

RECORD OF THE SENATE

TUESDAY, MARCH 19, 1991

OPENING OF THE SESSION

At 3:23 p.m., the Honorable Jovito R. Salonga, President of the Senate, called the session to order.

The President. Binubuksan ang pulong ng Senado.

Pangungunahan tayo sa panalangin ni Senador Rene Saguisag.

Everybody remained standing for the opening prayer.

PRAYER

Senator Saguisag.

Oh Lord,

We are told that whatever things one asks when he prays, if he believes that he receives them, he will have them. More than ever, we do believe.

Some say money - and funding and its source are staple here - is the root of all evil; Shaw says it is the lack of it; Saint Paul says it is the love of it. Whatever, Lent reminds us that in the end dust we all are, to dust we shall return, and we can't take it with us.

May we be able to say, at the end of our journey, on how we would like to be judged and remembered, the way a simple soul with child-like faith, put it, "I would like for them to say, he took a few cups of love, he took one tablespoon of patience, one teaspoon of generosity, one pint of kindness. He took one quart of laughter, one piece of concern, and then he mixed willingness with happiness. He added lots of faith, and he stirred it up well. Then he spread it over a span of a lifetime and he served a portion of it to each and every person he met."

Amen.

ROLL CALL

The President. Babasahin ng Kalihim ang talaan ng mga Senador.

* Arrived after the roll call

** On official mission

The Secretary.

Senator Heherson T. Alvarez	Present
Senator Edgardo J. Angara	**
Senator Agapito A. Aquino	Present
Senator Juan Ponce Enrile	Present
Senator Joseph Ejercito Estrada	Present
Senator Neptali A. Gonzales	Present
Senator Teofisto T. Guingona, Jr	Present
Senator Ernesto F. Herrera	Present
Senator Sotero H. Laurel	Present
Senator Jose D. Lina, Jr	Present
Senator Ernesto M. Maceda	Present
Senator Orlando S. Mercado	Present
Senator John H. Osmeña	Present
Senator Vicente T. Paterno	Present
Senator Aquilino Q. Pimentel, Jr.....	Present
Senator Santanina T. Rasul	Present
Senator Alberto G. Romulo	Present
Senator Rene A.V. Saguisag	Present
Senator Leticia Ramos Shahani	Present
Senator Mamintal Abdul J. Tamano	Present
Senator Wigberto E. Tañada	Present
Senator Victor S. Ziga	Present
The President	Present

The President. Dalawampu't dalawang Senador ang dumalo sa ating pagpupulong, mayroon tayong korum.

THE JOURNAL

Senator Guingona. Mr. President, I move that we dispense with the reading of the *Journal* of yesterday's session and consider the same as approved.

The President. Is there any objection? [Silence]
Hearing none, the motion is approved.

The Secretary will read the Order of Business.

REFERENCE OF BUSINESS

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Secretary.

March 01, 1991

Mr. President:

I have been directed to inform the Senate that the

Board on Child Abuse and Exploitation to advise the Department of Social Welfare and Development in the implementation of this Act. The members of the National Advisory Board are:

1. A representative of the Secretary of the Department of Justice;
2. President of the Council of Welfare Agencies of the Philippines;
3. President of the Child Welfare League of the Philippines;
4. A representative of the Secretary of the Department of Social Welfare and Development; and
5. Two (2) representatives of the private sector to represent parents and citizens concerned about child abuse and exploitation appointed by the Secretary of the Department of Social Welfare and Development. The representative of the private sector shall serve for two (2) years.

The Advisory Board shall annually elect a Chairman from among their members and shall be entitled to such per diem and allowances as the Secretary of Social Welfare and Development may determine. The Board shall meet twice a month or as often as the Secretary may direct.

The Secretary of Social Welfare and Development shall designate the Council for the Welfare of Children as Secretariat to assist in the implementation of this Act and the operations of the Board.

SEC. 14. Rules and Regulations. - The Secretariat shall promulgate rules and regulations to implement this Act, with the advice and recommendations of the National Advisory Board.

SEC. 15. Appropriations. - In order to implement this Act, there is hereby authorized to be appropriated the amount of One hundred thousand pesos (P100,000.00) for the initial year of operations. Thereafter, such amounts as may be required to implement this Act and for the operations of the Board are hereby authorized to be included in the general appropriations of the Department of Social Welfare and Development.

