

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



23 MAR -1 P2:12

SENATE

RECEIVED BY: _____

S. B. NO. 1946

Introduced by **SENATOR JOEL VILLANUEVA**

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

EXPLANATORY NOTE

The Philippines is facing serious internal and external security threats. Internally, the country is still dealing with the Moro Islamic Liberation Front (MILF), Abu Sayyaf Group, and Communist Party of the Philippines–New People’s Army. Meanwhile, the territorial dispute between China and the Philippines over the Western Philippine Sea has yet to end.

To defend the Philippine territory against all current and future enemies, and uphold the sovereignty of the country, our national defense should be strengthened. Unfortunately, the National Defense Act has not been amended for over 88 years or since it was signed on December 21, 1935.

In preparation against internal and external hostilities of all kinds, this bill seeks to reform our defense policy by mandating the Department of National Defense (DND) as the primary government agency responsible for guarding against external threats to national security. It is also mandated to provide support to address internal threats, spur social and economic development, and promote the welfare of soldiers and veterans. This bill provides for the power and functions of the DND, its organizational structure, and its budget, among others.

In addition, this bill enumerates the powers and functions of the Armed Forces of the Philippines, and the functions of the Philippine Army, the Philippine Air Force, and the Philippine Navy in relation to Joint Force Operational Commands.

Lastly, this bill seeks to establish a Warrant Officer Corps, and strengthen the mandates of the Military Discipline and Justice System, the Government Arsenal, the National Defense University of the Philippines, the Office of Civil Defense, the Philippine Veterans Affairs Office, and the Veterans Medical Center.

As one of the priority measures supported by President Marcos, the immediate passage of this measure is earnestly sought.



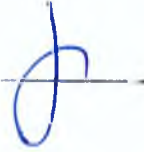
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DEFENSE AND ITS BUREAUS, APPROPRIATING FUNDS
THEREFOR AND FOR OTHER PURPOSES

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

PRELIMINARY PROVISIONS

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SECTION 1. Short Title. – This Act shall be known as “The National Defense Act of 2023.”

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 by the mobilization of all citizens, without distinction of age, gender, civil status, ethnicity, religion, and all resources.

(c) The civil authority shall at all times be supreme over the military. The President of the Philippines as the Commander-in-Chief of all armed forces shall be responsible in ensuring that mobilization measures are prepared at all times.

1 (d) The national defense organization shall be adapted as closely as
2 possible to the territorial and administrative organization of the Philippines.
3

4 (e) The employment of the nation's citizens and resources for national
5 defense shall be effected by mobilization based on the defense posture
6 prescribed in defense policies.
7

8 (f) The mobilization shall include the execution of all measures
9 necessary to pass from a peace to a war footing or in any case of actual
10 invasion or when public safety and security so requires as well as during its
11 transition to normalcy or rehabilitation.
12

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

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

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

26 (h) No profit incident to war shall accrue to any individual, corporation,
27 association or partnership.
28

29 (i) The State values the dignity of every human person, guarantees full
30 respect for human rights, including, but not limited to, the rights of indigenous
31 cultural communities, the equitable rights of all in peace building, gender and
32 development, the protection of children and other vulnerable groups, and
33 adheres to the generally accepted principles of international law, including
34 applicable conventions, protocols and other international agreements.
35

36 (j) The State shall pursue the development of an industrial capacity
37 necessary for the development of self-reliant defense posture, providing
38 adequate support to local industries and partnership with international entities.
39

40 **SEC. 3. Defense Conditions and Authority.** – Defense conditions shall be
41 the basis for the designation of persons and entities to act on behalf of the
42 State. Defense Conditions, hereinafter referred to as DEFCON, are levels of
43 national security—peace, conflict and war— that tend to, or actually threaten,
44 the security of the State. The level of defense conditions and the persons or
45 entities designated to act in behalf of the State shall be prescribed by the
46 President.
47

48 **MOBILIZATION OF PERSONS AND RESOURCES**
49

1 **SEC. 4. Military Service.** – Military service shall be obligatory for all able-
2 bodied citizens 18 to 65 years of age, in case of war, invasion, rebellion, or a
3 national emergency as declared by Congress. The methods and procedures
4 for the classification, selection, examination, induction, training, mobilization,
5 and release of all citizens from their military obligations shall be prescribed by
6 the President.

7
8 **SEC. 5. Registration.** – The registration of citizens for obligatory military
9 service shall be a military function carried out by the Major Services through
10 their respective Reserve Commands.

11
12 **SEC. 6. Mobilization.** – During mobilization, the President shall have the
13 power to secure all such resources as may be necessary for national defense.
14 The President may authorize and delegate the Secretary of National Defense
15 (SND) to undertake the action and activities related thereto.

16
17 **SEC. 7. Defense Budget.** – Within a period of ten (10) years, the total annual
18 budget for the Department and its bureaus shall be progressively increased to
19 up to two percent (2%) of the Gross Domestic Product (GDP) at Constant
20 Prices of the Philippines of the preceding year to sustain effective defense
21 posture.

