Chief of Staff.*— The Deputy Chief of Staff shall integrate and
26 synchronize the Joint Staff works to assist the CSAFP in policy formulation and
27 implementation, and command decision making process through completed staff
28 work.

29

30 The Deputy Chief of Staff shall serve for a minimum term of 1 year and
31 maximum of 3 years unless otherwise promoted to the next higher position and
32 without prejudice to compulsory retirement age of military personnel as provided for

by law; *Provided*, That no Officer shall be appointed as The Deputy Chief of Staff if that officer has less than one (1) year remaining in the active service; *Provided further*, That the Deputy Chief of Staff may be removed by the President as Commander in Chief at any time for loss of trust and confidence and consequently deemed compulsorily retired from the active military service effective on the date of relief.

Sec. 37. *Joint Staff*.— The Joint Staff, as coordinating staff shall advise and assist the CSAFP in the performance of his/her functions. The organization, functions and duties of the Joint Staff shall be prescribed by the CSAFP.

Sec. 38. *Personal Staff*.— The Personal Staff, as immediate staff, shall directly advise and assist the CSAFP in the performance of his/her functions. The organization, functions and duties of the Personal Staff shall be prescribed by the CSAFP; *Provided*, That coordination with other staff is not precluded.

Sec. 39. *Special Staff*.— The Special Staff, as specialized, technical and administrative staff, shall advise and assist the CSAFP in the performance of his/her functions. The organization, functions and duties of the Special Staff shall be prescribed by the CSAFP

Sec. 40. *Authority to Reorganize the General Headquarters*.— In the interest of efficiency and effectiveness, the CSAFP, upon the approval of the SND, shall have the authority to:

- (a) Establish and organize staffs, offices and units in the General Headquarters in addition to the AFP Joint, Personal and Special Staff, and prescribe the organization, mission and functions;
- (b) Abolish existing staffs, offices and units in the General Headquarters not specifically provided in this Chapter or by any other provision of law, or transfer or consolidate their functions and duties with other staffs, offices or units; and
- (c) Establish and organize or abolish staffs, offices and units in the AFP and

1 prescribe the organization, mission, functions, duties and responsibilities,
2 and qualification standards.

3 4 **Chapter 3 – Joint Force Operational Commands**

5
6 Sec. 41. *Organization, Mission and Function.*– The Joint Force Operational
7 Commands shall be organized and established by the CSAFP with the approval of
8 the SND which shall be under the command, control and operational direction of its
9 Joint Force Commander. The mission, functions, duties and responsibilities and joint
10 area of operations of the Joint Force Operational Command shall be prescribed by
11 the SND, in consultation with, or upon the recommendation of the CSAFP.

12
13 Sec. 42. *Designation or Assignment of Joint Force Commanders.*– The Joint
14 Force Commanders of the JFOC shall be designated or assigned to the said position
15 by the President, upon the recommendation of the CSAFP through the SND. The
16 Joint Force Commanders of the JFOC, as force employer, shall have operational
17 control over all units operating within their respective joint area of operations.

18
19 The Joint Force Commanders of the JFOC shall serve for a minimum term of 2
20 years and maximum of 3 years unless otherwise promoted to the next higher
21 position and without prejudice to compulsory retirement age of military personnel as
22 provided for by law; *Provided*, That no officer shall be appointed as a Joint Force
23 Commander if that officer has less than two (2) years remaining in the active
24 service; *Provided further*, That Joint Force Commanders may be removed by the
25 President as Commander in Chief at any time for loss of trust and confidence and
26 consequently deemed compulsorily retired from the active military service.

27 28 **Chapter 4 – The Component Services**

29
30 Sec. 43. *Organization.*– The Component Services shall be organized by the
31 President, upon the recommendation of the SND and the CSAFP. The Component
32 Services shall act as force providers, which shall develop, organize, train, equip,

1 maintain and sustain the necessary forces in support of the AFP missions.

2
3 The Chiefs of the Component Services shall be designated or assigned to the
4 said position by the President. The Chiefs of the Component Services shall serve for
5 a minimum term of 2 years and maximum of 3 years unless otherwise promoted to
6 the next higher position and without prejudice to compulsory retirement age of
7 military personnel as provided for by law; Provided, That no officer shall be
8 appointed as Chief of Component Service if that officer has less than two (2) years
9 remaining in the active service; *Provided further*, That the Chief of Component
10 Service may be removed by the President as Commander in Chief at any time for
11 loss of trust and confidence and consequently deemed compulsorily retired from
12 the active military service effective on the date of relief.

13
14 Sec. 44. *Philippine Army.*— The Philippine Army (PA), headed by the Chief of
15 the Philippine Army, shall provide forces that will be responsible for the conduct of
16 prompt and sustained joint and combined ground operations in support of the AFP
17 mission. It shall be composed of its headquarters, maneuver units, and sustainment
18 units and such other units as may be necessary for the conduct of ground
19 operations.

