

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

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23 JAN 23 P4:56

SENATE

RECEIVED BY: _____

Senate Bill No. 1747

Introduced by Senator Juan Miguel F. Zubiri

**AN ACT
TO ENHANCE THE CAPABILITY AND STREAMLINE THE
ORGANIZATIONAL ROLE OF THE DEPARTMENT OF NATIONAL DEFENSE
AND ITS BUREAUS, APPROPRIATING FUNDS THEREFOR AND FOR
OTHER PURPOSES**

EXPLANATORY NOTE

Enacted in 1935, Commonwealth Act No. 1 or the National Defense Act is the primary statute that governs the country's defense and security. The passage of a new Act to take the place of this almost 88-year-old law was cited as one of the priority legislations of President Ferdinand "Bongbong" Marcos Jr. during his first State of the Nation Address in 2022. The measure seeks to amend the antiquated 1935 law and provide a change in the military structure of the AFP to make it "more responsive to current and future non-conventional security threats to the country's territorial integrity and national sovereignty."

To complement the AFP Modernization Program, which is aimed at making the Armed Forces of the Philippines more capable in achieving its mission of defending the Philippines against all enemies, foreign and domestic, this new law empowers the Department of National Defense to be more responsive to the current needs and geopolitical dynamics that we face today through enhancing the capability and streamlining the organizational role of the DND and its bureaus.

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



JUAN MIGUEL F. ZUBIRI



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OTHER PURPOSES**

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

1 **Preliminary Provisions**

2 **Section 1. Short Title.** - This Act shall be known as "The National
3 Defense Act."

4 **Section 2. Declaration of National Defense Policies.** - The national
5 defense policies of the Republic of the Philippines shall be as follows:

6 a. In defending the Philippines, the paramount consideration shall be national
7 sovereignty, territorial integrity, national interest and the broad concern of
8 national security;

9 b. The preservation of the State is the obligation of every citizen. The security,
10 freedom and independence of the Philippines shall be guaranteed by the
11 employment of all citizens, without distinction of age, gender, civil status,
12 ethnicity, and religion, and all resources;

13 c. The civil authority shall at all times be supreme over the military. The
14 President of the Philippines as the Commander-in-Chief of all military forces, shall
15 be responsible that mobilization measures are prepared at all times;

16 d. The national defense organization shall be adapted as closely as possible to
17 the territorial and administrative organization of the Philippines;

18 e. The employment of the nation's citizens and resources for national defense
19 shall be effected by mobilization based on the defense posture prescribed in
20 defense policies;

1 f. The mobilization shall include the execution of all measures necessary to pass
2 from a peace to a war footing or in any case of actual invasion or when public
3 safety so requires as well as during its transition to normalcy or rehabilitation;

4 g. The mobilization plans of financial, industrial, economic, technological and
5 social resources of the Philippines shall conform to the defense concept based on
6 the defense policies and shall be prepared by the executive departments
7 concerned in accordance with the following general policies:

8 1. The respective responsibilities of the concerned executive departments
9 in mobilization planning will be prescribed by the President; and

10 2. Forces and resources shall be employed so as to ensure unity and
11 continuity of effort until normalcy has been attained;

12 h. No profit incident to war shall accrue to any individual, corporation,
13 association or partnership.

14 i. The State values the dignity of every human person, guarantees full respect for
15 human rights, including but not limited to the rights of indigenous cultural
16 communities, the equitable rights of women in peace building, gender and
17 development, the protection of children and other vulnerable groups, and
18 adhered to the generally accepted principles of international law, including
19 applicable conventions, protocols and other international agreements.

20 j. The State shall pursue the development of an industrial capacity necessary for
21 the development of self-reliance defense posture, providing adequate support to
22 local industries and partnership with international entities.

23 **Section 3. Defense Conditions and Authority.** - Defense conditions
24 shall be the bases for the designation of persons and entities to act in behalf of
25 the state. Defense Conditions, hereinafter referred to as DEFCON, are levels of
26 national security – peace, conflict and war – that tend to, or actually threaten,
27 the security of the State. The level of defense conditions and the persons or
28 entities designated to act in behalf of the state shall be prescribed by the
29 President.

30 **Mobilization of Persons and Resources**

31 **Section 4. Military Service.** - Military service shall be obligatory for all
32 able-bodied citizens 18 to 65 years of age, in case of war, invasion, or rebellion,
33 as declared by Congress. The methods and procedures for the classification,
34 selection, examination, induction, training, mobilization, and release of all
35 citizens from their military obligations shall be prescribed by the President.

36 **Section 5. Registration.** - The registration of citizens for obligatory
37 military service shall be a military function carried out by the Major Services
38 through their respective Reserve Commands.

39 **Section 6. Mobilization.** - During mobilization, the President shall have
40 the power to secure all such resources as may be necessary for national defense.
41 The President may authorize and delegate the SND to undertake the action and
42 activities related thereto.

