

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. 3045



Introduced by Honorable Florida P. Robes

EXPLANATORY NOTE

One of the primary principles declared in Article II, Section 4 of the 1987 Constitution is that it is the prime duty of the government to serve and protect the people. The Government may call upon the people to defend the State and, in the fulfillment thereof, all citizens may be required, under conditions provided by law, to render personal, military or civil service.

Article II, Section 13 of 1987 Constitution likewise provides that the State recognizes the vital 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.

This bill aims to establish mandatory Basic Reserve Officer's Training Corps (ROTC) in Grades 11 and 12 in public and private educational institutions to ensure the inculcation of the spirit of nationalism, nation-building, and national preparedness among our youth. At present, ROTC is no longer a mandatory program for college students, but an optional program component of the National Service Training Program (NSTP). It is to be recalled that the mandatory ROTC was abolished in 2002 after the death of University of Santo Tomas student Mark Chua, whose killing was linked to his exposé on the anomalies in the training corps.

Two decades later, it is time to reconsider establishing Basic ROTC in educational institutions for our youth given that schools and Universities have been infiltrated by left-leaning organizations and organizations designated as terrorist by the Anti-Terrorism Council which pose not only an internal threat to the stability of government, but also jeopardize the future of the youth they seek to indoctrinate and whose impressionability they prey upon. Typhoons, disasters and calamities brought on by climate change are likewise increasing and a robust, disciplined youth sector is necessary for effective civilian disaster response.

This bill seeks to use schools as instruments of nationalism, nation-building, and national preparedness. It establishes the ROTC Grievance Board to curb abuses and mismanagement of the implementation of the Basic ROTC program which led to its abolition before. Whistleblowers are granted protection; as are Protected Persons as defined in this bill. Penal provisions are included as well to give the law teeth and to prevent abuse and influence-peddling for exemptions.

With the government's efforts to finally neutralize all threats to security and to secure the safety of our people during natural disasters or man-made uprisings, it is the duty and imperative of the National Government to train the millions of Filipino Youth on how they can help and defend themselves, their families and communities, while upholding the sovereignty of the State.

In the spirit of the times, re-institutionalizing the Mandatory ROTC Program for the Filipino Youth is vital and necessary to instill patriotism and nationalism in an entire generation of young Filipinos and to prepare them to contribute and participate in a robust and strong Philippine Republic.

In view of the foregoing, immediate passage of this bill is earnestly requested.


FLORIDA P. ROBES

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**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, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 7077, OTHERWISE KNOWN AS THE "CITIZEN
ARMED FORCES OF THE PHILIPPINES RESERVIST ACT", AND
APPROPRIATING FUNDS THEREFOR**

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

Section 1. *Short Title.* — This Act shall be known as the "Reserve Officers' Training Corps (ROTC) Act".

Section 2. *Declaration of Constitutional Policy.* — The prime duty of the government is to serve and protect the people. The government may call upon the people to defend the State and, in the fulfillment thereof, all citizens may be required, under conditions provided by law, to render personal military or civil service. In the same manner, the State recognizes the vital role of the youth in nation-building and shall promote civic consciousness among the youth and shall develop their physical, moral, spiritual, intellectual and social well-being. It shall inculcate in the youth patriotism, nationalism, and encourage 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 emergencies, and in support to the government's law enforcement strategy against crimes, by creating a pool of trained reservists.

Section 3. Coverage. — The conduct of military 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.

Section 4. Establishment of 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 of the basic curricula for the Senior High School Education in public and private educational institutions in pursuance to the provisions of the National Defense Act 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 instill patriotism, love of country, moral and spiritual virtues, respect for human rights and adherence to the Constitution. In no way shall the ROTC be used for political aims, to teach and instill a particular ideology and as a mechanism for hazing and abuse.

b) The ROTC shall include the following program of instruction:

- 1) Enhancing the students' 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.
- 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) shall take a direct part in hostilities.
- 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, disaster risk reduction and management, human and civil rights awareness, and law enforcement.