20
21 Sec. 45. *Functions of the Philippine Army.*— The Philippine Army shall:

- 22 (a) Develop, organize, train, equip, maintain, and sustain such ground forces
23 or units as may be necessary for the conduct of prompt and sustained
24 operations;
25 (b) Prepare such forces or units as may be necessary for the effective
26 implementation of the national defense plans and programs and armed
27 forces missions;
28 (c) Formulate and develop, in coordination with the other Component
29 Services, doctrines, systems, tactics, techniques and procedures peculiar
30 to the Army;
31 (d) Implement mobilization of the Army Reserve; and
32 (e) Perform such other functions and duties as may be provided by law or

1 assigned by the CSAFP.

2
3 Sec. 46. *Philippine Air Force.*— The Philippine Air Force (PAF), headed by the
4 Chief of the Philippine Air Force, shall provide forces that will be responsible for the
5 conduct of prompt and sustained air operations in support of the AFP mission. It
6 shall be composed of its headquarters, air combat, combat support and
7 sustainment units and such other units as may be necessary for the conduct of air
8 and support operations.

9
10 Sec. 47. *Functions of the Philippine Air Force.*— The Philippine Air Force shall:
11 Develop, organize, train, equip, maintain, and sustain such air forces or units as may
12 be necessary for the conduct of prompt and sustained operations;
13 Prepare such forces or units as may be necessary for the effective implementation of
14 the national defense plans and programs and armed forces missions;
15 Formulate and develop, in coordination with the other Component Services,
16 doctrines, systems, tactics, techniques and procedures peculiar to the Air Force;
17 Implement mobilization of the Air Force Reserve; and
18 Perform such other functions and duties as may be provided by law or assigned by
19 the CSAFP.

20
21 Sec. 48. *Philippine Navy.*— The Philippine Navy (PN), headed by the Chief of
22 the Philippine Navy, shall provide forces that shall be employed for the conduct of
23 prompt and sustained naval operations in support of the AFP missions. It shall be
24 composed of its headquarters, naval forces, service support and sustainment units
25 and such other units as may be necessary for the conduct of naval operations.

26
27 Sec. 49. *Functions of the Philippine Navy.*— The Philippine Navy shall:
28 (a) Develop, organize, train, equip, maintain, and sustain such naval forces or
29 units as may be necessary for the conduct of prompt and sustained
30 operations;
31 (b) Prepare such forces or units as may be necessary for the effective
32 implementation of the national defense plans and programs and armed

1 forces missions;

2 (c) Formulate and develop, in coordination with the other Component
3 Services, doctrines, systems, tactics, techniques and procedures peculiar
4 to the Navy;

5 (d) Implement mobilization of the Navy Reserve; and

6 (e) Perform such other functions and duties as may be provided by law or
7 assigned by the CSAFP.

8
9 *Sec. 50. Technical and Administrative Service.*— Each Component Service shall
10 develop, organize, train, equip, maintain, and sustain their respective Technical and
11 Administrative Service composed of but not limited to the Judge Advocate General
12 Service, Medical Corps, Veterinary Corps, Medical and Administrative Corps, Nurse
13 Corps, Dental Corps, Chaplain Service, and Corps of Professors.

14
15 *Sec. 51. Women's Auxiliary Corps.*— The Women's Auxiliary Corps as created
16 by Republic Act No. 3835, as amended shall be integrated to their respective
17 Component Service. For this purpose, RA 3835 is hereby repealed. Further, the
18 number of female personnel in the AFP, notwithstanding provision of relevant laws,
19 shall be prescribed by the SND.

20 21 **Chapter 5 – Military Education and Training Institutions**

22
23 *Sec. 52. Organization, Mission and Function.*— The Philippine Military Academy
24 (PMA), Command and General Staff College (CGSC), Officer Candidate School (OCS),
25 Non-commissioned Officer Academy and other Military Education and Training
26 Institutions organized and established by the CSAFP with the approval of the SND
27 shall be under the command, control and direction of their Military Education and
28 Training Superintendent/Commandant. The mission, functions, duties and
29 responsibilities of the military education and training institutions shall be prescribed
30 by the CSAFP with the approval of the SND.

31
32 *Sec. 53. The Philippine Military Academy.*—

- 1 (a) Mandate. – The Philippine Military Academy, referred herein as the
2 Academy, shall be categorized as special higher education institution. The
3 Academy shall be the primary training and educational institution of the
4 AFP and its principal source of regular officers. The Academy shall seek to
5 have its academic program offerings be accredited by a reputable
6 accrediting agency of national or international standard.
- 7 (b) Organization. – The Academy, headed by the Superintendent, shall be
8 organized as prescribed by the SND upon the recommendation of the
9 CSAFP.
- 10 (c) Development. – The Academy shall determine its teaching, manpower,
11 curriculum, research and extension thrusts, plans and programs,
12 standards and budget.
- 13 (d) Cadet Corps. – The student body of the Academy shall be known as the
14 Cadet Corps Armed Forces of the Philippines (CCAFP) and shall have such
15 strength as determined by the SND upon the recommendation of the
16 CSAFP.
- 17 (e) Academic Board. – There shall be an Academic Board organized by the
18 Superintendent. The Board shall, in accordance with the rules and
19 regulations prescribed by the CSAFP, have the power to confer
20 baccalaureate degrees upon the cadets who satisfactorily complete the
21 approved course of study.
- 22 (f) Superintendent. – The Superintendent shall serve for a minimum term of
23 2 years and maximum of 3 years unless otherwise promoted to the next
24 higher position and without prejudice to compulsory retirement age of
25 military personnel as provided for by law; *Provided*, That no officer shall
26 be appointed as Superintendent if that officer has less than two (2) years
27 remaining in the active service; *Provided further*, That the Superintendent
28 may be removed by the President as Commander in Chief at any time for
29 loss of trust and confidence and consequently deemed compulsorily retired
30 from the active military service effective on the date of relief.
- 31 (g) Board of Visitors. – The PMA shall establish a board of visitors to look into
32 the academic affairs of the Academy with the end of enhancing its