43

1 **TITLE I**

2 **DEPARTMENT OF NATIONAL DEFENSE**

3 **Article I - General Provisions**

4 **Section 7. Mandate.** - The Department of National Defense (DND) is the
5 primary government agency charged with the duty of implementing the
6 provisions of this Act. The defense establishment shall maximize its effectiveness
7 for guarding against external threats to national security, provide support as
8 directed by the President to conduct operations to address internal threats,
9 support social and economic development, and promote the welfare of soldiers
10 and veterans.

11 **Section 8. Powers and Functions of the Department.** - To carry out
12 the above-declared mandate, the DND shall exercise and perform the following
13 powers and functions:

14 a. Design, formulate and prepare national defense concepts, policies, strategies,
15 plans and programs;

16 b. Formulate, develop and update the national defense policies of the country,
17 including the mobilization plan for the employment of the country's citizens and
18 resources for national defense;

19 c. Develop and build defense capabilities of the Armed Forces to address
20 readiness and mission requirements and threats;

21 d. Continue to institutionalize and develop the Defense System of Management
22 (DSOM) that shall integrate but not limited to, strategic defense assessment,
23 planning, resource and financial management, acquisition, control, support,
24 administration, and decision-making responsibilities of the SND and DND senior
25 leaders;

26 e. Control, monitor, coordinate, supervise and evaluate the implementation of
27 national defense policies, plans, programs and activities;

28 f. Exercise supervision and control over the Armed Forces of the Philippines
29 (AFP), Government Arsenal (GA), Office of Civil Defense (OCD), Philippine
30 Veterans Affairs Office (PVAO) and the National Defense University (NDU);

31 g. Formulate, establish, implement, and supervise the quality management
32 system;

33 h. Establish, promote and maintain bilateral and multilateral linkages for defense
34 and military cooperation with its international counterparts for the purpose of
35 addressing traditional and non-traditional security threats;

36 i. Implement the country's international defense and security commitments
37 based on defense and security treaties, cooperation agreements, international
38 covenants, protocols and other similar arrangements;

39 j. Develop a Self-Reliant Defense Posture (SRDP) program to guarantee the
40 enhancement of responsive and progressive capabilities and maximum utilization
41 of resources; and

1 k. Perform such other defense-related functions as may be provided by law or
2 directed by the President of the Philippines.

3 **Section 9. Contracts.** - The DND is hereby authorized to enter into,
4 make, perform and carry out contracts of every class, kind and description which
5 are necessary or incidental to the performance of its mandate as provided
6 herein, with any person, firm or corporation, public or private, and with foreign
7 government entities, subject to the provisions of existing laws, rules and
8 regulations. Within ninety (90) days from the approval of this Act, the Secretaries
9 of National Defense, Finance, Budget and Management, Trade and Industry, and
10 the Director General of the National Economic and Development Authority shall
11 jointly promulgate rules and regulations to facilitate the importation and
12 exportation of defense articles compliant with international conventions on the
13 sale, transfer, and trade of such articles.

14 **Section 10. Administration, Management and Control of Defense**
15 **Real Properties.** - (a) The Department is hereby authorized to administer,
16 operate, manage, control, maintain and develop defense real properties for
17 strategic basing and to use, hold, acquire, or lease any private real property,
18 right of way, or easement which may be proper or necessary for the
19 accomplishment of its mandate as provided in this Act.

20 (b) The sale and/or exchange of strategic defense real properties shall be
21 prohibited unless otherwise recommended by the SND, approved by the
22 President of the Philippines, with the consent of Congress.

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

25 **Section 11. Special Defense Materiel Acquisition.** - Upon prior
26 approval by the President of the Philippines, and when the procurement for use
27 by the AFP involves major defense equipment or materiel and/or defense-related
28 consultancy services, when the expertise or capability required is not available
29 locally, and the SND has determined that the interests of the country shall be
30 protected by negotiating directly with an agency or instrumentality of another
31 country with which the Philippines has entered into a defense cooperation
32 agreement or otherwise maintains diplomatic relations, the AFP may be allowed
33 to resort to negotiated procurement: *Provided, however,* That the performance
34 by the supplier of its obligations under the procurement contract shall be covered
35 by a performance security in accordance with Sec. 39 of the IRR of R.A. 9184.

36 The DND shall give preference to the Self-Reliant Defense Posture as a
37 means to acquire defense material and equipment; *Provided,* That priority shall
38 be given to local defense industry manufacturers; *Provided, further,* That in case
39 of foreign procurements, the latter must be willing to set up an in-country
40 manufacturing and production facility with technology transfer schemes and will
41 undertake to employ Filipino technical skilled workers, scientists and engineers;
42 *Provided, finally,* That collaboration among government, academe and industries
43 shall likewise be encouraged particularly on defense research and development
44 (R&D).