SEC. 16. Separability Clause. - If any provision of this Act is held invalid, other provisions not affected thereby shall continue in full force and effect.

SEC. 17. Repealing Clause. - Any law, decree or rule inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 18. Effectivity Clause. - This Act shall take effect immediately after its complete publication in the *Official Gazette*.

Senator Guingona. I ask that we recognize Senator Rasul to sponsor the measure. Senator Rasul is just across, Mr. President. The page has already called her.

SUSPENSION OF THE SESSION

The President. Let us suspend the session for a few minutes, if there is no objection. [*There was none.*]

It was 6:21 p.m.

RESUMPTION OF THE SESSION

At 6:25 p.m., the session was resumed with Senator Maceda presiding.

The Presiding Officer [Senator Maceda]. The session is resumed.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO.88/HOUSE BILL NO. 12261 Citizen Armed Force of the Armed Forces

Senator Guingona. Mr. President, while waiting for Senator Rasul, I move that we consider Conference Committee Report on the disagreeing provisions of House Bill No. 12261 and Senate Bill No. 88.

Mr. President, there were two main disagreeing provisions which have been compromised and agreed upon:

First is the creation of a separate Command. The compromise, is that the House agreed to the Senate version, provided that the Chief of Staff shall create an AFP Reserve Command within one year from the date of the

effectivity of this Act.

The second major compromise, stemmed from the disagreement between both versions on the issuing authority. Under the Senate version, mobilization of the Reserve Force may be effected only through the joint acts of Congress and the President. The authority to issue mobilization under the House Bill was left unspecified.

Therefore, there was a compromise to accept the Senate proposal to provide for the authority for mobilization through the joint acts of Congress and the President in the case of full and partial mobilization. In the case of selective mobilization, it is only through the President.

**APPROVAL OF THE CONFERENCE COMMITTEE
REPORT ON SENATE BILL NO. 88/
HOUSE BILL NO. 12261**

In view thereof, Mr. President, I move that we approve this Conference Committee Report.

The Presiding Officer [Senator Maceda]. Are there any objections? [*Silence*] There being none, the motion is approved.

The following is the full text of the Conference Committee Report:

CONFERENCE COMMITTEE REPORT

The Conference Committee on the disagreeing provisions of House Bill No. 12251, entitled

AN ACT PROVIDING FOR THE DEVELOPMENT, ADMINISTRATION, ORGANIZATION, TRAINING, MAINTENANCE AND UTILIZATION OF THE CITIZEN ARMED FORCE OF THE ARMED FORCES OF THE PHILIPPINES AND FOR OTHER PURPOSES,

and Senate Bill No. 88, entitled

AN ACT PROVIDING FOR THE DEVELOPMENT, ADMINISTRATION, ORGANIZATION, TRAINING, MAINTENANCE AND UTILIZATION OF CITIZENS SOLDIERS OR RESERVISTS OF THE ARMED FORCES OF

THE PHILIPPINES AND FOR OTHER PURPOSES,

having met and fully discussed the subject matter in the conference, has come to an agreement, and the conferees hereby recommend that House Bill No. 12251 and Senate Bill No. 88 be consolidated and approved in accordance with the attached copy.

Approved,

**CONFEREES ON THE PART
OF THE SENATE**

(SGD) TEOFISTO T. GUINGONA, JR

(SGD) ERNESTO M. NACEDA

(SGD) AQUILINO Q. PIMENTEL, JR

(SGD) MAMINTAL A.J. TAMANO

(SGD) JUAN PONCE ENRILE

**CONFEREES ON THE PART OF THE
HOUSE OF REPRESENTATIVES**

(SGD) JOSE V. YAP

(SGD) RENATO M. UNICO

(SGD) CARLOS M. PADILLA

(SGD) VICENTE C. RIVERA, JR.

(SGD) EMIGDIO L. LINGAD

(SGD) ROQUE R. ABLAN, JR.

House Bill No. 12251
Senate Bill No. 88

AN ACT PROVIDING FOR THE DEVELOPMENT, ADMINISTRATION, ORGANIZATION, TRAINING, MAINTENANCE AND UTILIZATION OF THE CITIZEN ARMED FORCE OF THE ARMED FORCES OF THE PHILIPPINES AND FOR OTHER PURPOSES,

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

ARTICLE I. TITLE

SECTION 1. Title. - This Act shall be known as the "Citizen Armed Forces of the Philippines Reservists Act."

