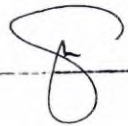


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'22 JUL 12 P2 :03

SENATE
S. No. 402

RECEIVED BY 

Introduced by **SENATOR FRANCIS "TOL" N. TOLENTINO**

AN ACT
PROVIDING FOR A MANDATORY BASIC MILITARY AND POLICE TRAINING
PROGRAM IN ALL SENIOR HIGH SCHOOL LEVELS IN PUBLIC AND PRIVATE
EDUCATIONAL INSTITUTIONS

EXPLANATORY NOTE

Article II on the Declaration of Principles and State Policies of the 1987 Constitution of the Philippines provides:

Sec. 4. 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.

Sec. 13. 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."

In addition, on the responsibility of all educational institutions, Article XIV, Section 3(2) of the Constitution provides:

They are mandated to inculcate patriotism and nationalism, foster love of humanity, respect for human rights, appreciation of the role of national heroes in the historical development of the country, teach the rights and duties of citizenship, strengthen ethical and spiritual values, develop moral character and personal discipline, encourage critical and creative thinking, broaden scientific and technological knowledge, and promote vocational efficiency.

This bill seeks to include in the senior high school curricula subjects that will introduce the students to basic military and police training program to increase their awareness of the country's need for 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 and other civic obligations.

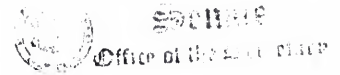
The proposed bill provides safeguards for the protection of Grades 11 and 12 students against abuses such as bribery, corruption, graft, hazing, sexual harassment, and others which had become the concern of the public in the past. With this proposed measure, the youth, the hope of our motherland, will rekindle in their hearts their love of country and fellow citizens, nationalism and patriotism, and will once again make their mark in the annals of history.

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

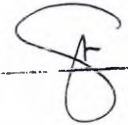


FRANCIS "TOL" N. TOLENTINO

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'22 JUL 12 P 2 :03

RECEIVED BY 

SENATE
S. No. 402

Introduced by **SENATOR FRANCIS "TOL" N. TOLENTINO**

AN ACT

PROVIDING FOR A MANDATORY BASIC MILITARY AND POLICE TRAINING PROGRAM IN ALL SENIOR HIGH SCHOOL LEVELS IN PUBLIC AND PRIVATE EDUCATIONAL INSTITUTIONS

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

Section 1. Short Title. – This Act shall be known as the "Basic Military and Police Training in Senior High School Act."

Sec. 2. Declaration of Policy. – It is the policy of the State to recognize the role of the youth in nation building and to promote and protect their physical, intellectual and social well-being. It shall inculcate in the youth patriotism and nationalism, develop their moral character and personal discipline, and encourage their involvement in public and civil affairs. Towards this end, the State shall include in the senior high school curriculum subjects that will introduce the students to basic military and police training and will increase their awareness to the country's need for human resources in times of war, calamities and disasters, and national or local emergencies. This also supports the Government's law enforcement strategy against crimes and other civic obligations.

1 **Sec. 3. Definition of Terms.** – In this Act, the term:

2 (a) *Appeals Board* - refers to the appellate body that has jurisdiction to
3 hear appeals on the findings and recommendations of any local investigating body.

4 (b) *Basic Military Training Program* - refers to the training program under
5 the command of the Armed Forces of the Philippines (AFP) which shall include, but
6 not limited to, basic military science subject, basic training on relief and rescue
7 operation during disaster or calamities; and basic training in the operation and
8 maintenance of essential government or private utilities in the furtherance of overall
9 mission.

10 (c) *Basic Police Training Program* - refers to the training program under
11 the command of the Philippine National Police (PNP), which shall include, but not
12 limited to, basic trainings on law enforcement, disaster preparedness, traffic
13 management, rule of law, and civil rights.

14 (d) *Clustered Training Unit* - refers to two or more educational institutions
15 that are strategically grouped together for the purpose of holding Basic Military and
16 Police Training classes in one location.