45 The SND is hereby authorized to enter into contracts and agreements
46 particularly under international defense cooperation agreements with technology
47 transfer industry development components.

1 A best rated offer shall be applied for Filipino-owned defense industries
2 located within the Philippines.

3 **Section 12. Grants and Donations.** - The Department, or any of the
4 bureaus, agencies or offices under it, may accept donations, contributions, and
5 grants from various sources, domestic or foreign, for purposes relevant to its
6 functions: *Provided*, That in case of donations from foreign governments or
7 persons, acceptance thereof shall be subject to existing laws, rules and
8 regulations.

9 **Section 13. Defense and Cooperation.** - Unless otherwise provided by
10 the Constitution, the DND may develop, enhance and sustain multi-dimensional
11 defense and security cooperation and engagements with the defense
12 establishments and armed forces of other countries, and other regional and
13 international organizations based on the principle of good governance, and
14 mutual benefit and respect and in line with the foreign policies of the Philippines.

15 **Article II - Organization**

16 **Section 14. Organizational Structure.** - The DND shall be composed
17 of the DND-Proper and its bureaus namely, the Armed Forces of the Philippines
18 (AFP), Philippine Veterans Affairs Office (PVAO), Government Arsenal (GA),
19 National Defense University (NDU), and the Office of Civil Defense (OCD).

20 **Section 15. Composition.** - The DND-Proper shall be composed of the
21 Office of the SND and the Offices of the Undersecretaries and Executive Staff.

22 **Section 16. Office of the Secretary.** - The Office of the Secretary shall
23 consist of the SND and his/her immediate staff as determined by him/her.

24 **Section 17. The Secretary of National Defense.** - Subject to
25 qualifications and prohibitions under Republic Act No. 11709 and other existing
26 laws, the SND shall be appointed by the President, subject to confirmation by the
27 Commission on Appointments.

28 **Section 18. Powers and Functions of the Secretary.** - The SND shall
29 be vested with the authority and responsibility to have control and supervision of
30 the DND in the performance of its mandate, and perform such other functions as
31 may be necessary to attain the objectives of this Act or as may be provided by
32 law or directed by the President.

33 **TITLE II**

34 **THE ARMED FORCES OF THE PHILIPPINES**

35 **Article I - General Provisions**

36 **Section 19. Mission and Functions.** - The AFP is the protector of the
37 people and the State. Its goal is to secure the sovereignty of the State and the
38 integrity of the national territory. It shall have the duty to:

39 a. Defend against all forms of threats to national defense and security;

40 b. Design, plan, organize, train, equip, develop, employ and sustain its Regular
41 and Reserve Forces for national defense and security; and

1 c. Perform such other functions as may be provided by law or assigned by the
2 Commander-in- Chief.

3 **Section 20. Chain of Command.** - The exercise of authority, direction,
4 command and control over the AFP shall be carried out through the Chain of
5 Command, which is the line of authority and responsibility along which orders
6 are passed, beginning from the President as the Commander-in-Chief, through
7 the SND, to the Chief of Staff of the Armed Forces of the Philippines (CSAFP)
8 down to the commander of the lowest echelon of command in the AFP: *Provided,*
9 That this does not preclude the President from issuing orders directly to the AFP.

10 **Section 21. Organization and Composition.** - The AFP shall be
11 initially composed of three (3) major services - the Philippine Army, the
12 Philippine Air Force, and the Philippine Navy. The AFP composition shall be
13 guided by the Table of Organization and Equipment (TOE) prescribed by the SND
14 upon recommendation of the CSAFP.

15

16 **Article II - The Regular Force**

17 **A. ORGANIZATION AND COMPOSITION**

18

18 **Chapter I - General Provisions**

19 **Section 22. Size and Composition.** - The Regular Force, alternately
20 referred to as the Standing Force, shall be initially composed of the following:

- 21 a. Regular Officers and Enlisted Personnel;
- 22 b. Reservists called to active duty, or on active duty tour for training; and
- 23 c. Draftees, trainees and government-sponsored Filipino cadets enrolled in
- 24 local or foreign military schools.

25 The size and composition of the Regular Force shall be prescribed by the
26 TOE as approved by the SND and shall be the basis of manning the AFP.

27 **Section 23. Organizational Principle.** – The SND, upon the
28 recommendation of the CSAFP, shall organize the AFP into such commands,
29 forces and units in accordance with operational requirements. For this purpose,
30 the national territory may be divided into such operational areas as the SND may
31 direct.

32 **Section 24. Organizational Structure.** - The Regular Force of the AFP
33 shall consist of the Joint Headquarters; the Joint Force Operational Commands;
34 the Component Services namely: the PA, the PN and the PAF; and the other
35 existing commands, units, and services of the AFP.