ARTICLE II. DECLARATION OF POLICIES

SEC. 2. *The Regular Force.* - It is the policy of the State to maintain a standing or regular military force in time of peace consonant with its adequate and actual needs on the security of the State but which can be rapidly expanded by the well-disciplined Citizen Armed Force in the event of war, invasion, or rebellion.

SEC. 3. *The Security and Socioeconomic Development of the State.* - The Citizen Armed Force shall be provided the maximum opportunity to participate in safeguarding the security of the State and in assisting in socioeconomic development.

SEC. 4. *The call to Personal Military and Civil Service.* - The Citizen Armed Force shall be so organized, trained, developed and maintained as to ensure their readiness to immediately respond to the call for service.

SEC. 5. *The Public Awareness.* - The State shall promote and develop public support to and awareness of the important role of the Citizen Armed Force as a protector of the people and the State.

SEC. 6. *The Manpower of the Citizen Armed Force.* - The manpower objective for the Citizen Armed Force shall conform to projected and actual need. It is not envisioned by the State to have a nation under arms, unless extremely necessary.

ARTICLE III. MISSION AND ORGANIZATION OF THE CITIZEN ARMED FORCE

SEC. 7. *Mission.* - The mission of the Citizen Armed Force, alternately referred to as the Reserve Force, is to provide the base for the expansion of the Armed Forces of the Philippines in the event of war, invasion, or rebellion; assist in relief and rescue operations during disasters or calamities; assist in socioeconomic development; and assist in the operation and maintenance of essential government or private utilities in the furtherance of overall mission.

SEC. 8. *Organization.* - The Reserve Force shall be organized into five components, namely:

- (1) Army Reserve Component
- (2) Air Force Reserve Component
- (3) Navy Reserve Component
- (4) AFP-Wide Technical Reserve Component
- (5) Affiliated Reserves

SEC. 9. *Organization of Reserve Components.* - The organization of each component of the Reserve Force and the manpower objective of each component shall be as prescribed by the Secretary of National Defense and approved by the President of the Philippines. The organization, structure, manning, and equipment of reserve units shall conform to the organization of the regular force. Reserve units of a battalion type or equivalent shall be organized on a provincial basis, and reserve units of a brigade and division type or equivalent on a regional basis. The organizational structure and manning of the Affiliated Reserve units will be prescribed by the Secretary of National Defense and will as much as possible conform to their existing civilian organization.

SEC. 10. *Affiliated Reserves.* - As the President shall approve upon the recommendation of the Secretary of National Defense, certain private and government entities, corporations, establishments and organizations at the national, provincial and municipal levels which provide essential public services such as water, light, transportation, and communication which are necessary to support the prosecution of national defense plans or to meet an emergency shall be organized as Affiliated Units of the Reserve Force. These Affiliated Units shall be constituted by the appropriate orders to be issued by the Secretary of National Defense, given unit designations and assigned to the appropriate reserve components of the Armed Forces of the Philippines (AFP). The roster of the officials and employees of these affiliated units shall be included in the orders constituting the units. These units shall be so utilized in times of war or emergency to ensure the continuous and uninterrupted provision of the essential services they are rendering.

ARTICLE IV. DEFINITION OF CITIZEN SOLDIERS

SEC. 11. *Citizen Soldiers.* - The citizen soldiers,

alternately referred to as reservists, who compose the Reserve Force are those reservists of the Armed Forces of the Philippines who are incorporated into the Reserve Force, as follows:

(1) Graduates of the Reserve Officers Training Corps (ROTC) basic and advance courses and who were issued orders as enlisted reservists or reserve officers of the AFP;

2. Graduates of the authorized basic military training instructions who, as a result thereof, were issued orders as enlisted reservists or reserve officers;

3. Ex-servicemen and retired officers of the AFP and other armed forces that have diplomatic relation with the Philippines who were honorably discharged or retired from the service and who are Filipino citizens upon their application;

4. Recognized World War II guerrillas who were honorably discharged from the service;

5. Commissioned and non-commissioned officers under the Affiliated Reserves category and graduates of the National Defense College of the Philippines.