17 (e) *Investigative Body* - refers to an independent body that is tasked to
18 investigate any complaint or allegation of abuse, violence or corruption in any
19 clustered training unit or any educational institution implementing the Basic Military
20 and Police Training.

21 (f) *Private Educational Institutions* - refer to educational institutions
22 maintained and administered by private individuals or groups.

23 (g) *Public Educational Institutions* - refer to educational institutions that
24 are established and administered by the government.

25 **Sec. 4. Coverage.** - The conduct of basic military and police training shall
26 apply to all students in Grades 11 and 12 in all senior high schools in public and
27 private educational institutions.

28 **Sec. 5. Establishment of the Basic Military and Police Training**
29 **Program in all Public and Private Educational Institutions.** - The Department
30 of Education (DepEd), in coordination with the Department of National Defense

1 (DND) and the Department of the Interior and Local Government (DILG), shall
2 establish a mandatory two (2)-year Basic Military and Police Training Program for
3 students enrolled in Grades 11 and 12 which shall form part of the basic curriculum
4 for the Senior High Education in any public and private educational institutions.
5 Students who fail to undergo the mandatory Basic Military and Police Training
6 Program in accordance with this Act shall not be qualified for graduation. Grades 11
7 and 12 students undergoing the Basic Military and Police Training Program shall not
8 be subject to military or PNP law and shall be recognized as civilians in law.

9 **Sec. 6. *Purposes and Objectives.*** - The Basic Military and Police Training
10 Program instituted as part of the curricula shall be administered in accordance with
11 the following purposes and objectives:

12 (a) To enhance the students' consciousness in the ethics of service,
13 patriotism and nationalism, respect for human rights, appreciation of the role of
14 national heroes in the historical development of the country, strengthen ethical and
15 spiritual values, develop personal discipline and leadership and to encourage creative
16 thinking for scientific and technological development;

17 (b) To motivate students to undergo further training in national defense
18 preparedness or civil-military operations;

19 (c) To encourage students to be active participants and volunteers for the
20 development and improvement of health, education, ecology and environmental
21 protection, human and civil-rights awareness, and law enforcement;

22 (d) To prepare the students during actual disaster response operations on
23 needs assessment, improved skills for search, rescue and relief operations, and early
24 recovery activities; and

25 (e) To integrate capacity-building activities revolving around risk-
26 related situations in order for students to be proactive in lessening the socio-
27 economic and environmental impacts of disasters including climate change. These
28 capacity building activities will help build understanding and skills with the end of
29 applying disaster risk reduction and management principles, concepts, and concrete
30 action steps towards building their resilience.

1 **Sec. 7. Program of Instruction.** - Guided by the purposes and objectives
2 of this Act, the DepEd, DND and DILG, in consultation with other relevant
3 government agencies and private stakeholders as the Secretary of Education may
4 determine, shall design and formulate the Program of Instruction on the Basic
5 Military and Police Training Program in Grades 11 and 12.

6 **Sec. 8. Schools' Compliance as Zone of Peace.** - Pursuant to Republic
7 Act No. 11188, otherwise known as the "Special Protection of Children in Situations
8 of Armed Conflict Act;" every educational institution implementing the Basic Military
9 and Police Training Program under this Act shall comply with the declaration and
10 guidelines that are provided for under the said law to maintain the neutrality of the
11 schools as zones of peace.

12 **Sec. 9. Students Exempted from this Act.** - The following may be
13 exempted from the coverage of this Act:

14 (a) Those who are physically or psychologically unfit, as certified by the
15 AFP or PNP medical officer, in pursuance to the recommendation of the educational
16 institutions where the concerned student is enrolled.

17 (b) Those who were chosen by their school to serve as varsity players in
18 sports competitions.

19 (c) Those who may be exempted from training for valid reasons as
20 approved by the DND or DILG, upon recommendation by any educational institution.