36 **Section 25. Operational Principles.** - The operational principles of the
37 AFP shall be as follows:

- 38 a. The Commander-in-Chief shall exercise command and control through the
- 39 CSAFP with the supervision of the SND. The Joint Headquarters AFP, shall be the
- 40 command and control element of the AFP;

1 b. The Joint Headquarters AFP shall exercise centralized command and control to
2 ensure unity and coordination of efforts throughout the military establishment;

3 c. The Joint Force Operational Commands as force employers shall be
4 responsible for the decentralized execution of joint operations to achieve
5 maximum operational effectiveness within the military establishment unless
6 otherwise determined by the CSAFP through the supervision of the SND;

7 d. The Major Services as force providers shall be responsible for the
8 development, organization, training, equipping, maintenance and sustainment of
9 combat forces, combat service forces, technical and administrative service, and
10 combat service support forces;

11 e. The AFP Reserve Force shall provide for the base of expansion of the Major
12 Services.

13 **Chapter 2 - The General Headquarters Armed Forces of the Philippines**

14 **Section 26. Mandate.** - The General Headquarters, which shall be
15 headed by the CSAFP, shall be the command and control element of the AFP.

16 **Section 27. Organization.** - The General Headquarters shall be
17 composed of the Office of the CSAFP, Office of the Vice Chief of Staff, Office of
18 the Deputy Chief of Staff; the AFP Joint, Personal and Special Staff and the other
19 key staff offices and units necessary for effective command and control of the
20 AFP as recommended by the CSAFP with the approval of the SND.

21 **Section 28. Powers and Functions.** - The Chief of Staff shall:

22 a. Serve as the principal military advisor to the President and the Secretary of
23 National Defense;

24 b. Be responsible for the formulation of the national military strategy consistent
25 with the national defense strategy;

26 c. Be responsible for the development of the policies, strategies, missions, plans
27 and programs of the AFP;

28 d. Prescribe the organization, powers, functions and duties of the various staff,
29 services, and other units of the AFP in accordance with the national defense
30 policy.

31 **Section 29. The Joint Staff.** - The Joint Staff, as coordinating staff shall
32 advise and assist the CSAFP in the performance of his/her functions. The
33 organization, functions and duties of the Joint Staff shall be prescribed by the
34 CSAFP.

35 **Section 30. Personal Staff.** - The Personal Staff, as immediate staff
36 shall directly advise and assist the CSAFP in the performance of his/her
37 functions. The organization, functions and duties of the Personal Staff shall be
38 prescribed by the CSAFP: *Provided*, That coordination with other staff is not
39 precluded.

40 **Section 31. Special Staff.** - The Special Staff, as specialized, technical
41 and administrative staff shall advise and assist the CSAFP in the performance of

1 his/her functions. The organization, functions and duties of the Special Staff shall
2 be prescribed by the CSAFP.

3 **Section 32. Authority to Reorganize the General Headquarters. -**
4 In the interest of efficiency and effectiveness, the CSAFP, upon the approval of
5 the SND, may:

6 a. Establish and organize staffs, offices and units in the General Headquarters in
7 addition to the AFP Joint, Personal and Special Staff, and prescribe the
8 organization, mission and functions; and

9 b. Establish, organize, and/or abolish Staffs, offices and units in the AFP and
10 prescribe their structure, mission, functions, duties and responsibilities, and other
11 parameters and standards.

12 **Chapter 3 - Joint Force Operational Commands**

13 **Section 33. Organization, Mission and Function. –** The CSAFP, upon
14 approval of the SND, shall organize and establish the Joint Force Operational
15 Commands which shall be under the command, control and operational direction
16 of its Joint Force Commander; *Provided*, That the SND, upon the
17 recommendation of the CSAFP, shall prescribe the mission, functions, duties and
18 responsibilities and joint area of operations of the Joint Force Operational
19 Commands.

20 **Section 34. The Philippine Army (PA).** - The PA, headed by the Chief
21 of the Philippine Army, shall provide forces that will be responsible for the
22 conduct of prompt and sustained joint and combined ground operations in
23 support of the AFP mission. It shall be composed of its headquarters, maneuver
24 units, and sustainment units and such other units as may be necessary for the
25 conduct of ground operations.

26 **Section 35. Functions of the PA.** - The PA shall:

27 a. Develop, organize, train, equip, maintain, and sustain such ground forces or
28 units as may be necessary for the conduct of prompt and sustained operations;

29 b. Prepare such forces or units as may be necessary for the effective
30 implementation of the national defense plans and programs and armed forces
31 missions;

32 c. Formulate and develop, in coordination with the other Major Services,
33 doctrines, systems, tactics, techniques and procedures peculiar to the Army;

34 d. Implement mobilization of the Army Reserve; and

35 e. Perform such other functions and duties as may be provided by law or
36 assigned by the CSAFP.