6. Commissioned, non-commissioned officers and privates under the existing laws including those procured under project 36-70 and included in the present AFP roster before the enactment of this Act and those to be commissioned or enlisted after the enactment of this Act.

ARTICLE V. CATEGORIZATION AND CLASSIFICATION OF CITIZEN SOLDIERS

SEC. 12. *Categorization of Citizen Soldiers.*- There shall be three categories of citizen soldiers or AFP reservists: The First Category Reserve, the Second Category Reserve and the Third Category Reserve based on age.

1. First Category Reserve.- The First Category Reserve shall be composed of able-bodied reservists whose ages are between eighteen years and thirty-five (35) years inclusive.

2. Second Category Reserve. - The Second Category Reserve shall be composed of able bodied

reservists whose ages are between thirty-six years and fifty-one years inclusive.

3. Third Category Reserve. - The Third Category Reserve shall be composed of able-bodied reservists who are above fifty-one years of age.

SEC. 13. *Classification of Reserve Force Units.*- Based on the categorization provided in Section 12 above, the Reserve Force Units shall further be classified into the Ready Reserve, the Standby Reserve and the Retired Reserve, based on their operational readiness for immediate deployment/utilization.

1. Ready Reserve. - The Ready Reserve shall be composed of citizen soldiers belonging mostly to the First Category Reserve and others as provided in this Act, who shall be organized, trained and maintained as mobilizable Ready Reserve subject to call at any time to augment the regular armed force of the AFP not only in times of war or national emergency but also to meet local emergencies arising from calamities, disasters and threats to peace, order, security and stability in any locality including the need to provide assistance in relief and rescue work and other civil assistance activities.

Any reservist or citizen soldier belonging to the Second Category Reserve and/or the Third Category Reserve, particularly the commissioned and non-commissioned officers, who will volunteer to serve with the Ready Reserve shall be allowed, if qualified and fit for duty, to join and actively participate as part of the Ready Reserve and shall serve with an appropriate Ready Reserve Unit.

Furthermore, members of the AFP Affiliated Reserve Units of the various government and private utilities and services considered essential for preservation of the economic stability of the country or particular locality, such as power and electricity, water supply, transportations and communications, among others, regardless of their categorization shall be classified as Ready Reserve.

All citizen soldiers belonging to the First Category Reserve, except those exempted under this Act, shall be required to serve with Ready Reserve Units and will have assignments and promotions in accordance with existing policies of the AFP until transferred to Standby Reserve by virtue of their age.

The following citizen soldiers may be exempted from rendering service with said Reserve Units:

(a) Active members of the Armed Forces of the Philippines and the Philippine National Police;

(b) Those who are residing abroad but only during the duration of their absence from the Philippines;

(c) Those who are physically and mentally unfit to serve their tour of duty;

(d) Those who have been convicted of a crime involving moral turpitude;

(e) Those who maybe exempted from duty for valid reasons which may be authorized on a case-to-case basis by appropriate and competent authority. For this purpose, the AFP shall issue such appropriate guidelines, rules and regulations as may be necessary.

2. Standby Reserve. - The Standby Reserve shall be composed of citizen soldiers belonging mostly to the Second Category Reserve and the Third Category Reserve, except as provided in this Act. Members of the Standby Reserve shall be organized and assigned to specified reserve units and shall be maintained through annual assembly tests to update their records and their present addresses, among others. The Standby Reserve may be mobilized or ordered to active duty only in times of national emergency or war. Ranks of members of the Standby Reserve may be upgraded if they voluntarily participate in training or serve with the Ready Reserve Units in their areas or if their Standby Reserve Units undergo retraining. They will, however, be encouraged to upgrade their military knowledge and skills by taking up non-resident or resident courses which shall be set up for the purpose.

3. Retired Reserve. - The Retired Reserve shall be composed of citizen soldiers who have qualified for retirement through length of service, old age or disability. For this purpose, sixty-five years will be considered as the retirement age. However, if qualified and fit for duty, a member of the Retired Reserve may be ordered to active duty in times of local or national emergencies if he volunteers for active duty and when the Secretary of National Defense determines that there are not enough qualified citizen soldiers with his special skills and

qualifications in the Ready Reserve or the Standby Reserve in his particular area of residence.