22 23 TITLE I

24 25 DEPARTMENT OF NATIONAL DEFENSE

26 27 Article I – General Provisions

28 **SEC. 8. Mandate.** – The Department of National Defense (DND) is the
29 primary government agency with the duty of implementing the provisions of
30 this Act. The defense establishment shall maximize its effectiveness for
31 guarding against external threats to national security, provide support, as
32 directed by the President, to conduct operations to address internal threats,
33 support social and economic development, and promote the welfare of
34 soldiers and veterans.

35
36 **SEC. 9. Powers and Functions of the DND.** – To carry out the above-
37 declared mandate, the DND shall exercise and perform the following powers
38 and functions:

39
40 (a) Design, formulate and prepare national defense concepts, policies,
41 strategies, plans and programs;

42
43 (b) Formulate, develop and update defense policies of the country,
44 including the mobilization plan for the employment of the country's citizens
45 and resources for national defense;

46
47 (c) Develop and build defense capabilities of the Armed Forces to
48 address readiness and mission requirements and threats;
49

1 (d) Continue to institutionalize and develop the Defense System of
2 Management (DSOM) that shall integrate, but not be limited to, strategic
3 defense assessment, planning, resource and financial management,
4 acquisition, control, support, administration, and decision-making
5 responsibilities of the SND and DND senior leaders;

6
7 (e) Control, monitor, coordinate, supervise and evaluate the
8 implementation of national defense policies, plans, programs and activities;

9
10 (f) Exercise supervision and control over the AFP, Government Arsenal
11 (GA), Office of Civil Defense (OCD), Philippine Veterans Affairs Office
12 (PVAO) and the National Defense University of the Philippines (NDUP);

13
14 (g) Formulate, establish, implement and supervise the quality
15 management system;

16
17 (h) Establish, promote and maintain bilateral and multilateral linkages for
18 defense and military cooperation with its international counterparts for the
19 purpose of addressing traditional and non-traditional security threats;

20
21 (i) Implement the country's international defense and security
22 commitments based on defense and security treaties, cooperation
23 agreements, international conventions, protocols and other similar
24 arrangements;

25
26 (j) Implement a Self-Reliant Defense Posture (SRDP) program to
27 guarantee the enhancement of responsive and progressive capabilities and
28 maximum utilization of resources; and

29
30 (k) Perform such other defense-related functions as may be provided by
31 law or directed by the President of the Philippines.

32
33 **SEC. 10. Contracts.** – The DND is hereby authorized to enter into, make,
34 perform and carry out contracts of every class, kind and description which are
35 necessary or incidental to the performance of its mandate as provided herein,
36 with any person, firm or corporation, public or private, and with foreign
37 government entities, subject to the provisions of existing laws, rules and
38 regulations. Within ninety (90) days from the approval of this Act, the
39 Secretaries of National Defense, Finance, Budget and Management, Trade
40 and Industry, and the Director General of the National Economic and
41 Development Authority (NEDA), in coordination with other relevant
42 government agencies and upon prior consultation with stakeholders, shall
43 jointly promulgate the rules and regulations to facilitate the importation and
44 exportation of defense articles compliant with international conventions on the
45 sale, transfer, trade of such articles, and applicability of tax laws, if
46 necessary.

47
48 **SEC. 11. Administration, Management and Control of Defense Real**
49 **Properties.** –
50

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

6
7 (b) The sale and/or exchange of strategic defense real properties shall
8 be prohibited unless otherwise recommended by the SND and approved by
9 the President of the Philippines.

10
11 (c) The lease and/or development of defense real properties, by joint
12 venture or otherwise shall be allowed upon recommendation of the SND and
13 approval by the President of the Philippines.

14
15 **SEC. 12. Special Defense Materiel Acquisition.** – Direct contracting of
16 defense materiel shall be allowed when the acquisition for use by the Armed
17 Forces of the Philippines (AFP) involves special defense equipment or
18 materiel or the SND has determined that the interests of the country shall be
19 protected.

20
21 The DND shall give preference to the Self-Reliant Defense Posture as a
22 means to acquire defense materiel and equipment prioritizing local defense
23 industry manufacturers, and in case of foreign procurements, must be willing
24 to set up an in-country manufacturing and production facility with
25 technology. In all cases, technology transfer schemes and the employment
26 and training of Filipino technical skilled workers, scientists and engineers
27 shall be included prioritized. Collaboration among government, academe and
28 industries shall likewise be encouraged, particularly in defense research and
29 development (R&D).

30
31 The SND is hereby authorized to enter into contracts and agreements,
32 particularly under international defense cooperation agreements with
33 technology transfer industry development components.

34
35 A best rated offer shall be applied for Filipino-owned defense industries
36 located within the Philippines.

37
38 Existing incentives provided by other existing laws, rules and regulation
39 shall be accorded to both local and foreign-owned defense industries similar
40 to the investment incentives of the Philippine Economic Zone Authority
41 (PEZA), Board of Investments (BOI) and the like, to further promote in-
42 country manufacturing and production.

43
44 Unless otherwise provided in the Implementing Rules and Regulations
45 of this Act, other appropriate modes of acquisition, including those under the
46 Government Procurement Reform Act of Republic Act No. 9184 may apply.