37 **Section 36. The Philippine Air Force (PAF).** - The PAF headed by the
38 Chief of the Philippine Air Force shall provide forces that will be responsible for
39 the conduct of prompt and sustained air operations in support of the AFP
40 mission. It shall be composed of its headquarters, air combat, combat support
41 and sustainment units and such other units as may be necessary for the conduct
42 of air and support operations.

1 **Section 37. Functions of the PAF.** - The PAF shall:

2 a. Develop, organize, train, equip, maintain, and sustain such air forces or units
3 as may be necessary for the conduct of prompt and sustained operations;

4 b. Prepare such forces or units as may be necessary for the effective
5 implementation of the national defense plans and programs and armed forces
6 missions;

7 c. Formulate and develop, in coordination with the other Major Services,
8 doctrines, systems, tactics, techniques and procedures peculiar to the Air Force;

9 d. Implement mobilization of the Air Force Reserve; and

10 e. Perform such other functions and duties as may be provided by law or
11 assigned by the CSAFP.

12 **Section 46. The Philippine Navy (PN).** - The PN headed by the Chief
13 of the Philippine Navy, shall provide forces that shall be employed for the
14 conduct of prompt and sustained naval operations in support of the AFP
15 missions. It shall be composed of its headquarters, naval forces, service support
16 and sustainment units and such other units as may be necessary for the conduct
17 of naval operations.

18 **Section 47. Functions of the PN.** - The PN shall:

19 a. Develop, organize, train, equip, maintain, and sustain such naval forces or
20 units as may be necessary for the conduct of prompt and sustained operations;

21 b. Prepare such forces or units as may be necessary for the effective
22 implementation of the national defense plans and programs and armed forces
23 missions;

24 c. Formulate and develop, in coordination with the other Major Services,
25 doctrines, systems, tactics, techniques and procedures peculiar to the Navy;

26 d. Implement mobilization of the Navy Reserve; and

27 e. Perform such other functions and duties as may be provided by law or
28 assigned by the CSAFP.

29 **Section 40. Technical and Administrative Service.** - Each Major
30 Service shall develop, organize, train, equip, maintain, and sustain their
31 respective Technical and Administrative Service composed of but not limited to,
32 The Judge Advocate General Service, Medical Corps, Veterinary Corps, Medical
33 and Administrative Corps, Nurse Corps, Dental Corps, Chaplain Service, and
34 Corps of Professors.

35 **Section 41. The Women's Auxiliary Corps.** - The Women's Auxiliary
36 Corps as created by Republic Act No. 3835, as amended shall be integrated to
37 their respective Major Service. For this purpose, RA 3835 is hereby repealed.

38

39

1 **Chapter 4 — Military Education and Training Institutions**

2 **Section 42. Organization, Mission and Function.** - (a) The Philippine
3 Military Academy (PMA), AFP Education, Training, and Doctrine Command,
4 Officer Candidate School (OCS), Non-commissioned Officer Academy and other
5 Military Education and Training Institutions organized and established by the
6 CSAFP with the approval of the SND shall be under the command, control and
7 direction of their respective Military Education and Training
8 Superintendent/Commandant.

9 (b) The mission, functions, duties and responsibilities of the military education
10 and training institutions shall be prescribed by the CSAFP with the approval of
11 the SND.

12 **Section 43. The Philippine Military Academy (PMA).** -

13 (a) Mandate. - The PMA categorized as special higher education institution is the
14 primary training and educational institution of the AFP, which shall be its
15 principal source of regular officers. The PMA shall seek to have its academic
16 program offerings accredited by a reputable accrediting agency of national or
17 international standard.

18 (b) Organization. - The Academy headed by the Superintendent shall be
19 organized as prescribed by the SND, upon the recommendation of the CSAFP.

20 (c) Development. - The Academy shall determine its teaching, manpower,
21 curriculum, research and extension thrusts, plans and programs, standards and
22 budget.

23 (d) Cadet Corps. - The student body of the Academy shall be known as the
24 Cadet Corps Armed Forces of the Philippines (CCAFP) and shall have such
25 strength, as the SND shall determine, upon the recommendation of the CSAFP.

26 (e) Academic Board. – There shall be an Academic Board organized by the
27 Superintendent. The Board shall, in accordance with the rules and regulations
28 prescribed by the CSAFP, have the power to confer baccalaureate degrees upon
29 the cadets who satisfactorily complete the approved course of study.

30 (f) Board of Visitors. The DND shall establish a board of visitors to look into the
31 academic affairs of the Academy with the end of enhancing its educational
32 systems. The composition of the Board of Visitors shall be prescribed by the
33 SND.

34 **Section 44. Authority to Establish Other Military Training**
35 **Institutions.** – The President, upon the recommendation of the CSAFP through
36 the SND, is hereby authorized to establish other military training academies and
37 institutions in the AFP.