1 educational systems. The Board of Visitors shall be composed of at least
2 five (5) but not more than seven (7) members designated by the
3 Superintendent, whose membership shall meet at least once a year.

4 (h) Foreign Cadets. – A quota of foreign cadets as determined by the SND
5 may be allotted to each foreign country maintaining diplomatic relations
6 with the Philippines. PMA and/or AFP, in accordance with the principle of
7 reciprocity, shall shoulder the authorized allowances, per diem and local
8 travel expenses of foreign cadets on the condition that the salary of such
9 cadet shall be borne by the sending country. The number of foreign
10 cadets in PMA shall not be counted in the authorized Cadet Corps
11 strength.

12
13 Sec. 54. *Authority to Establish Other Military Training Institutions.*– The
14 President, upon the recommendation of the CSAFP through the SND, is hereby
15 authorized to establish other military training academies and institutions in the AFP.

16
17 **B. Human Resource Management**
18 **Chapter 1 – Commissioned Officers**
19

20 Sec. 55. *Qualifications.*– All persons commissioned as officers in the Regular
21 Force shall be natural-born citizens of the Philippines, of legal age, of good moral
22 character, physically and mentally qualified for active military service, and shall have
23 such other qualifications as may be prescribed by the SND.

24
25 Sec. 56. *Appointments in the Regular Force.*– Officers shall be permanently
26 appointed by the President in the Regular Force in accordance with the provisions of
27 the Constitution. Except as otherwise provided in this Act, the date of rank of a
28 commissioned officer in active service in the Regular Force shall be the date of
29 permanent appointment in that rank by the President.

30
31 Sec. 57. *Revocation of Commission.*– The commission of an officer may be
32 revoked by the President at any time, upon the recommendation of the SND when

1 found not fully qualified for such commission or who lacks any of the qualifications
2 prescribed by law or regulation.

3
4 Sec. 58. *Officer Grade Distribution.*— The SND shall prescribe the authorized
5 number of officers in the Regular Force in each grade in each Component Service in
6 accordance with the Table of Organization and Equipment. The grade of an officer
7 may be distinct from his rank wherein the primary bases of the former are the
8 degree of responsibility and competency, but in no case shall it deviate two (2)
9 grades lower or 1 grade higher than the regular rank-to-grade equivalency to be
10 prescribed by the SND.

11
12 Sec. 59. *Distribution of General/Flag Officers.*— The number of general/flag
13 officers herein authorized shall be distributed to the various general/flag officer
14 grades by the SND based on the recommendation of the CSAFP in accordance with
15 the Table of Organization and Equipment.

16
17 Sec. 60. *Tour of Duty in Key Positions.*— No officers with less than 1 year
18 remaining active service shall be designated to positions requiring the rank of
19 Brigadier General/Commodore or higher.

20
21 Sec. 61. *AFP Officers Promotion System.*—

22 (a) The AFP Officers Promotion System shall be governed by the principle
23 that as officers are promoted from one grade to the next higher grade,
24 the criteria of competence, merit and potentials are the primary
25 consideration.

26 (b) The AFP Officers Promotion System shall be the primary means by which
27 the AFP shall periodically evaluate and assess its ranks of officers and
28 shall institutionalize and continue to implement an efficient process of
29 selection for promotion, as well as for attrition of officers as prescribed by
30 the SND.

1 (c) The AFP Officers Promotion System shall be governed by a management
2 system with a view of ensuring smooth succession in the filling of
3 vacancies in key positions as and when these occur.

4 (d) The SND shall prescribe the seniority and promotional lineal list of the
5 AFP.

6
7 Sec. 62. *Promotion to General/Flag Officer Grades.*— No officer shall be
8 promoted to the rank of Brigadier General/Commodore or higher unless there is an
9 existing vacancy and the officer is occupying a position in the Table of Organization
10 and Equipment that requires the rank for which he is being considered for promotion
11 or assignment.

12
13 Sec. 63. *Maximum Tenure-in-Rank.*— The maximum tenure-in-rank of officers
14 shall be prescribed by the President giving prime consideration on the best interest of
15 the service, organizational integrity, and sound human resource management
16 including equitable career development and attrition.

17
18 Sec. 64. *Determination and Allocation of Key Positions.*— The SND upon the
19 recommendation of the CSAFP shall determine and allocate the number of key
20 positions among the component services, headquarters and support units of the AFP
21 based on the technical nature of the organization, position, task, scope and area of
22 responsibilities, equipage, prevailing Defense Condition and other considerations as
23 the exigencies of the service may require.