47
48 **SEC. 13. Grants and Donations.** – The Department may accept donations,
49 contributions, and grants from various sources, domestic or foreign, for
50 purposes relevant to its functions or intended for its bureaus and agencies:

1 *Provided*, That in case of donations from foreign governments or persons,
2 acceptance thereof shall be subject to existing laws, rules and regulations.
3

4 **SEC. 14. *Defense and Cooperation.*** – The DND may develop, enhance and
5 sustain multi-dimensional defense and security cooperation and engagements
6 with the defense establishments and armed forces of other countries, and
7 other regional and international organizations based on the principle of good
8 governance, mutual benefit and respect, and in line with the foreign policies of
9 the Philippines.

10 **Article II – Organization**

11
12
13 **SEC. 15. *Organizational Structure.*** – The Defense Department shall be
14 composed of the DND-Proper and its bureaus namely, the AFP, PVAO, GA,
15 NDUP, OCD and other agencies and instrumentalities which shall be under
16 the supervision and control of the SND.

17
18 **SEC. 16. *Composition.*** – The DND-Proper shall be composed of the Office
19 of the SND and the Offices of the Undersecretaries and Executive Staff.
20

21 **SEC. 17. *Defense Service Staff Personnel.*** – There shall be a Defense
22 Service Staff Corps to provide the skills, technical assistance, and support
23 services in the DND. Within two years from the effectivity of this Act, the
24 President, upon the recommendation of the SND and the Secretary of Budget
25 and Management shall submit for the consideration of Congress a detailed
26 plan for the organization, rank structure, salaries, benefits, promotion,
27 separation, retirement, and such other management requirements for the
28 operationalization of the Defense Career Service Staff Corps and its Career
29 Program which shall be implemented by the DND.
30

31 **SEC. 18. *Office of the Secretary.*** – The Office of the Secretary shall consist
32 of the SND and his/her immediate staff as determined by him/her.
33

34 **SEC. 19. *Powers and Functions of the Secretary.*** – The authority and
35 responsibility for the exercise of the mandate of the DND and the discharge
36 of its powers and functions shall be vested in the SND, who shall have control
37 and supervision of the DND, including its bureaus and agencies. The
38 Secretary shall also perform such other functions as may be necessary or
39 proper to attain the objectives of this Act or as may be provided by law or
40 directed by the President.
41

42 **TITLE II**

43 **THE ARMED FORCES OF THE PHILIPPINES** 44 **Article I – General Provisions**

45
46
47 **SEC. 20. *Declaration of Policies.*** –
48

1 (a) The AFP, as the protector of the people and the State, shall secure
2 the sovereignty and defend the territory of the Republic of the Philippines
3 against all threats;

4
5 (b) The AFP shall uphold the Constitution and adhere to the rule of law
6 at all times;

7
8 (c) Professionalism in the armed forces and adequate remuneration and
9 benefits of its members shall be a prime concern of the State; and

10
11 (d) The AFP, as an institution, shall be insulated from partisan politics.
12 No member of the military shall engage, directly or indirectly, in any partisan
13 political activity, except to exercise his/her right to suffrage.

14
15 **Article II - The Regular Force**
16 **A. ORGANIZATION AND COMPOSITION**
17 **Chapter 1 - General Provisions**
18

19 **SEC. 21. Mission and Functions.** – The AFP is the protector of the people
20 and the State. Its goal is to secure the sovereignty of the State and the
21 integrity of the national territory. It shall have the duty to:

22
23 (a) Defend against all forms of threats to national defense and security;

24
25 (b) Design, plan, organize, train, equip, develop, employ and sustain its
26 Regular and Reserve Forces for national defense and security; and

27
28 (c) Perform such other functions as may be provided by law or assigned
29 by the Commander-in-Chief.

30
31 **SEC. 22. Chain of Command.** – The exercise of authority, direction,
32 command and control over the AFP shall be carried out through the Chain of
33 Command, which is the line of authority and responsibility along which orders
34 are passed, beginning from the President as the Commander-in-Chief,
35 through the SND, to the Chief of Staff of the Armed Forces of the Philippines
36 (CSAFP) / Chairman of the Joint Chiefs (CJC) down to the commander of the
37 lowest echelon of command in the AFP: *Provided*, That this does not preclude
38 the SND from issuing orders directly to the AFP in accordance with its
39 functions as Department Head.

40
41 **SEC. 23. Organization and Composition.** – The AFP shall be composed of
42 a citizen armed force which shall undergo military training and service, as may
43 be provided by law. The citizen armed force shall be composed of all
44 reservists, officers, and enlisted men on inactive status. The AFP shall keep a
45 regular force necessary for the security of the State. The AFP shall be initially
46 composed of three (3) major services: the Philippine Army (PA), the Philippine
47 Air Force (PAF), and the Philippine Navy (PN). The AFP composition shall be
48 guided by the Table of Organization and Equipment (TOE) prescribed by the
49 SND upon recommendation of the CSAFP/CJC.

50

1 **SEC. 24. *Size and Composition.*** – The Regular Force, alternately referred
2 to as the Standing Force, shall be initially composed of the following:

- 3
4 (a) Regular Officers and Enlisted Personnel;
5
6 (b) Reservists called to active duty, or on active duty tour for training;
7
8 (c) Draftees, trainees and government-sponsored Filipino cadets
9 enrolled in local or foreign military schools; and
10
11 (d) Warrant officers, as may be established pursuant to Section 43 and
12 Section 44 of this Act.