21 **Sec. 10. Organization, Operation, and Maintenance of Basic Military
22 and Police Training Units.** - The Secretary of National Defense and the Secretary
23 of the Interior and Local Government, in consultation with the Secretary of
24 Education, shall prescribe the organization and operational manual of the training
25 units in public and private educational institutions for Grades 11 and 12. Such
26 educational institutions shall be required to provide an adequate office for the DND
27 and DILG administrative staff assigned thereat. The AFP and the PNP shall create an
28 office dedicated to the supervision and administration of the Basic Military and Police
29 Training program within the Reserve Commands of the AFP and the PNP in
30 coordination with the DepEd.

1 **Sec. 11. Acceptance for Advance Military Training.** - Students who
2 volunteer for Advance Military Training program in universities, colleges, vocation
3 schools and other tertiary institutions shall be governed by Section 40 of Republic
4 Act No. 7077 or the "Citizen Armed Forces of the Philippines Reservist Act." The
5 provisions of Section 42 and 43 of R.A. No. 7077 in terms of training, uniforms and
6 supplies, and the scholarship incentive shall remain effective and applicable for those
7 accepted in the Advance Military Training course. It shall be mandatory for all public
8 and private universities, college and similar learning institutions to offer and provide
9 a training school for the Advance Military Training program which shall have a
10 duration in accordance with the curriculum prescribed by the DND and the
11 Commission on Higher Education (CHED).

12 The Secretary of National Defense, in coordination with CHED, shall prescribe
13 the curriculum for Advance Military Training and the program of instruction in
14 pursuance to the applicable provisions of R.A. No. 7077.

15 Graduates of Advance Military Training shall be eligible for enlistment in the
16 AFP or shall be given priority for lateral entry in other armed and law enforcement
17 services of the government.

18 **Sec. 12. Incentives for Undergoing Military and Police Training**
19 **Program.** -

20 (a) Subject to other requirements prescribed by the rules and regulations,
21 graduates of Basic Military Training shall be eligible for enlistment in the AFP, PNP,
22 Philippine Coast Guard (PCG), Bureau of Jail Management and Penology (BJMP), and
23 Bureau of Fire Protection (BFP) unless a waiver is issued by the Department
24 Secretaries of the aforementioned military and civilian organizations.

25 (b) Students undergoing Basic Military and Police Training and those
26 accepted in the Advance Military Training Course shall be provided free
27 hospitalization in any government hospital in case of accident or injury during the
28 training. Mandatory insurance for students undergoing Military and Police Training
29 shall be provided by the school where the students are enrolled.

1 (c) Students undergoing Basic Military and Police Training and Advance
2 Military Training shall be given access and privileges with any AFP Commissary and
3 PX Stores nationwide. The Chief of Staff, AFP shall issue the necessary regulations
4 for the implementation of this privilege.

5 (d) Graduates of Basic Military and Police Training program who
6 have completed a four (4) year baccalaureate degree shall be considered as First
7 Level Civil Service Eligible, whereas graduate of Advance Military Training Program,
8 who have finished a four (4) baccalaureate degree shall be considered a Second
9 Level Civil Service Eligible in the Civil Service.

10 **Sec. 13. Prohibited Acts.** - The following acts shall be prohibited:

11 a. Hazing as defined and penalized under R.A. 8049, as amended by R.A.
12 11053;

13 b. Physical, sexual or psychological abuse, emotional maltreatment, or
14 any act by deed which tends to degrade or demean the dignity of a child/student as
15 provided under R.A. 7610, otherwise known as the "Special Protection of Children
16 Against Abuse, Exploitation and Discrimination Act";