24
25 Sec. 65. *Commissioned Officer Career Development.*— The SND, upon the
26 recommendation of the CSAFP, shall develop a commissioned officer career
27 development for every field of specialization among the component services in order
28 to provide a lifelong process of managing schooling, rank, grade, duty tour, duty
29 assignment and transitions of commissioned officers to move toward a personally
30 determined and evolving preferred future in the AFP.

31
32 **Chapter 2 – Warrant Officers**

1
2 Sec. 66. *Appointment of Warrant Officers.*— Any natural born citizen of the
3 Philippines, of legal age, physically and mentally fit for military service, of good
4 moral character, and possessed of such educational attainments and specialized
5 skills or expertise as may be prescribed by the SND, may be appointed in the
6 Regular Force. Warrant Officers shall be appointed by the SND. The appointment of
7 a Warrant Officer, who is found not fully qualified for such appointment or who lacks
8 any of the qualifications prescribed by law or regulation, may be revoked by the
9 SND at any time, upon the recommendation of the CSAFP.

10
11 Sec. 67. *Warrant Officer Management.*— The SND shall prescribe the special
12 career management, employment, grades, rank, discipline and authorized number of
13 warrant officers in the Regular Force in each grade in each Component Service in
14 accordance with the operational and organizational needs of the AFP.

15
16 Sec. 68. *Authority, Grounds or Qualifications to Separate, Promote and*
17 *Demote.*— The authority to separate, promote or demote a Warrant Officer is vested
18 upon the SND and the latter shall prescribe the procedure, grounds or qualifications
19 thereof.

20 21 **Chapter 3 – Enlisted Personnel**

22
23 Sec. 69. *Qualifications for Enlistment.*— Any natural born citizen of the
24 Philippines, of legal age, physically and mentally fit for military service, of good
25 moral character, and possesses such educational attainments as may be prescribed
26 by the SND, may be enlisted in the Regular Force under the following restrictions:

- 27 (a) Except as otherwise provided for herein, initial enlistment in the Regular
28 Force shall be for a term of five (5) years: *Provided*, That all special
29 enlistments in force at the outbreak of war, or other grave national
30 emergency, or entered into during its continuation shall remain in force
31 until six months after its termination, unless sooner terminated by the
32 discharge authority;

1 (b) Enlistments for service shall be apportioned among the various provinces
2 of the Philippines, as far as practicable, provided that qualifications for
3 competency as prescribed shall be observed; and

4 (c) Re-enlistment in the Regular Force shall be prescribed by the SND.
5

6 *Sec. 70. Enlisted Ranks.*— The ranks of enlisted personnel in the AFP shall be
7 in accordance with the guidelines set forth by the CSAFP. The total number of
8 enlisted personnel in the enlisted ranks and non-commissioned officer grades shall
9 be prescribed by the CSAFP in accordance with the number of authorized positions
10 in the approved Table of Organization & Equipment. The grade of an enlisted
11 personnel or non-commissioned officer may be distinct from his rank, the primary
12 bases of the former are the degree of responsibility and competency, but in no case
13 shall it deviate two (2) grades lower or one (1) grade higher than the regular rank-
14 to-grade equivalency to be prescribed by the SND.
15

16 *Sec. 71. Enlistment and Career Development of Enlisted Personnel System.*—
17 The SND, upon the recommendation of the CSAFP, shall prescribe the guidelines
18 which shall govern the procurement, enlistment, training, placement and promotion
19 of all enlisted personnel in the AFP.
20

21 *Sec. 72. Authority, Grounds or Qualifications to Discharge, Promote and*
22 *Demote.*— The authority and grounds to discharge or separate enlisted personnel
23 shall be prescribed by the SND, but in no case shall the authority be given to an
24 officer without appropriate legal staff. The authority, grounds or qualifications to
25 promote, demote and other means to reward or discipline enlisted personnel shall
26 be prescribed by the CSAFP.
27

28 **C. Retirement and Separation** 29

30 *Sec. 73. Retirement and Separation.*— Retirement, whether compulsory or
31 optional, and separation from military service, shall conform with existing laws, rules
32 and regulations without prejudice to the provisions of this Act. Except as otherwise

1 provided for by this Act, retirement and separation provisions applicable to
2 commissioned officers shall be applied to warrant officers.

3
4 *Sec. 74. Recall from Retirement.*— A Commissioned Officer, Warrant Officer or
5 Enlisted Personnel who retired from the active service, may be recalled to active
6 duty by the President during national mobilization and shall be subject to the Articles
7 of War. They shall be recalled in the last permanent rank held before retirement.

8
9 *Sec. 75. Retirement and Separation Benefits.* — Entitlement to retirement or
10 separation benefits shall be based on the characterization of discharge, separation or
11 termination of active service to be prescribed by the SND for Commissioned and
12 Warrant officer, and by the CSAFP for Enlisted Personnel.