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 Basic ROTC by any student not exempted under Section 5 of this Act 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 ROTC Program in pursuance to this Act shall be subject to disciplinary and administrative sanctions as the Department of Education (DepEd), Commission on Higher Education (CHED), and Technical Education and Skills Development Authority (TESDA) may impose.

d) Guided by the provision of Section 4(b) hereof, the Department of National Defense (DND), DepEd, and TESDA, 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, within sixty (60) days from the approval of this Act and shall jointly issue the implementing rules and regulations for the effective implementation of the provisions of this Act.

Section 5. *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 the 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 the school's varsity players in sports competitions; and

d) Those who may be exempted from training for valid reasons as approved by the DND, upon recommendation by any educational institution where the concerned student is enrolled.

Section 6. *Acceptance for Advance ROTC.* — Students who volunteer for Advance ROTC Program in universities, colleges, vocational schools and other tertiary institutions shall be governed by Section 40 of Republic Act No. 7077, or the Citizen Armed Forces of the Philippines Reservist Act. The provisions of Sections 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.

Section 7. *Organization, Operation and Maintenance of ROTC Units.* —

The organization, operation and maintenance for the establishment of ROTC shall be in accordance with Sections 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 and TESDA, shall prescribe the organizational and operational manual of ROTC units in 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 and TESDA.

Section 8. *Incentives for Undergoing ROTC Program.* —

(a) Subject to other requirements prescribed by rules and regulations, graduates of Basic ROTC shall be eligible for commissionship/lateral entry and enlistment in the AFP, Philippine National Police (PNP), Philippine CoastGuard (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 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 Basic and Advance ROTC shall be given access and privileges with any AFP Commissary and PX Stores nationwide. The Chief of Staff of the AFP shall issue the necessary regulations for the implementation of this privilege.

Section. 9. *The ROTC Grievance Board.* — There shall be created a Reserve Officers' Training Corps (ROTC) Grievance Board composed of one (1) representative from the Department of National Defense and two (2) representatives from the Department of Education with the more senior representative from the Department of Education as chairperson. These representatives shall be appointed for their known integrity, probity, and independence.

The ROTC Grievance Board shall have the following powers:

- (a) Investigate and resolve all complaints, in any form, involving corruption and abuse, in any form, in the ROTC Program;
- (b) Afford legal protection to Whistleblowers and Persons Protected who file verified complaints before the ROTC Grievance Board;
- (c) Recommend prosecution of offenders in civilian or military courts, as the case may be, for violations of the penal provisions of this Act;
- (d) Ensure that the ROTC Program be free from politicization and from being used to instill a particular ideology; and
- (e) Recommend policies and reforms to ensure adherence of the ROTC Program to the Constitution and all laws penalizing abuse in any form.

All decisions of the ROTC Grievance Board shall be appealable to the Office of the President.

Section 10. *Definitions of Terms.* – In reference to Section 9(b) of this Act, the following terms shall have the meaning indicated:

(a) "Whistleblower" is a person who discloses information on their own initiative in a written and signed complaint or affidavit about a concealed misconduct or a commission or attempted commission of a violation of any of the penal provisions provided in Section 12 of this Act to the ROTC Grievance Board, *Provided*, that said person has not participated or has refused to participate in the misconduct or the violation or attempted violation of this Act;

(b) "Persons Protected" include the parents of the student-cadet/whistleblower or any member of the family within the first civil degree by consanguinity or affinity who disclose information on their own initiative in a written and signed complaint or affidavit; or are requested to participate in an investigation, hearing, or other inquiry conducted by the ROTC Grievance Board; and any other person who refuses to participate in any retaliatory action as defined in sub-section (e) hereof

(b) "Whistleblowing" is the disclosure, making public, giving evidence to, information that a whistleblower reasonably believes constitutes a (i) violation of this

law, (ii) gross mismanagement, or (iii) gross waste of funds in the implementation of the Basic ROTC program;