17 a. Physical, humiliating or degrading punishments or penalties by a
18 teacher, school administrator, an adult, or any other child who has been given or
19 has assumed authority or responsibility for punishment or discipline for an alleged or
20 actual offense for the purpose of discipline, training or control except for mild to
21 moderate physical exercise such as push-ups, sit-ups and running within the
22 medically recommended limit for the concerned age group as provided under DepEd
23 Order No. 40, Series of 2012 on Child Protection Policy;

24 b. Bribery as penalized under the Revised Penal Code, by directly or
25 indirectly accepting, any gift, in cash or in kind, from any student, or from any
26 parent/guardian of the student in relation to or pertinent with the conduct of the
27 Basic Military and Police Training Program;

28 c. Corruption of public officials as penalized under the Revised Penal
29 Code, by offering any gift in relation to or pertinent with the conduct of the Basic
30 Military and Police Training Program;

1 d. Graft and corrupt practices contemplated under R.A. 3019, otherwise
2 known as the "Anti-Graft and Corrupt Practices Act."

3 **Sec. 14. *Establishment of Investigative Body.* -**

4 (a) An Investigative Body shall be organized from a cluster of educational
5 institutions that shall receive complaints and/or *motu proprio* conduct investigations
6 on any complaint or allegation of abuse, violence or corruption in any educational
7 institution implementing the Basic Military and Police Training Program;

8 (b) Every Investigative Body shall be composed of three members, to be
9 chosen by the Secretary of National Defense, the Secretary of the Interior and Local
10 Government and the Secretary of Education: one (1) District Commandant from the
11 DND, one (1) District Commandant from the DILG, and one (1) District Schools
12 Supervisor from the DepEd;

13 (c) The DepEd, the DND, and the DILG shall formulate the manner by
14 which the educational institutions implementing the Basic Military and Police Training
15 Program shall be clustered for the efficient resolution of grievances;

16 (d) The Investigative Body shall function as an independent fact-finding
17 body, which shall formulate the recommendation to the proper disciplinary
18 authority that has jurisdiction over the respondent, is depending on whether he/she
19 belongs to the military or the police for which purpose, the Articles of War or the
20 PNP Law, as the case may be, shall be employed. In case of school officials and/or
21 employees of public and private educational institutions, the provisions of R.A. 6713
22 or the "Code of Conduct of Public Officers and Employees" and other relevant laws
23 on the matter shall be applied. This is without prejudice to administrative cases that
24 may be filed pursuant to the Civil service rules for public officers and employees
25 involved in the complaint;

26 (e) Nothing herein shall prevent any person from filing directly with the
27 regular courts any incident of violation of Republic Act 11053 or the Anti-Hazing Act
28 of 2018.

29 **Sec. 15. *Powers and Duties of the Investigative Body.* -** Every
30 Investigative Body shall have the following powers and duties:

1 (a) Encourage the reporting of any incident of hazing, violence abuse and
2 corruption in every clustered training unit;

3 (b) *Motu proprio* or upon a complaint filed by any person, investigate, any
4 act of hazing, violence, abuse and corruption in the clustered training unit;

5 (c) Issue preventive suspension orders against officers of the Basic Military
6 and Police Training Program or any school employee involved in the training within
7 three (3) days: (i) upon receipt of the complaint, or (ii) after initiation of the motu
8 proprio investigation, to preclude him from exerting undue influence over the
9 complaint and impede the normal course of the investigation;

10 (d) Recommend the appropriate action for any offense committed in the
11 clustered training unit to the proper disciplinary authority which has jurisdiction over
12 the respondent within fifteen (15) days (i) upon receipt of the complaint, or (ii) after
13 initiation of the *motu proprio* investigation;

14 (e) Monitor all complaints filed with the Body and maintain an updated
15 record of the status of each case;

16 (f) Provide the parties of the complaint its findings and recommendations
17 within thirty (30) days upon receipt thereof;

18 (g) Promulgate rules and regulations necessary to carry out its objectives,
19 functions and disciplinary procedures; and

20 (h) Performs such other functions as may be provided by law.