13
14 Except as otherwise provided for by this Act, Congress shall allocate funds for
15 the retirement and separation benefits as provided by laws, rules and regulations.
16 Monthly retirement pay shall be fifty (50%) of the base pay and longevity pay of the
17 grade next higher than the permanent grade last held in case of twenty (20) years
18 of active service, increasing by two and one-half percent (2.5%) for every year of
19 active service rendered beyond twenty (20) years to a maximum of ninety percent
20 (90%) for thirty-six (36) years of active service and over.

21
22 *Sec. 76. Attrition System.*—

23 (a) For Officers. — The attrition system, including but not limited to setting of
24 tenure or age in rank or grade, for Officers shall be prescribed by the
25 President as recommended by the SND. Unless lengthened by the
26 President on annual basis, an officer who has reached the maximum
27 tenure or age in rank or grade is deemed separated if he has less than 20
28 years of active service or compulsorily retired if he has 20 years or more
29 of satisfactory active service.

30 (b) For Warrant Officers and Enlisted Personnel. — The attrition system,
31 including but not limited to setting of tenure or age in rank or grade, for
32 Warrant Officers and Enlisted Personnel shall be prescribed by the SND as

recommended by the CSAFP.

(c) Selection Boards. – Appropriate selection boards shall be empowered or created, and mandated to carry out the attrition system with primary consideration on the best interest of the service, organizational integrity, effectiveness and efficiency, and equitable career development. Except for causes involving administrative or criminal violations, attrition as approved by the authorities prescribed in this Act, upon the recommendation of the appropriate boards, shall be deemed compulsory separation or retirement under honorable characterization.

(d) Transition Assistance. – Comprehensive program for transition assistance shall be prescribed by SND, upon recommendation of the CSAFP, and shall be carried out by respective Component Services for the benefits of separating or retiring personnel, under honorable characterization, including but not limited to free job-skill development, job search or placement, financial or business literacy, or mental, psychological, spiritual or family-relation wellness.

Sec. 77. Effect of Loss of Filipino Citizenship. – Pursuant to existing laws, any retired military personnel, receiving retirement and pension benefits pursuant to the provisions of this Act, who loses his Filipino citizenship shall no longer be entitled to receive pension and retirement benefits. The survivors of any retired military personnel who lost his Filipino citizenship shall no longer be entitled to receive survivorship benefits.

D. Administration of Military Discipline and Justice System

Sec. 78. Military Discipline and Justice. –

(a) There shall be a military discipline and justice system which consists of rules to govern the conduct of military personnel and provides a method of punishment for the purpose of enforcement of discipline and administration of justice in the Armed Forces of the Philippines (AFP).

(b) Military justice shall be applicable at all times and in all places to all

persons subject to military law as defined by existing laws.

(c) The President, as Commander-in-Chief, and subordinate authorities as provided for in this Act shall have the exclusive authority to administratively discipline military personnel for purely service-related offenses or infractions. The power to investigate and adjudicate administrative cases against military personnel for acts arising from the performance of official duties shall be under the exclusive jurisdiction of the AFP.

(d) No order of separation, dismissal or discharge from the active service or acceptance of resignation of Commissioned Officers shall be implemented unless approved by the President.

(e) There shall be reduction in grade, suspension of active service, and forfeiture, suspension, or withholding of pay and allowances of Commissioned Officers found administratively liable. The procedure, extent, grounds or system of which shall be prescribed by the President as recommended by the SND. Other lower disciplinary measures against erring Commissioned Officers shall be prescribed by the SND.

(f) Procedure, extent, grounds or system of reduction in grade, demotion of rank, suspension of active service, and forfeiture, suspension or withholding of pay and allowances of Warrant Officers found administratively liable shall be prescribed by the SND, and that of Enlisted Personnel by the CSAFP. Other lower disciplinary measures against erring Warrant Officers and Enlisted Personnel shall be prescribed by the CSAFP.

E. Legal Assistance

Sec. 79. Extension of Legal Assistance.— All military personnel, including separated or retired personnel, charged of service-related or service-connected civil or criminal cases, upon determination by the Judge Advocate General or the concerned Component Service Judge Advocate of the fact of service connection with the approval of the concerned Chief of Component Services, shall be provided adequate and competent legal representation and assistance by military lawyers or

1 counsel of their own choice until the logical conclusion of their cases. Reasonable
2 programmed allocation can be charged against the fund of the concerned
3 component service to support the effective handling and defense of this category of
4 cases.

5 6 **F. Management System Development**

7
8 *Sec. 80. Integrated Information System.*– Upon effectivity of this Act, the AFP
9 shall prioritize to develop strategic resource management policy, and institutionalize
10 implementation of AFP-wide integrated information systems primarily aimed to
11 achieve effective and efficient processing of information for expeditious and
12 responsive decision making, functional performance and service delivery from
13 procurement to retirement stages.

14 15 **Article III – The Reserve Force**

16 **Chapter 1 – General Provisions**

17
18 *Sec. 81-A. Mandatory Military Service.*– In relation to the patriotic duty of
19 every citizen to defend the country when obliged to preserve and protect
20 sovereignty, every Filipino, natural-born or naturalized shall render a minimum of
21 two years mandatory military service which includes, but not limited to, basic,
22 suitable and sufficient military training and education.