13
14 The size and composition of the Regular Force shall be prescribed by
15 the Table of Organization and Equipment (TOE) as approved by the SND and
16 shall be the basis of staffing the AFP.
17

18 **SEC. 25. *Organizational Principle.*** – The SND, upon the recommendation
19 of the CSAFP/CJC, shall organize the AFP into such commands, forces and
20 units in accordance with operational requirements. For this purpose, the
21 national territory may be divided into such operational areas as the SND may
22 direct.
23

24 **SEC. 26. *Organizational Structure.*** – The Regular Force of the AFP shall
25 consist of the Joint Headquarters; the Joint Force Operational Commands; the
26 Major Services namely, the PA, the PN and the PAF; and the other existing
27 commands, units, offices and services of the AFP.
28

29 **SEC. 27. *Operational Principles.*** – The operational principles of the AFP
30 shall be as follows:
31

32 (a) The Commander-in-Chief shall exercise command and control
33 through the CSAFP/CJC with the supervision of the SND. The Joint
34 Headquarters AFP shall command and control the AFP;
35

36 (b) The Joint Headquarters AFP shall exercise centralized command and
37 control to ensure unity and coordination of efforts throughout the military
38 establishment;
39

40 (c) The Joint Force Operational Commands, as force employers, shall
41 be responsible for the decentralized execution of joint operations to achieve
42 maximum operational effectiveness within the military establishment, unless
43 otherwise determined by the CSAFP/CJC through the supervision of the
44 SND;
45

46 (d) The Major Services, as force providers, shall be responsible for the
47 development, organization, training, equipping, maintenance and sustainment
48 of combat forces, combat service forces, technical and administrative service,
49 and combat service support forces; and
50

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

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

5
6
7 **SEC. 28. *Mandate.*** – The General Headquarters, which shall be headed by
8 the CSAFP/CJC, shall command and control the AFP.

9
10 **SEC. 29. *Organization.*** – The General Headquarters shall be composed of
11 the Office of the CSAFP, Office of the Vice Chief of Staff, Office of the Deputy
12 Chief of Staff; the AFP Joint, Personal and Special Staff and other key staff
13 offices and units necessary for the effective command and control of the
14 AFP, as recommended by the CSAFP/CJC with the approval of the SND.

15
16 **SEC. 30. *Powers and Functions.*** – The CSAFP/CJC shall:

17
18 (a) Serve as the principal military advisor to the President and the SND;

19
20 (b) Be responsible for the formulation of the national military strategy
21 consistent with the national defense strategy;

22
23 (c) Be responsible for the development of the policies, strategies,
24 missions, plans and programs of the AFP; and

25
26 (d) Prescribe the organization, powers, functions and duties of the
27 various staff, services, and other units of the AFP in accordance with the
28 country's national defense policy.

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

34
35 **SEC. 32. *Special Staff.*** – The Special Staff, as specialized, technical and
36 administrative staff, shall advise and assist the CSAFP/CJC in the
37 performance of his/her functions. The organization, functions and duties of
38 the Special Staff shall be prescribed by the CSAFP/CJC.

39
40 **SEC. 33. *Authority to Reorganize the General Headquarters.*** – In the
41 interest of efficiency and effectiveness, the CSAFP/CJC, upon the approval of
42 the SND, may:

43
44 (a) Establish and organize staffs, offices and units in the General
45 Headquarters in addition to the AFP Joint, Personal and Special Staff, and
46 prescribe the organization, mission and functions; and

47
48 (b) Establish, organize, and/or abolish Staffs, offices and units in the
49 AFP and prescribe their structure, mission, functions, duties and
50 responsibilities, and other parameters and standards.

1
2 **Chapter 3 – Joint Force Operational Commands**
3

4 **SEC. 34. *Organization, Mission and Function.* –**
5

6 (a) The Joint Force Operational Commands shall be organized and
7 established by the CSAFP/CJC as approved by the SND, and shall be under
8 the command, control and operational direction of its Joint Force Commander.
9

10 (b) The mission, functions, duties and responsibilities and joint area of
11 operations of the Joint Force Operational Commands shall be prescribed by
12 the SND, in consultation with, or upon the recommendation of the
13 CSAFP/CJC.
14

15 **SEC. 35. *The Philippine Army (PA).* –** The PA, headed by the Chief of the
16 Philippine Army, shall provide forces that are responsible for the conduct of
17 prompt and sustained joint and combined ground operations in support of the
18 AFP mission. It shall be composed of its headquarters, maneuver units, and
19 sustainment units and such other units as may be necessary for the conduct
20 of ground operations.
21

22 **SEC. 36. *Functions of the PA.* –** The PA shall:
23

24 (a) Develop, organize, train, equip, maintain, and sustain such ground
25 forces or units as may be necessary for the conduct of prompt and sustained
26 operations;
27

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

32 (c) Formulate and develop, in coordination with the other Major Services,
33 doctrines, systems, tactics, techniques and procedures peculiar to the Army;
34

35 (d) Implement mobilization of the Army Reserve; and
36

37 (e) Perform such other functions and duties as may be provided by law
38 or assigned by the CSAFP.
39

40 **SEC. 37. *The Philippine Air Force (PAF).* –** The PAF, headed by the Chief
41 of the Philippine Air Force, shall provide forces that will be responsible for the
42 conduct of prompt and sustained air operations in support of the AFP mission.
43 It shall be composed of its headquarters, air combat, combat support and
44 sustainment units and such other units as may be necessary for the conduct
45 of air and support operations.
46

47 **SEC. 38. *Functions of the PAF.* –** The PAF shall:
48

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

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

8
9 (c) Formulate and develop, in coordination with the other Major Services,
10 doctrines, systems, tactics, techniques and procedures peculiar to the Air
11 Force;

12
13 (d) Implement mobilization of the Air Force Reserve; and

14
15 (e) Perform such other functions and duties as may be provided by law
16 or assigned by the CSAFP.