ARTICLE VI. MANPOWER DEVELOPMENT

SEC. 14. *Compulsory Military Registration and Training.* - All male citizens between the ages of eighteen (18) and twenty-five (25) years, who are not reservists shall be required to register for military instruction. Registration shall take place in suitable registration places to be prescribed by the city, or municipal government between the dates of April first and seventh commencing one (1) year after the effectivity of this Act. Biennial registrations shall be held during the same period in succeeding years.

SEC. 15. *Exemption from Compulsory Military Training.* - The following are exempted from military training:

- (1) Members of the clergy of any religious order or sect except if they volunteer;
- (2) Those in the active service of the Armed Forces of the Philippines and police members of the Philippine National Police;
- (3) Superintendent and uniformed members of the National Penitentiary, corrective institutions, and insane asylums;
- (4) Licensed air and maritime pilots, navigators and merchant marine officers.

SEC. 16. *Registering Officer.* - For the purpose of registration as provided for in Section 14, the city/ municipal treasurers of chartered cities and municipalities are hereby designated as Registering Officer. The Secretary of National Defense shall prescribe and provide the forms to be used in registration and prescribe the procedures for the conduct and reporting of the results of the registration.

SEC. 17. *Persons Disqualified from Registration.* - The following persons are disqualified from registering:

- (1) Persons who are disqualified by law from employment in government service;
- (2) Those who are physically or mentally unfit as certified by an AFP medical officer;
- (3) Those suffering incarceration awaiting trial

by a court of law: Provided, That upon their release from custody they shall without delay register;

- (4) Those convicted by final judgment for criminal offenses involving moral turpitude.
5. Students of colleges, universities and similar institutions who are undergoing ROTC training during the pendency of their training recognized by the military authorities as among those undergoing training to qualify as reservists;
- (6) Those persons who are constituted as members of Affiliated Units for the duration of time that they hold such membership: Provided, That upon the termination of their membership, they shall be subject to military training.

SEC. 18. Selection of Registrants for Compulsory Training - Registrants who are to undergo compulsory training as provided for in this Act shall be selected in the month of May every year by drawing of lots by a Board of Canvassers. The Secretary of National Defense shall prescribe the procedures for the selection of registrants.

SEC. 19. Board of Canvassers. - There is hereby created a Board of Canvassers, one for each province and chartered city for the purpose of selecting the registrants who will undergo compulsory military training as provided for in Section 18. The Board shall be composed of the following:

PROVINCE

Division Superintendent of Schools	Chairman
Provincial Fiscal	Member
The appropriate military commander as the Secretary of National Defense may designate	Member

CHARTERED CITY

City Superintendent of schools ..	Chairman
City Fiscal	Member
Chief of Police	Member

SEC. 20. Quota for Compulsory Training. - The Secretary of National Defense shall furnish each provincial governor and city mayor with the quota of registrants for compulsory military training to be drawn from their respective province or chartered city. The quota for the province shall be broken down into municipal quotas.

SEC. 21. Acceptance of Registrants Volunteering Military Training. - Registrants who are not selected for compulsory military training but who volunteer for such training may be accepted and allowed to undergo military training: Provided, That said volunteers shall physically qualify for fitness after examination for training and shall be made to execute a written testament that they volunteered for training at their own will.

SEC. 22. Registration of Citizens Residing or Working Abroad. - Filipino citizens residing or working abroad, when they become liable to register for reservists training under this Act, shall register with the nearest diplomatic or consular office of the Republic of the Philippines which shall transmit the registrants data to the Secretary of National Defense.

SEC. 23. Notice to Selected Registrants. - The Board of Canvassers shall cause the immediate and adequate publication of the names of the registrants who have been selected in accordance with Section 18 herein and notify at once the registrants concerned to report to the Acceptance Board of the city or municipality where they reside. The Board of Canvassers shall furnish each Acceptance Board the list of the registrants whose names were drawn.

SEC. 24. Acceptance Boards. - There is hereby created an Acceptance Board in each municipality and chartered city which shall examine and classify registrants whose names have been referred to it by the Board of Canvassers and pass upon the registrants fitness for training and application for deferment, if any. The decision of the board shall be by majority vote. The Secretary of National Defense shall prescribe the procedures for the operation of the Acceptance Board.