23
24 *Sec. 81-B. Penalty.*– Any person failing to render the military service
25 provided herein or to report to a designated training institution after having been
26 duly notified to do so shall, upon conviction, be sentenced to serve not more
27 than six months in prison or to pay a fine of not exceeding Forty Thousand Pesos (P
28 40,000.00), or both at the discretion of the Court. Conviction for this offense shall
29 not exempt the person convicted from the required military service.

30
31 *Sec. 82. Purpose.*– The purpose of the Reserve Force is to provide the base
32 for the expansion of the AFP in the event of disaster, internal disorder and invasion.

1
2 Sec. 83. *Organization of the Reserve Force*— The organization of the Reserve
3 Force shall conform to the projected and actual needs as determined by the SND
4 upon the approval of the President. The Table of Organization and Equipment of the
5 Reserve Force shall be prescribed by the SND upon recommendation of the CSAFP.
6 As far as applicable, the organizational structure of Reserve Force shall mirror that of
7 the Regular Force.

8 9 **Chapter 2 – Composition of the Reserve Force**

10
11 Sec. 84. *Composition*.— The Reserve Force shall have three (3) components,
12 namely:

- 13 (a) Army Reserve Component;
- 14 (b) Air Force Reserve Component; and
- 15 (c) Navy Reserve Component.

16
17 Sec. 85. *Affiliated Reserve Units*.— Affiliated Reserve Units (ARUs) are private
18 and government entities, corporations, establishments and organizations at the
19 national, provincial, city and municipal levels which provide essential public and
20 strategic services necessary to support the execution of national defense plans or to
21 meet an emergency. ARUs shall belong to any of the Reserve Force Components.

22
23 Sec. 86. *Call to Active Duty of the Reserve Force*.— Reservists may be called
24 to active duty for training and/or deployment as prescribed by the CSAFP and
25 approved by the SND.

26 27 **TITLE III**

28 **OTHER BUREAUS AND AGENCIES UNDER THE DEPARTMENT**

29 **Article I - General Provisions**

30
31 Sec. 87. *Supervision and Control*.— The SND shall exercise supervision and
32 control over the bureaus and agencies under this Title, as well as its personnel.

1
2 Sec. 88. *Organization.*— Unless otherwise provided by law, the organization,
3 functions, duties and responsibilities of the staff and operating units of each of the
4 bureaus and agencies under the DND shall be prescribed by the SND based on
5 appropriate rules and regulations.
6

7 For this purpose, and in the interest of service, the SND may, in accordance
8 with the policies or directives of the President:

9 (a) Establish and organize staffs, offices and units in the bureaus or agencies
10 and prescribe the titles, powers, functions and duties of the positions
11 therein;

12 (b) Abolish existing staffs, offices and units in the bureaus or agencies not
13 specifically provided by law, or transfer or consolidate their functions and
14 duties with other staffs, offices or units; and

15 (c) Abolish a position of any bureau or agency and transfer or consolidate its
16 functions and duties with those of another position.
17

18 Sec. 89. *Separation Benefits of Officials and Employees of Affected Bureaus*
19 *or Agencies.*— Government employees displaced or separated from the service as a
20 result of the restructuring pursuant to this Act shall be entitled to a separation pay
21 and other benefits in accordance with existing laws, rules or regulations.
22

23 **Article II – The Government Arsenal** 24

25 Sec. 90. *Mandate.* – The Government Arsenal shall develop, operate, maintain
26 and secure facilities for the manufacture of weapons, munitions and other defense
27 materiel to support the requirements of the AFP, Philippine National Police (PNP) and
28 other law enforcement agencies; and, to sell and export products in excess of the
29 local demand.
30

31 Sec. 91. *Power and Functions.*— The Government Arsenal shall have the
32 following powers and functions:

- 1 (a) Formulate and implement plans and programs towards the achievement of
2 self-sufficiency in weapons, small arms ammunition, mortars, medium and
3 large caliber ammunition and other munitions needed by the country's
4 defense and security establishments;
- 5 (b) Design, conduct research, develop, manufacture, procure, repair, stockpile
6 and allocate weapons, munitions and other defense materiel subject to
7 existing laws and regulatory requirements.
- 8 (c) Sell and export products in excess of the requirements of the AFP and
9 other law enforcement agencies, subject to existing laws;
- 10 (d) Devise ways and means for the efficient mobilization of civilian/private
11 industry to augment its production for use of the defense and security
12 forces; and
- 13 (e) Establish, secure and operate government defense manufacturing plants,
14 as necessary, in strategic locations within the country.
- 15

16 *Sec. 92. Organization and Administration.*— The Government Arsenal shall be
17 headed by a Director with one or more Assistant Directors who shall support the
18 Director in the administration, manufacturing operations and other affairs of the
19 bureau; all of whom shall be appointed by the President upon the recommendation
20 from the SND, and who shall have the relevant expertise, training and experience in
21 the field of munitions.

22

23 *Sec. 93. Modernization of the Arsenal.*— The modernization of the Government
24 Arsenal, for the development of production capabilities to enhance self-sufficiency in
25 defense requirements, shall be part of the defense modernization program. The
26 Government Arsenal may use such production facilities it may own or be provided
27 with under this Act or it may arrange, under joint venture, co-production or similar
28 agreements with local and foreign entities.