17
18 **SEC. 39. *The Philippine Navy (PN).*** – The PN, headed by the Chief of the
19 Philippine Navy, shall provide forces that shall be employed for the conduct of
20 prompt and sustained naval operations in support of the AFP missions. It shall
21 be composed of its headquarters, naval forces, service support and
22 sustainment units and such other units as may be necessary for the conduct
23 of naval operations.

24
25 **SEC. 40. *Functions of the PN.*** – The PN shall:

26
27 (a) Develop, organize, train, equip, maintain, and sustain such naval
28 forces or units as may be necessary for the conduct of prompt and sustained
29 operations;

30
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 forces
33 missions;

34
35 (c) Formulate and develop, in coordination with the other Major Services,
36 doctrines, systems, tactics, techniques and procedures peculiar to the Navy;

37
38 (d) Implement mobilization of the Navy Reserve; and

39
40 (e) Perform such other functions and duties as may be provided by law
41 or assigned by the CSAFP.

42
43 **SEC. 41. *Technical and Administrative Service.*** – Each Major Service shall
44 develop, organize, train, equip, maintain, and sustain their respective
45 Technical and Administrative Service composed of, but not limited to, The
46 Judge Advocate General Service, Medical Corps, Veterinary Corps, Medical
47 and Administrative Corps, Nurse Corps, Dental Corps, Chaplain Service, and
48 Corps of Professors.

1 **SEC. 42. *The Women's Auxiliary Corps.*** – The Women's Auxiliary Corps as
2 created by Republic Act No. 3835, as amended, otherwise known as An Act
3 to Establish the Women's Auxiliary Corps in the Armed Forces of the
4 Philippines, to Provide the Procurement of its Officers and Enlisted Personnel,
5 and for Other Purposes, shall be integrated into their respective Major
6 Service. For this purpose, Republic Act No. 3835 is hereby repealed.

7
8 **Chapter 4 – Establishment of Warrant Officers Corps**
9

10 **SEC. 43. *Warrant Officers Corps.*** – There is hereby established a corps of
11 highly technical and specialized officers appointed to the regular force. Within
12 two (2) years from the effectivity of this Act, the President, upon the
13 recommendation of the SND and the Secretary of Budget and Management,
14 shall submit for the consideration of Congress a detailed plan for the
15 organization, rank structure, salaries, benefits, promotion, separation,
16 retirement, and such other management requirements for the
17 operationalization of the Warrant Officers Corps.

18
19 **Chapter 5 – Military Education and Training Institutions**
20

21 **SEC. 44. *Organization, Mission and Function.*** –
22

23 (a) The Philippine Military Academy (PMA), AFP Education, Training,
24 and Doctrine Command, Officer Candidate School (OCS), Non-commissioned
25 Officer Academy and other military education and training institutions
26 organized and established by the CSAFP with the approval of the SND shall
27 be under the command, control and direction of their respective military
28 education and training Superintendent/Commandant.

29
30 (b) The mission, functions, duties and responsibilities of the military
31 education and training institutions shall be prescribed by the CSAFP with the
32 approval of the SND.

33
34 **SEC. 45. *The Philippine Military Academy (PMA).*** –
35

36 (a) **Mandate.** – The PMA shall be categorized as a special higher
37 education institution which shall serve as the primary training and educational
38 institution of the AFP and shall be its principal source of regular officers. The
39 PMA shall seek to have its academic program offerings accredited by a
40 reputable accrediting agency of national or international standard.

41
42 (b) **Organization.** – The Academy, headed by the Superintendent, shall
43 be organized as prescribed by the SND, upon the recommendation of the
44 CSAFP/CJC.

45
46 (c) **Development.** – The Academy shall determine its teaching, human
47 resource, curriculum, research and extension thrusts, plans and programs,
48 standards and budget.

49
50 (d) **Cadet Corps.** – The student body of the Academy shall be known as

1 the Cadet Corps Armed Forces of the Philippines (CCAFFP) and shall have
2 such strength, as the SND shall determine, upon the recommendation of the
3 CSAFFP/CJC.

4
5 (e) Academic Board. – There shall be an Academic Board organized by
6 the Superintendent. The Board shall, in accordance with the rules and
7 regulations prescribed by the CSAFFP, have the power to confer
8 baccalaureate degrees upon the cadets who satisfactorily complete the
9 approved course of study.

10
11 (f) Board of Visitors. – The DND shall establish a Board of Visitors to
12 look into the academic affairs of the Academy with a view to enhancing its
13 educational systems. The composition of the Board of Visitors shall be
14 prescribed by the SND.