38 **B. ADMINISTRATION OF MILITARY DISCIPLINE AND JUSTICE SYSTEM**

39 **Section 45. Military Discipline and Justice.** - (a) There shall be
40 amilitary discipline and justice system consisting of rules governing the conduct
41 of military personnel and providing a method of punishment for the purpose of
42 enforcement of discipline and administration of justice in the AFP.

1 (b) Military justice shall be applicable at all times and in all places to all
2 persons subject to military law as defined by existing laws.

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

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

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

18 (c) Procedure, extent, grounds or system of reduction in grade, demotion
19 of rank, suspension of active service, and forfeiture, suspension or withholding of
20 pay and allowances of Warrant Officers and Enlisted Personnel by the CSAFP.

21 C. LEGAL ASSISTANCE

22 **Section 46. Extension of Legal Assistance.** - All military personnel
23 charged of service-related or service-connected civil or criminal cases, upon
24 determination by the Judge Advocate General or the concerned Major Service
25 Judge Advocate of the fact of service connection with the approval of the
26 concerned Chief of Component Services, shall be provided adequate and
27 competent legal representation and assistance by military lawyers or counsel of
28 their own choice until the logical conclusion of their cases. Reasonable
29 programmed allocation can be charged against the fund of the concerned
30 component service to support the effective handling and defense of this category
31 of cases.

32 TITLE III

33 OTHER BUREAUS AND AGENCIES UNDER THE DEPARTMENT

34 ARTICLE I – GENERAL PROVISIONS

35 **Section 47. Control and Supervision.** - The SND shall exercise control
36 and supervision over the bureaus and agencies under this Title, as well as its
37 personnel.

38 **Section 48. Organization.** - (a) Unless otherwise provided by law, the
39 organization, functions, duties and responsibilities of the staff and operating
40 units of each of the bureaus and agencies under the DND shall be as prescribed
41 by the SND in appropriate rules and regulations issued for the purpose.

42 (b) For this purpose, and in the interest of service, the SND may, in
43 accordance with the policies or directives of the President:

- 1 1. Establish and organize staffs, offices and units in the bureaus or agencies and
2 prescribe the titles, powers, functions and duties of the positions therein;
- 3 2. Abolish existing staffs, offices and units in the bureaus or agencies not
4 specifically provided by law, or transfer or consolidate their functions and duties
5 with other staffs, offices or units; and
- 6 3. Abolish a position of any bureau or agency and transfer or consolidate its
7 functions and duties with those of another position.

8 **Section 49. Separation Benefits of Officials and Employees of**
9 **Affected Bureaus or Agencies.** - Government employees displaced or
10 separated from the service as a result of the restructuring pursuant to this Act
11 shall be entitled to a separation pay and other benefits in accordance with
12 existing laws, rules or regulations.

13 **ARTICLE II**
14 **THE GOVERNMENT ARSENAL**

15 **Section 50. Mandate.** - The GA shall develop, operate, maintain and
16 secure facilities for the manufacture of weapons, munitions and other defense
17 materiel to support the requirements of the AFP, Philippine National Police (PNP)
18 and other law enforcement agencies; and, to sell and export products in excess
19 of the local demand.

20 **Section 51. Powers and Functions.** - The GA shall have the following
21 powers and functions:

22 a. Formulate and implement plans and programs towards the achievement
23 of self-sufficiency in weapons, small arms ammunition, mortars, medium and
24 large caliber ammunition and other munitions needed by the country's defense
25 and security establishments;

26 b. Design, conduct research, develop, manufacture, procure, repair,
27 stockpile and allocate weapons, munitions and other defense materiel subject to
28 existing laws and regulatory requirements;

29 c. Sell and export products in excess of the requirements of the AFP and
30 other law enforcement agencies, subject to existing laws;

31 d. Devise ways and means for the efficient mobilization of civilian/private
32 industry to augment its production for use of the defense and security forces;
33 and

34 e. Establish, secure and operate government defense manufacturing
35 plants, as necessary, in strategic locations within the country.

36 **Section 52. Organization and Administration.** - The GA shall be
37 headed by a Director with one or more Assistant Directors who shall support the
38 Director in the administration, manufacturing operations and other affairs of the
39 bureau; all of whom shall be appointed by the President upon the
40 recommendation from the SND, and who shall have the relevant expertise,
41 training and experience in the field of munitions.

1 **Section 53. Modernization of the Arsenal.** - The modernization of the
2 GA, for the development of production capabilities to enhance self-sufficiency in
3 defense requirements, shall be part of the defense modernization program. The
4 GA may use such production facilities as it may own or be provided with under
5 this Act or as it may arrange, under joint venture, co-production or similar
6 agreements with local and foreign entities.