29

30 **Article III – National Defense University**

31

32 *Sec. 94. Transformation of the NDCP.*— In view of the rapidly evolving

1 national and regional security environment, the current academic trends and
2 research thrusts of defense institutions in the Asia Pacific, and the increasing need
3 for specialized defense and security courses to enhance the academic foundation of
4 promoting Philippine national security, the National Defense College of the
5 Philippines (NDCP) is hereby transformed into the National Defense University
6 (NDU), categorized as a special higher education institution. To ensure continuous
7 operation, all personnel and resources of the NDCP shall be absorbed by the NDU.

8
9 The degree programs, instruction, faculty complement, research, and
10 facilities of the NDU shall be accredited by the Commission on Higher Education
11 (CHED). The NDU shall likewise have adequate plantilla positions and receive
12 appropriate funding to fulfill the requirements of transforming into a defense
13 university.

14
15 *Sec. 95. Mandate and Organization.*— In accordance with the standards set
16 forth in pertinent laws and regulations on higher education, the NDU shall train and
17 develop the competence of potential national defense leaders, civilian officials of the
18 different agencies and instrumentalities of the government, and selected executives
19 from the private sector in the formulation and review of national security policies
20 and undertake research and studies as basis for the formulation of national defense
21 and security policies, plans and programs.

22
23 *Sec. 96. Powers and Functions.* – The University shall have the following
24 powers and functions:

- 25 (a) Confer the degree of Master in National Security Administration (MNSA)
26 upon the graduates thereof;
27 (b) Develop and confer other baccalaureate, master's, and doctorate degrees
28 on defense and security; and
29 (c) Undertake policy research and special studies as well as policy formulation
30 on strategic defense and security issues.

31
32 *Sec. 97. Organization and Administration.*—

1 (a) The NDU shall be headed by a President to be assisted by an Executive
2 Vice President, and four (4) Vice-Presidents, all of whom shall be
3 appointed by the President of the Philippines, upon the recommendation
4 of the SND. The NDU President shall administer the affairs of the
5 University for a term of six (6) years.

6 (b) The EVP shall act as NDU President in the absence or incapacity of the
7 NDU President, and shall perform such other functions and duties as may
8 be assigned to him by the NDU President or the SND.

9 (c) There shall be a Vice-President for Academic Affairs who shall be
10 responsible for the development, implementation, supervision and
11 evaluation of academic programs; a Vice-President for Strategic Studies
12 and Policy Formulation, who shall be responsible for the conduct and
13 supervision of research and special studies and policy formulation and
14 review for the Department; a Vice-President for Military Affairs, who shall
15 be responsible for the overall military activities of the University; a Vice-
16 President for Administration, who shall be responsible for the overall
17 administrative support to all the activities of the University and such other
18 officials as may be required by the University subject to the approval of
19 the SND.

20 (d) The University shall have an Academic Board to assist the President in the
21 following functions:

22 (1) Supervise the academic affairs of the University;

23 (2) Recommend academic consultants, professors, lecturers, instructors,
24 research assistants and other resource persons of the University; and

25 (3) Recommend the courses of studies to be conducted by the University
26 to accomplish its objectives.

27 The Board shall be composed of the Vice President for Academic Affairs as
28 Chairman, and the Heads of the various academic disciplines as members,
29 who shall be designated by the NDU President subject to the approval of the
30 SND.

31 (e) All resource persons of the University including but not limited to
32 academic consultants, professors, lecturers, instructor, thesis advisers,

1 members of examining and evaluating panels, examiners, correctors, and
2 technicians who are regularly employed in the government shall, in
3 addition to their salaries, be entitled to receive honoraria, fees and other
4 emoluments fixed by the SND.

5 (f) The SND may establish a Council of Fellows in the University to assist and
6 advise him in providing strategic direction and guidance necessary to
7 ensure the accomplishment of the mandate of the University.
8

9 *Sec. 98. Graduates of the Regular Course of the University.*— All graduates of
10 the University shall be conferred the degree of Master in National Security
11 Administration (MNSA). Civilian graduates of the MNSA program shall receive an
12 initial rank of Lieutenant Colonel/Commander in the Reserve Force subject to
13 existing AFP regulations. The MNSA or its equivalent in military career development
14 course shall be required for appointment or designation to key positions and
15 promotion of AFP officers to the grade of O-7 (Brigadier General/Commodore).
16

17 *Sec. 99. Transition.*— The SND shall determine the appropriate transition
18 period for NDCP to attain the status and competency of becoming a university.
19 Further, Congress shall allocate the necessary funds for the transformation of NDCP
20 to NDU.
21

22 **Article IV – Office of Civil Defense**

23

24 *Sec. 100. Mandate.*— The Office of Civil Defense (OCD) shall have the primary
25 mission of administering a comprehensive national civil defense and disaster risk
26 reduction and management program during local and national emergencies by
27 providing leadership in the continuous development of strategic and systematic
28 approaches as well as measures to reduce the vulnerabilities and risks to hazards
29 and manage the consequences of disasters.
30