15
16 **SEC. 46. Authority to Establish Other Military Training Institutions.** – The
17 President, upon the recommendation of the CSAFFP/CJC through the SND, is
18 hereby authorized to establish other military training academies and
19 institutions in the AFP.

20 21 **B. ADMINISTRATION OF MILITARY DISCIPLINE AND JUSTICE SYSTEM**

22
23 **SEC. 47. Military Discipline and Justice.** –

24
25 (a) There shall be a military discipline and justice system consisting of
26 rules governing the conduct of military personnel and providing a method of
27 punishment for the purpose of enforcement of discipline and administration of
28 justice in the AFP.

29
30 (b) Military justice shall be applicable at all times and in all places to all
31 persons subject to military law as defined by existing laws.

32
33 (c) The President as Commander-in-Chief and subordinate authorities as
34 provided for in this Act shall have the exclusive authority to administratively
35 discipline military personnel for purely service-related offenses or infractions.
36 The power to investigate and adjudicate administrative cases against military
37 personnel for acts arising from the performance of official duties shall be
38 under the exclusive jurisdiction of the AFP.

39
40 (d) No order of separation, dismissal or discharge from the active service
41 or acceptance of resignation of Commissioned Officers shall be implemented
42 unless approved by the President.

43
44 (e) There shall be a reduction in grade, suspension of active service, and
45 forfeiture, suspension, or withholding of pay and allowances of Commissioned
46 Officers found administratively liable. The procedure, extent, grounds or
47 system for such shall be prescribed by the President as recommended by the
48 SND. Other lower disciplinary measures against erring Commissioned
49 Officers shall be prescribed by the SND.

50

1 (f) The procedure, extent, grounds or system of reduction in grade,
2 demotion of rank, suspension of active service, and forfeiture, suspension or
3 withholding of pay and allowances of Enlisted Personnel shall be prescribed
4 by the CSAFP.

5
6 (g) The AFP shall review and revise the existing Manual for Courts-
7 Martial for the approval of the President through the SND.

8 9 C. LEGAL ASSISTANCE

10 **SEC. 48. *Extension of Legal Assistance.*** – All military personnel charged of
11 service-related or service-connected, civil or criminal cases, upon the
12 determination by The Judge Advocate General or the concerned Major
13 Service Judge Advocate of the fact of service connection, with the approval of
14 the concerned Chief of Major Services, shall be provided adequate and
15 competent legal representation and assistance by military lawyers or counsel
16 of their own choice until the logical conclusion of their cases. Reasonable
17 programmed allocation can be charged against the budget of the concerned
18 component service to support the effective handling and defense of this
19 category of cases.

20 21 TITLE III 22 OTHER BUREAUS AND AGENCIES UNDER THE DEPARTMENT 23 ARTICLE I - GENERAL PROVISIONS

24
25 **SEC. 49. *Supervision and Control.*** – The SND shall exercise supervision
26 and control over the bureaus and agencies under this Title, as well as its
27 personnel.

28
29 **SEC. 50. *Organization.*** –

30
31 (a) Unless otherwise provided by law, the organization, functions, duties
32 and responsibilities of the staff and operating units of each of the bureaus and
33 agencies under the DND shall be as prescribed by the SND in appropriate
34 rules and regulations issued for the purpose.

35
36 (b) For this purpose, and in the interest of service, the SND may, in
37 accordance with the policies or directives of the President:

38
39 (1) Establish and organize staffs, offices and units in the bureaus
40 or agencies and prescribe the titles, powers, functions and duties of the
41 positions therein;

42
43 (2) Abolish existing staffs, offices and units in the bureaus or
44 agencies not specifically provided by law, or transfer or consolidate their
45 functions and duties with other staffs, offices or units; and

46
47 (3) Abolish a position of any bureau or agency and transfer or
48 consolidate its functions and duties with those of another position.
49

1 **SEC. 51. Separation Benefits of Officials and Employees of Affected**
2 **Bureaus or Agencies.** – Government employees displaced or separated
3 from the service as a result of the restructuring pursuant to this Act shall be
4 entitled to separation pay and other benefits in accordance with existing laws,
5 rules or regulations.

6
7 **ARTICLE II**
8 **THE GOVERNMENT ARSENAL**
9

10 **SEC. 52. Mandate.** – The Government Arsenal (GA) shall develop, operate,
11 maintain and secure facilities for the manufacture of weapons, munitions and
12 other defense materiel to support the requirements of the AFP, Philippine
13 National Police (PNP) and other law enforcement agencies, and, to sell and
14 export products in excess of the local demand.

15
16 **SEC. 53. Power and Functions.** – The GA shall have the following powers
17 and functions:

18
19 (a) Formulate and implement plans and programs towards the
20 achievement of self-sufficiency in weapons, small arms ammunition, mortars,
21 medium and large caliber ammunition and other munitions needed by the
22 country's defense and security establishments;

23
24 (b) Design, conduct research, develop, manufacture, procure, repair,
25 stockpile and allocate weapons, munitions and other defense materiel subject
26 to existing laws and regulatory requirements;

27
28 (c) Sell and export products in excess of the requirements of the AFP
29 and other law enforcement agencies, subject to existing laws;

30
31 (d) Devise ways and means for the efficient mobilization of
32 civilian/private industry to augment its production for use of the defense and
33 security forces; and

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

37
38 **SEC. 54. Organization and Administration.** – The GA shall be headed by a
39 Director with one or more Assistant Directors who shall support the Director in
40 the administration, manufacturing operations and other affairs of the bureau;
41 all of whom shall be appointed by the President upon the recommendation of
42 the SND, and who shall have the relevant expertise, training and experience
43 in the field of munitions.