SEC. 25. Composition of the Acceptance Board. - The Board shall be composed as follows:

(1) IN CHARTERED CITIES

Local Civil Registrar	Chairman
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City Health Officer Member
 Chief of Police Member
 One Civic Leader (to be
 chosen by local civic
 organizations) Member

(2) IN MUNICIPALITIES

Local Civil Registrar/
 Municipal Treasurer Chairman
 Municipal Health Officer Member
 Chief of Police Member
 One Civic Leader (to be
 chosen by local civic
 organizations) Member

SEC. 26. *Classification of Selected Registrants.*

- Registrants shall undergo physical examination to be conducted by the Health Officer. The Acceptance Board shall then classify them into the following categories:

Class A - fit for unlimited service
 Class B - fit for limited service only
 Class C - deferred until later date
 Class D - exempted for mental/physical reasons

SEC. 27. *Deferment from Training.* - The Acceptance Board, upon evaluation of the evidence to support application for deferment, may grant deferment on the following grounds and conditions:

(1) Individuals who are indispensable to the support of their dependent families may be granted deferments not exceeding two years after which they shall be subject for training.

(2) Students enrolled in the Reserve Officers Training Corps in colleges and universities are automatically granted deferment which shall not extend beyond the period they are to complete their basic ROTC training. Students who successfully complete such training shall be exempted. Those who fail to complete, or discontinue the training shall be subject for training.

(3) Seminary students of any religious sect shall be granted deferments not exceeding the prescribed course in the seminary. Those who complete the course shall be exempted from training. Those who fail to complete shall be subject for training.

(4) Cadets of the Philippine Military Academy and of all other military or police service academies, local or foreign, to include Cadets of the Philippine Merchant Marine Academy and other similar local merchant marine academies duly recognized by the Government for the training of officer candidates, including those selected for cadetship in such academies, shall be granted deferment for not exceeding two years. Those who successfully complete at least one half of the prescribed period of the course shall be exempted from training. Those who fail to complete one half of the prescribed period shall, upon their discharge from their courses, be subject for training.

(5) High school students who are in their last year of schooling may be granted deferment for not more than one year.

(6) Selected registrants residing or working abroad shall be granted deferment for the duration of their stay abroad.

(7) Elected officials and presidential appointees whose appointments are passed upon by the Commission on Appointments during their incumbency.

SEC. 28. *Appeal from Decision of the Acceptance Board.* - Where the Acceptance Board denies the claim of an individual for deferment, he may within thirty days after receipt of written notification by the Board appeal his case in writing directly to the Secretary of National Defense. The Secretary of National Defense shall render a decision thereon within sixty days from the date of filing of the appeal. The appellant shall be accorded the right to enjoy the right to be heard by himself and counsel and to present evidence in his behalf. The decision of the Secretary of National Defense or his duly authorized representative shall be final.

SEC. 29. *Expenses of the Acceptance Board.* - The expenses incident to the operation of the Acceptance Board shall be borne by the Department of National Defense which shall include the funds therefor in its annual appropriations. The nature and amount of such expenses shall be prescribed by the Secretary of National Defense. Members of the Acceptance Board shall not receive any salary or compensation for their services in the Board. They

shall be entitled to receive allowances as the Secretary of National Defense shall prescribe.

SEC. 30. *Final Acceptance by the Board.* - Registrants who shall have been finally qualified and selected by the Acceptance Board shall be reported to the Secretary of National Defense. Those selected shall upon instruction report to the designated military camp or unit for training.

SEC. 31. *Procurement of Reservist Officers and Non-Commissioned Officers for Affiliated Reserve Units.* - Key officers and employees of government or private entities, corporations, establishments and organizations which have Affiliated Units shall be encouraged to undergo military training to qualify them as reserve officers or non-commissioned officers. As such, they shall be assigned to key positions in the Affiliated Units where they are employed and called to active service with these units once they are activated.