21 **Sec. 16. Appeals Board.** - There is hereby established an Appeal Board
22 (AB) composed of the Secretary of National Defense or his permanent
23 authorized representative, the Secretary of the Interior and Local Government or his
24 permanent authorized representative, the Secretary of Education or his permanent
25 authorized representative, and the Secretary of Justice or his permanent
26 authorized representative. The AB shall receive appeals on petitions for review
27 from the findings/recommendation of any of the Investigative Bodies. It shall render
28 its decision or resolution within fifteen (15) days from the time the petition was
29 received. Any resolution of the AB shall be final.

30 **Sec. 17. Training Instructors' Capacity Development and**
31 **Enhancement Program.** - There is hereby created and established a training

1 program for training instructors, to ensure that they meet the highest physical and
2 moral standards to teach and carry out the Basic Military and Police Training
3 Program. The Instructors' Program shall be developed and administered under the
4 guidance and tutelage of the DND, the DILG, and the DepEd. A comprehensive
5 training manual shall be developed for the conduct of these trainings, incorporating
6 among other things, gender-appropriate and child-sensitive awareness, familiarity
7 with relevant laws on the Special Protection of Children, other domestic laws and
8 international obligations necessary and appropriate to guaranty the integrity and the
9 highest standard of moral scruple for the implementers of the Basic Military and
10 Police Training Program.

11 **Sec. 18. *Initial Implementation of the Program.*** - In order to manage
12 the initial implementation of the Basic Military and Police Training Program in the
13 senior high school, the DND, the DILG, and the DepEd shall, within six (6) months
14 from the effectivity of this Act, design, institute and implement a Pilot Program. The
15 DND, the DILG, and the DepEd shall jointly submit an annual review and evaluation
16 report to Congress on the Implementation of the Pilot Program. Upon review and
17 approval by Congress, the framework utilized under the Pilot Program shall become
18 the standard for the full national implementation of the Basic Military and Police
19 Training Program.

20 **Sec. 19. *Mandatory Evaluation and Review.*** - The DND, the DILG, and
21 the DepEd shall jointly conduct an annual review and submit a report to Congress on
22 the status of the implementation of the Basic Military and Police Training Program
23 one year after its full implementation.

24 **Sec. 20. *Penal Provisions.*** - Any person who shall commit any act already
25 penalized under existing laws and particularly described in Section 13 of this Act
26 such as bribery, corruption of public officials, graft, hazing, sexual harassment, and
27 other abuses shall be prosecuted and subject to penalties in accordance with the
28 applicable laws. In case that bribery, corruption of public officials, graft, hazing,
29 sexual harassment, and other abuses as particularly described in Section 13 of this
30 Act is committed by persons authorized to administer the Basic Military and Police

1 Training Program or by school officials or employees of public or government
2 educational institutions directly involved in the implementation of the program, the
3 maximum penalty provided under existing laws shall be imposed.

4 **Sec. 21. *Funding.*** - The funding requirement to implement the
5 establishment, maintenance, and operations of the Military and Police Training
6 Program shall be included in the budget of the implementing agencies/departments
7 in the annual General Appropriations Act.

8 **Sec. 22. *Implementing Rules and Regulations.*** - Within sixty (60) days
9 from the effectivity of this Act, the Department of Education shall promulgate rules
10 and regulations necessary to ensure the effective implementation of this Act.

11 **Sec. 23. *Separability Clause.*** - If any provision of this Act is held invalid or
12 unconstitutional, the other provisions not so declared shall remain in force and
13 effect.

14 **Sec. 24. *Repealing Clause.*** - All other laws, executive orders, presidential
15 decrees, and rules and regulations inconsistent with any provisions of this Act are
16 hereby repealed, amended, or modified accordingly.

17 **Sec. 25. *Effectivity.*** - This Act shall take effect after fifteen (15) days
18 following its publication in the *Official Gazette* or in a newspaper of general
19 circulation.

Approved,