(c) "Superior/Supervisor" is an individual having authority, in the interest of the student-cadet undergoing Basic ROTC, to assign grades, recommend passing the course, promote, discharge, assign, reward, or discipline other student-cadets, or responsibly to direct them, or to adjust their grievances, or effectively recommend such action, if in connection with the foregoing the exercise of such authority is not a merely routine or clerical nature, but requires the use of independent judgment;

(e) "Retaliatory Action" is the punishment, discharge, suspension, transfer, or demotion of any student-cadet/whistleblower or the withholding of grades or any other requirement necessary for the student-cadet to graduate when such student-cadet has completed the Basic ROTC course, or any other action that may adversely affect the rights and interest of the student-cadet taken by the superior/supervisor implementing the Basic ROTC course or the principal or officers of the educational institution where the Basic ROTC course is being implemented;

(f) "Gross Mismanagement" is the continuous pattern of managerial abuses, wrongful or arbitrary and capricious actions, or fraudulent or criminal conduct which may have a substantial adverse economic impact on the implementation of the Basic ROTC program; and

(g) "Gross Waste of Funds" means to spend or use funds or to allow funds to be used without valuable result in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

Section 12. *Penal Provisions.* — It shall be unlawful for:

(a) Any superior/supervisor or any implementor of the Basic ROTC program in an educational institution to retaliate or perform such acts which can be deemed as "retaliatory action" as defined in this Act against a student-cadet/Whistleblower and other Persons Protected;

(b) Any person to recommend exemption of any student from mandatory Basic ROTC under false pretenses in consideration of any offer, promise, gift or present received by such person, personally or through the mediation of another;

(c) Any person implementing the Basic ROTC program who, under false pretenses in consideration of any offer, promise, gift or present received by such person, personally or through the mediation of another, to make it appear that a student has

undergone Basic ROTC program or parts thereof, when the student has not physically participated therein;

(d) Any student required to undergo the Basic ROTC and who is not exempted under Section 5 of this Act, and who, personally or through the mediation of another, offers any person implementing the Basic ROTC program any offer, promise, gift or present to make it appear that said student has undergone Basic ROTC program or parts thereof, when the student will not have to or has not actually or physically participated in such;

(e) Any implementor of the Basic ROTC program to conduct hazing of student-cadets as provided in Section 3 of Republic Act No. 8049 or the "Anti-Hazing Act of 2018", as amended by Republic Act No. 11053. The penalties provided in Section 14 thereof shall be applicable in cases of violation of this sub-section.

Any person who violates any provision of this section other than the immediately preceding paragraph shall pay a fine of not less than two hundred thousand pesos (P200,000) but not more than five hundred thousand pesos (P500,000) and suffer an imprisonment of not less than two (2) years but not more than six (6) years.

If the offender is a member of the Armed Forces of the Philippines or a person subject to military law, including members of the citizens Armed Forces Geographical Units, the ROTC Grievance Board shall recommend prosecution of such offender in the civil courts in relation to Republic Act No. 7055 or by the military courts in relation to Articles 54 to 70, Articles 72 to 92, and Articles 95 to 97 of Commonwealth Act No. 408, as amended, for service-connected crimes or offenses.

Section 13. *Liability of the Educational Institution.* — The instructor or faculty-in-charge of the ROTC shall be responsible for monitoring the activities involved in the ROTC. The instructor or the faculty-in-charge must be a duly recognized active member, in good standing, of the faculty at the school in which the ROTC course is being implemented.

The school or the university and its administrators shall exercise special parental authority and supervise the implementation of the ROTC.

In case of violation of any of the provisions of this Act and other related laws, the instructor or faculty-in-charge and the school or university and its officials shall be responsible and liable for any damage or injury caused to a student.

Section 11. *Funding.* — The funding requirement to implement the establishment, maintenance and operations of the ROTC Program shall be included in the budget of the implementing agencies/departments in the annual General Appropriations Act.

Section 12. *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.

Section 13. *Repealing Clause.* — Pertinent provisions of Republic Act No. 7077, or the "Citizen Armed Forces of the Philippines Reservist Act", and all other laws, decrees, executive orders and rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

Section 14. *Effectivity.* — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,