44
45 **SEC. 55. Modernization of the Arsenal.** – The modernization of the GA for
46 the development of production capabilities to enhance self-sufficiency in
47 defense requirements, shall be part of the defense modernization program.
48 The GA may use such production facilities as it may own or be provided with
49 under this Act or as it may arrange, under joint venture, co-production or
50 similar agreements with local and foreign entities, which arrangements may

1 include SRDP, sales, and tax privileges as concurred with by the Department
2 of Finance in accordance with law.

3
4 **ARTICLE III**
5 **NATIONAL DEFENSE UNIVERSITY**
6

7 **SEC. 56. Transformation of the National Defense College of the**
8 **Philippines (NDCP).** – In view of the rapidly evolving national and regional
9 security environment, the current academic trends and research thrusts of
10 defense institutions in the Asia Pacific, and the increasing need for
11 specialized defense and security courses to enhance the academic
12 foundation of promoting Philippine national security, The National Defense
13 College of the Philippines (NDCP) is hereby transformed into the National
14 Defense University of the Philippines (NDUP) categorized as a special higher
15 education institution. To ensure the continuous operation of the College, all its
16 personnel and resources shall be absorbed by the NDUP.

17
18 The degree programs, instruction, faculty complement, research, and
19 facilities of the NDUP shall be accredited by the Commission on Higher
20 Education (CHED). The NDUP shall likewise receive appropriate funding to
21 fulfill the requirements of transforming into a defense university.

22
23 **SEC. 57. Mandate.** – In accordance with the standards set forth in pertinent
24 laws and regulations on higher education, the NDUP shall train and develop
25 potential national defense leaders, civilian officials of the different agencies
26 and instrumentalities of the Government, and selected executives from the
27 private sector in the formulation and review of national security policies and in
28 undertaking research and studies which shall be the basis for the formulation
29 of national defense and security policies, plans and programs.

30
31 The NDUP shall be headed by a President, and assisted by an
32 Executive Vice President, and four (4) Vice-Presidents, all of whom shall be
33 appointed by the President of the Philippines, upon the recommendation of
34 the SND. The NDUP President shall have a term of six (6) years.

35
36 **SEC. 58. Powers and Functions.** — The University shall have the following
37 powers and functions:

38
39 (a) Confer the degree of Master in National Security Administration
40 (MNSA) to candidates who have satisfactorily complied with the requirements
41 of the program;

42
43 (b) Develop and confer other baccalaureate, master's, and doctorate
44 degrees on defense and security;

45
46 (c) Conduct non-degree programs, special courses, seminar workshops
47 and symposia on defense and security;

48
49 (d) Undertake policy research and special studies as well as policy
50 formulation on strategic defense and security issues;

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(e) Produce research and development output of practical application to the various organizational units of defense;

(f) Establish relevant linkages and outreach programs that are mindful of service to the various organizational units of defense; and

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

SEC. 59. Organization and Administration. –

(a) The NDUP President shall administer the affairs of the University with the assistance of the Executive Vice President, who shall act as NDUP President in the absence or incapacity of the NDUP President, and shall perform such other functions and duties as may be assigned to him/her by the NDUP President or the SND.

There shall be a Vice-President for Academic Affairs, who shall be responsible for the development, implementation, supervision and evaluation of academic programs; a Vice-President for Research and Special Studies, who shall be responsible for the conduct and supervision of research work and special studies for the Department; a Vice-President for Military and Security Affairs, who shall be responsible for the overall military and security support to all the activities of the University; and a Vice-President for Administration, who shall be responsible for the overall administrative support to all the activities of the University.

(b) The University shall have an Academic Board to assist the President in discharging the following functions:

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

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

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

1 **SEC. 60. *Transition.*** – The SND shall determine the appropriate transition
2 period for NDCP to attain the status and competency of a university. Further,
3 Congress shall allocate the necessary funds for the transformation of NDCP
4 to NDUP.

5
6 **ARTICLE IV**
7 **OFFICE OF CIVIL DEFENSE**
8

9 **SEC. 61. *Mandate.*** – The OCD shall have the primary mission of
10 administering a comprehensive national civil defense and disaster risk
11 reduction and management program during local and national emergencies
12 by providing leadership in the continuous development of strategic and
13 systematic approaches, as well as measures to reduce the vulnerabilities and
14 risks to hazards and manage the consequences of disasters.