31 *Sec. 101. Powers and Functions.*— The Office shall have the following powers
32 and functions:

- 1 (a) Establish and administer a comprehensive national civil defense and civil
2 assistance program to include the allocation to agencies and local
3 government units such aid and funds as may be made available by the
4 national government, assisting governments, and international and local
5 organizations;
- 6 (b) Formulate policies and prepare plans for the protection and welfare of the
7 civilian population in times of war or other national emergencies as may be
8 determined by the President of the Philippines;
- 9 (c) Furnish guidance and coordinate the activities of national government
10 agencies, local government units, private institutions and civic
11 organizations for natural and human-induced disasters;
- 12 (d) Develop and coordinate a program for informing, educating and training
13 the general public, volunteer workers and civil defense groups on civil
14 defense and assistance measures and activities;
- 15 (e) Prepare and disseminate disaster control manuals and other publications
16 related to measures on disaster prevention and mitigation, preparedness,
17 response and rehabilitation and recovery;
- 18 (f) Advise the Secretary of National Defense on matters concerning civil
19 defense and make recommendations as may be deemed appropriate or as
20 the Secretary may require;
- 21 (g) Provide assistance and secretariat services to the National Disaster Risk
22 Reduction and Management Council to implement the policies set by the
23 latter relative to disaster management;
- 24 (h) Furnish guidance to the various provinces, cities and municipalities in the
25 planning, accreditation, organization and operation of their civil defense
26 organizations; and
- 27 (i) Perform such other civil defense functions as may be provided by law.

28
29 Sec. 102. *Organization.*— The Office of Civil Defense shall be headed by an
30 Administrator who shall also serve as Executive Director of the National Disaster Risk
31 Reduction and Management Council and, as such, shall have the same duties and
32 privileges of a department undersecretary. It shall operate under a duly approved

1 organization and staffing as recommended by the SND.

2
3 Sec. 103. *Governing Laws, Rules and Regulations.*— The mandate, powers,
4 functions, and organization of the OCD, and other pertinent rules and regulations
5 prescribed by competent authorities are without prejudice on laws pertaining
6 specifically to disaster resilience.

7
8 **Article V – Philippine Veterans Affairs Office**

9
10 Sec. 104. *Mandate.*— The Philippine Veterans Affairs Office shall be the
11 government agency responsible for administering the benefits due to veterans and
12 their qualified beneficiaries and shall provide medical assistance to veterans
13 pursuant to existing laws. It shall also administer, maintain and develop military
14 memorials and battle monuments proclaimed as national shrines.

15
16 Sec. 105. *Powers and Functions.*— The Office shall have the following powers
17 and functions:

- 18 (a) Formulate and promulgate, subject to the approval of the SND, policies,
19 rules and regulations governing the adjudication and administration of
20 veterans' claims and benefits;
21 (b) Adjudicate and administer benefits, pensions and other privileges granted
22 to veterans, their heirs and beneficiaries;
23 (c) Provide medical care and treatment to veterans pursuant to existing
24 programs and projects approved by the SND;
25 (d) Administer, develop and maintain military shrines;
26 (e) Develop patriotism and nationalism, PVAO preserves and promotes the
27 ideas of Kagitingan in the sacrifices and heroic deeds of our veterans;
28 (f) Formulate policies concerning the affairs, placement and training of ex-
29 servicemen and assist their widows and dependents, and other retired
30 military personnel;
31 (g) Undertake the promotion of the general welfare of veterans and their
32 families; and

1 (h) Perform such other functions as may be provided by law.

2
3 Sec. 106. *Organization.* – The Philippine Veterans Affairs Office shall be
4 headed by an Administrator who may be assisted by one or more Deputy
5 Administrators, all of whom shall be appointed by the President upon the
6 recommendation of the Secretary of National Defense. It shall have such staff and
7 other operating units as may be prescribed by the SND.

8
9 **FINAL PROVISIONS**

10
11 Sec. 107. *Implementing Rules and Regulations.* – The DND and all concerned
12 agencies shall, within one hundred twenty (120) days from the effectivity of this
13 Act, formulate the rules and regulations necessary to implement this Act. The said
14 rules and regulations shall be approved by the President of the Philippines.

15
16 Sec. 108. *Appropriations.* – The amount needed for the initial implementation
17 of this Act shall be taken from the current year's appropriations of the DND and AFP.
18 Thereafter, such sums as may be necessary for its continued implementation,
19 especially those pertaining to the approved Table of Organization and Equipment or
20 its equivalent document in civilian bureaus, shall be included in the annual General
21 Appropriations Act.

22
23 Sec. 109. *Separability Clause.* – If any portion or provision of this Act is
24 declared unconstitutional, the remainder of this Act or any provisions not affected
25 thereby shall remain in force and effect.

26
27 Sec. 110. *Repealing Clause.* – Any law, presidential decree or issuance,
28 executive order, letter of instruction, rule or regulation inconsistent with the
29 provisions of this Act is hereby repealed or modified accordingly.

30
31 Sec. 111. *Effectivity Clause.* – This Act shall take effect fifteen (15) days upon
32 its complete publication in the Official Gazette or a newspaper of general circulation.

Approved,