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8 **ARTICLE III**
NATIONAL DEFENSE UNIVERSITY

9 **Section 54. Transformation of the NDCP.** - In view of the rapidly
10 evolving national and regional security environment, the current academic trends
11 and research thrusts of defense institutions in the Asia Pacific, and the increasing
12 need for specialized defense and security courses to enhance the academic
13 foundation of promoting Philippine national security, the National Defense
14 College of the Philippines (NDCP) is hereby transformed into the National
15 Defense University (NDU) categorized as a special higher education institution.
16 To ensure the continuous operation of the College, all its personnel and
17 resources shall be absorbed by the NDU.

18 The degree programs, instruction, faculty complement, research, and
19 facilities of the NDU shall be accredited by the Commission on Higher Education
20 (CHED). The NDU shall likewise receive appropriate funding to fulfill the
21 requirements of transforming into a defense university.

22 **Section 55. Mandate.** - In accordance with the standards set forth in
23 pertinent laws and regulations on higher education, the NDU shall train and
24 develop the competence of potential national defense leaders, civilian officials of
25 the different agencies and instrumentalities of the Government, and selected
26 executives from the private sector in the formulation and review of national
27 security policies and undertake research and studies as basis for the formulation
28 of national defense and security policies, plans and programs. The NDU shall be
29 headed by a President, and assisted by an Executive Vice President, and four (4)
30 Vice Presidents, all of whom shall be appointed by the President of the
31 Philippines, upon the recommendation of the SND. The NDU President shall have
32 a term of six (6) years who shall have the following minimum qualifications:

- 33 a. A natural-born citizen;
- 34 b. Holder of a masters or doctorate degree on defense and security;
- 35 c. Proven track record as an administrator, preferably in the academe,
36 whether public or private, for at least five (5) years; and
- 37 d. Must not have been convicted of any administrative offense or of any
38 crime involving moral turpitude.

39 **Section 56. Powers and Functions.** - The University shall have the
40 following powers and functions:

- 41 a. Confer the degree of Master in National Security Administration (MNSA)
42 upon the graduates thereof;
- 43 b. Develop and confer degrees relating to defense and security;
- 44 c. Conduct non-degree programs, special course, seminar workshops and
45 symposia on defense and security;

1 d. Undertake policy research and special studies on strategic defense and
2 security issues;

3 e. Produce research and development output of practical application to
4 the various organizational units of defense;

5 f. Establish relevant linkages and outreach programs that are mindful of
6 service to the various organizational units of defense; and

7 g. Perform other functions and duties as may be directed by the SND.

8 **Section 57. Organization and Administration.** — (a) The NDU
9 President shall administer the affairs of the University with the assistance of the
10 Executive Vice President, who shall act as NDU President in the absence or
11 incapacity of the NDUP President, and shall perform such other functions and
12 duties as may be assigned to him by the NDU President or the SND. There shall
13 be a Vice President for Academic Affairs, who shall be responsible for the
14 development, implementation, supervision and evaluation of academic programs;
15 a Vice President for Research and Special Studies, who shall be responsible for
16 the conduct and supervision of research work and special studies for the
17 Department; a Vice President for Military and Security Affairs, who shall be
18 responsible for the overall military activities of the University; a Vice President for
19 Administration, who shall be responsible for the overall military and security
20 support to all the activities of the University; and a Vice President for
21 Administration, who shall be responsible for the overall administrative support to
22 all the activities of the University.

23 (b) The University shall have an Academic Board to assist the President
24 discharge the following functions:

- 25 1. Supervise the academic affairs of the University;
- 26 2. Recommend academic consultants, professors, lecturers, instructors,
27 research assistants and other resource persons of the University; and
- 28 3. Recommend the courses of studies to be conducted by the University to
29 accomplish its objectives.

30 (c) All resource persons of the University including but not limited to
31 academic consultants, professors, lecturers, instructor, thesis advisers, members
32 of examining and evaluating panels, examiners, correctors, and technicians who
33 are regularly employed in the Government shall, in addition to their salaries, be
34 entitled to receive honoraria, fees and other emoluments fixed by the SND in
35 accordance with accounting and budgeting rules.

36 (d) The SND may establish a Board of Regents to assist and advise him in
37 providing strategic direction and guidance necessary to ensure the
38 accomplishment of the mandate of the University.

39 **Section 58. Transition.** - The SND shall determine the appropriate
40 transition period for NDCP to attain the status and competency of becoming a
41 university. Further, Congress shall allocate the necessary funds for the
42 transformation of NDCP to NDU.

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ARTICLE IV
OFFICE OF CIVIL DEFENSE

3 **Section 59. Mandate.** - The OCD shall have the primary mission of
4 administering a comprehensive national civil defense and disaster risk reduction
5 and management program during local and national emergencies by providing
6 leadership in the continuous development of strategic and systematic approaches
7 as well as measures to reduce the vulnerabilities and risks to hazards and
8 manage the consequences of disasters.