15
16 **SEC. 62. *Powers and Functions.*** – The Office shall have the following
17 powers and functions:
18

19 (a) Establish and administer a comprehensive national civil defense and
20 civil assistance program, and to include sufficient allocation to agencies and
21 local government units (LGUs) such aid and funds as may be made available
22 by the national government, assisting governments, and international and
23 local organizations;

24
25 (b) Formulate policies and prepare plans for the protection and welfare
26 of the civilian population in times of war or other national emergencies as may
27 be determined by the President of the Philippines;

28
29 (c) Furnish guidance and coordinate the activities of national
30 government agencies, LGUs, private institutions, and civic organizations for
31 natural and human-induced disasters;

32
33 (d) Develop and coordinate a program for informing, educating and
34 training the general public, volunteer workers and civil defense groups on civil
35 defense and assistance measures and activities;

36
37 (e) Prepare and disseminate disaster control manuals and other
38 publications related to measures on disaster prevention and mitigation,
39 preparedness, response and rehabilitation and recovery;

40
41 (f) Advise the SND on matters concerning civil defense and make
42 recommendations from time to time as may be deemed appropriate or as the
43 Secretary may require;

44
45 (g) Provide assistance and secretariat services to the National Disaster
46 Risk Reduction and Management Council (NDRRMC) to implement the
47 policies set by the latter relative to disaster management;

48
49 (h) Furnish guidance to various provinces, cities and municipalities in the
50 planning, accreditation, organization and operation of their civil defense

1 organizations; and

2
3 (i) Perform such other civil defense functions as may be provided by law.

4
5 **SEC. 63. Organization.** – The OCD shall be headed by an Administrator who
6 shall also serve as Executive Director of the NDRRMC and, as such, shall
7 have the same duties and privileges of a department undersecretary. It shall
8 operate under a duly approved organization and staffing pattern as
9 recommended by the SND.

10
11 **ARTICLE V**
12 **PHILIPPINE VETERANS AFFAIRS OFFICE**

13
14 **SEC. 64. Mandate.** – The Philippine Veterans Affairs Office (PVAO) shall be
15 the government agency responsible for administering the benefits due to
16 veterans and their qualified beneficiaries and shall provide medical
17 assistance to veterans pursuant to existing laws. It shall also administer,
18 maintain and develop military memorials and battle monuments proclaimed
19 as national shrines.

20
21 **SEC. 65. Powers and Functions.** – The PVAO shall have the following
22 powers and functions:

23
24 (a) Formulate and promulgate, subject to the approval of the SND,
25 policies, rules and regulations governing the adjudication and administration
26 of veterans claims and benefits;

27
28 (b) Adjudicate and administer benefits, pensions and other privileges
29 granted to veterans, their heirs and beneficiaries;

30
31 (c) Provide medical care and treatment to veterans pursuant to existing
32 programs and projects approved by the SND;

33
34 (d) Administer, develop and maintain military shrines;

35
36 (e) Develop patriotism and nationalism, and preserve and promote the
37 ideas of *kagitingan* in the sacrifices and heroic deeds of veterans;

38
39 (f) Formulate policies concerning the affairs, placement and training of
40 ex-service members and assist their widows/widowers and dependents, and
41 other retired military personnel;

42
43 (g) Undertake the promotion of the general welfare of veterans and their
44 families; and

45
46 (h) Perform such other functions as may be provided by law.

47
48 **SEC. 66. Organization.** – The PVAO shall be headed by an Administrator
49 who may be assisted by one or more Deputy Administrators, all of whom shall

1 be appointed by the President upon the recommendation of the SND. It shall
2 have such staff and other operating units as may be prescribed by the SND.

3
4 **SEC. 67. Veterans Medical Center (VMC).** – The Veterans Memorial
5 Medical Center (VMMC) is hereby renamed as Veterans Medical Center
6 (VMC) and placed under the supervision and control of DND through PVAO.
7 The SND shall immediately include in the Department's programs the
8 operationalization of the new VMC, the funding of which shall be included in
9 the Annual General Appropriations Act.

10
11 **FINAL PROVISIONS**

12
13 **SEC. 68. Implementing Rules and Regulations.** – Within twelve (12)
14 months from the effectivity of this Act, the DND and all concerned agencies,
15 upon prior consultation with relevant stakeholders, shall formulate the
16 appropriate Implementing Rules and Regulations (IRR) for the proper
17 implementation of this Act. The IRR shall be approved by the President of the
18 Philippines.

19
20 **SEC. 69. Appropriations.** – The amount necessary to carry out the
21 provisions of this Act shall be included in the General Appropriations Act of
22 the year following its enactment into law. Thereafter, such sums as may be
23 necessary for its continued implementation, especially those pertaining to the
24 approved TOE or its equivalent document in civilian bureaus, shall be
25 included in the annual General Appropriations Act.

26
27 **SEC. 70. Separability Clause.** – If any part or provision of this Act is held
28 invalid or unconstitutional, other provisions not affected thereby shall remain
29 in force and effect.

30
31 **SEC. 71. Repealing Clause.** – All laws, Executive Orders, Presidential
32 Decrees, rules and regulations inconsistent herewith are deemed modified
33 and repealed accordingly. For the avoidance of doubt, all affected provisions
34 of existing laws shall be deemed effective until the promulgation of the IRR of
35 this Act.

36
37 **SEC. 72. Effectivity Clause.** – This Act shall take effect fifteen (15) days
38 upon its complete publication in the *Official Gazette* or in at least two (2)
39 newspapers of general circulation, whichever comes first.

40
41 **Approved,**