9 **Section 60. Powers and Functions.** - The Office shall have the
10 following powers and functions:

11 a. Establish and administer a comprehensive national civil defense and
12 civil assistance program to include the allocation to agencies and local
13 government units such aid and funds as may be made available by the national
14 government, assisting governments, and international and local organizations;

15 b. Formulate policies and prepare plans for the protection and welfare of
16 the civilian population in times of war or other national emergencies as may be
17 determined by the President of the Philippines;

18 c. Furnish guidance and coordinate the activities of national government
19 agencies, local government units, private institutions and civic organizations for
20 natural and human-induced disasters;

21 d. Develop and coordinate a program for informing, educating and
22 training the general public, volunteer workers and civil defense groups on civil
23 defense and assistance measures and activities;

24 e. Prepare and disseminate disaster control manuals and other
25 publications related to measures on disaster prevention and mitigation,
26 preparedness, response and rehabilitation and recovery;

27 f. Advise the SND on matters concerning civil defense and make
28 recommendations from time to time as may be deemed appropriate or as the
29 Secretary may require;

30 g. Provide assistance and secretariat services to the National Disaster Risk
31 Reduction and Management Council to implement the policies set by the latter
32 relative to disaster management;

33 h. Furnish guidance to the various provinces, cities and municipalities in
34 the planning, accreditation, organization and operation of their civil defense
35 organizations; and

36 i. Perform such other civil defense functions as may be provided by law.

37 **Section 61. Organization.** - The OCD shall be headed by an
38 Administrator who shall also serve as Executive Director of the National Disaster
39 Risk Reduction and Management Council and, as such, shall have the same
40 duties and privileges of a department undersecretary. It shall operate under a
41 duly approved organization and staffing as recommended by the SND.

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1 **ARTICLE V**
2 **PHILIPPINE VETERANS AFFAIRS OFFICE**

3 **Section 62. Mandate.** - The Philippine Veterans Affairs Office (PVAO)
4 shall be the government agency responsible for administering the benefits due to
5 veterans and their qualified beneficiaries and shall provide medical assistance to
6 veterans pursuant to existing laws. It shall also administer, maintain and develop
7 military memorials and battle monuments proclaimed as national shrines.

8 **Section 63. Powers and Functions.** - The Office shall have the
9 following powers and functions:

10 a. Formulate and promulgate, subject to the approval of the SND, policies,
11 rules and regulations governing the adjudication and administration of veterans
12 claims and benefits;

13 b. Adjudicate and administer benefits, pensions and other privileges
14 granted to veterans, their heirs and beneficiaries;

15 c. Provide medical care and treatment to veterans pursuant to existing
16 programs and projects approved by the SND;

17 d. Administer, develop and maintain military shrines;

18 e. Develop patriotism and nationalism, PVAO preserves and promotes the
19 ideas of Kagitingan in the sacrifices and heroic deeds of our veterans;

20 f. Formulate policies concerning the affairs, placement and training of ex-
21 servicemen and assist their widow and dependents, and other retired military
22 personnel;

23 g. Undertake the promotion of the general welfare of veterans and their
24 families; and

25 h. Perform such other functions as may be provided by law.

26 **Section 64. Organization.** - The PVAO shall be headed by an
27 Administrator who may be assisted by one or more Deputy Administrators, all of
28 whom shall be appointed by the President upon the recommendation of the SND.
29 It shall have such staff and other operating units as may be prescribed by the
30 SND.

31 **FINAL PROVISIONS**

32 **Section 65. Implementing Rules and Regulations.** - The DND and
33 all concerned agencies shall formulate the corresponding Implementing Rules
34 and Regulations (IRR) for proper implementation of this Act within twelve (12)
35 months from the effectivity hereof. The said rules and regulations shall be
36 approved by the President of the Philippines.

37 **Section 66. Appropriations.** - The initial funding requirements for the
38 implementation of this Act shall be charged against existing appropriations of the
39 concerned agencies and such other appropriate funding sources as the
40 Department of Budget and Management may identify, subject to relevant laws,
41 rules and regulations. Thereafter, such sums as may be necessary for the

1 continued implementation of this Act shall be included in the annual General
2 Appropriations Act.

3 **Section 67. Separability Clause.** - If any part or provision of this Act is
4 held invalid or unconstitutional, other provisions not affected thereby shall
5 remain in force and effect.

6 **Section 68. Repealing Clause.** - All laws, decrees, orders, rules and
7 regulations or parts thereof which are contrary to or inconsistent with the
8 provisions of this Act are hereby repealed or modified accordingly. All affected
9 provisions of existing laws are deemed effective until such promulgation of the
10 IRR.

11 **Section 69. Effectivity Clause.** - This Act shall take effect fifteen (15)
12 days upon its complete publication in the Official Gazette or in at least two (2)
13 newspapers of general circulation, whichever comes first.

14 Approved,

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