SEC. 32. *Security of Tenure in Government or Private Employment while on Military Training.* - An employee in the Government including one in a government-owned or controlled corporation or private employment with monthly operating volume of not less than three hundred thousand pesos and not less than twenty employees, who undergoes military training, shall not be separated or terminated from such employment, shall not be considered as having forfeited his seniority status, if any, and shall continue to receive the salary he was receiving prior to his call to military training. In the case of private employment, payment of basic salary during such military training shall be in accordance with existing laws or with his company's policies on its employees on leave from his employment. Upon termination of his military training, he shall resume his former position, or if not practicable, assigned to a new position without diminution of his pay and allowances, provided he is honorably terminated or discharged from such training or service, otherwise his record of dishonorable discharge from military training or service shall be taken into account as to whether he should be reinstated to his former employment.

SEC. 33. *Draftee Training and Service.* - As may be ordered by the President, male citizens between the ages of eighteen and twenty-five shall be called for training and active service for a period not

to exceed twenty-four months, broken down into a training period of not more than six months and an active service period of not more than eighteen months. Registrants shall be selected for draftee training and service in accordance with Sections 14 to 26 herein. A draftee may volunteer and be accepted for an extension of active service of not more than twelve consecutive months, after which his services as draftee shall be terminated. A draftee during the period of his active duty service to include the extension of such service is entitled to receive all the pay and allowances due his grade as received by any member of the regular force: Provided, That upon termination of his draftee service, he shall receive a separation gratuity of not less than one month salary for every year of his service to include the six months of training upon the condition that a period of six months shall be considered a complete year for purposes of gratuity.

SEC. 34. *Retention for Maximum Hospitalization.* - A reservist/draftee who is injured or contracts a disease or sickness while undergoing training and service, not due to his intentional misconduct, willful failure or neglect, or vicious or immoral habits, shall be retained beyond the period of his reservist/draftee service with his consent for the necessary hospitalization and medical care until such time that he recovers, or is determined that further hospitalization will not improve his condition. During the period of hospitalization, he shall be entitled to subsistence allowances and hospitalization benefits as are available to the members of the regular force who are patients in armed forces hospitals.

ARTICLE VII. CITIZEN MILITARY TRAINING

SEC. 35. *Basic Citizen Military Training.* - Registrants finally selected for military training pursuant to Section 30 shall undergo a basic military training for a period of not more than six months. The Secretary of National Defense shall prescribe the course of instruction.

The course of instruction shall include, among others, subjects on moral virtues, patriotism, discipline, support for and adherence to the Constitution, and respect for the rights of civilians.

SEC. 36. *Citizen Military Training Centers.* - There shall be established in every province at least

one training center for the conduct of citizen military and reservist training with a minimum training capacity for one infantry rifle company at a time. These training centers shall form part of the reserve component organization of the major services and shall be referred to as Citizen Military Training Center.

SEC. 37. *Incorporation Into Training.* - Upon reporting to their assigned training centers, the selected registrants shall be physically examined and if found fit for the service shall be inducted into service. Where a change of training center is necessary to provide the requisite training, the commanding officer of the training center shall be authorized to issue the necessary orders covering his transportation and provide the funds for the purpose: Provided, That no registrants shall be transferred to a training center outside his province or designated training center except in the case of Philippine Navy and Philippine Air Force registrants if there are no air or naval training centers thereat.

SEC. 38. *Reserve Officers Training Corps.* - Military training for students enrolled in colleges, universities and similar institutions of learning is mandatory pursuant to the provisions of the National Defense Act and the 1987 Constitution.

SEC. 39. *Establishment of ROTC Units in Schools.* - At such colleges, universities and similar institutions of learning that request for the conduct of military training in their institutions, there shall be established and maintained Reserve Officers Training Corps units as the Secretary of National Defense may approve, which shall conduct military training for the students of such institutions for the purpose of producing enlisted and officer reservists. The program of instruction shall be prescribed by the Secretary of National Defense and may include instruction to prepare female students for military service; Provided, That such course of instruction shall not exceed two academic years in the case of enlisted reservists, and four academic years in the case of officer reservists which shall include as necessary summer or probationary training of not more than sixty consecutive days. The first two years of ROTC training, which is mandatory, is referred to as the basic ROTC while the second two years after said basic ROTC, which is voluntary, is referred to as the advance ROTC. The allocation of ROTC units to the various major services of the AFP shall

conform to the projected manpower needs of their respective reserve components.

SEC. 40. *Acceptance for Advance ROTC.* - Students who volunteer for advance ROTC shall be screened by an ROTC Acceptance Board which is hereby created for the purpose, composed of the commandant of the ROTC unit, a representative of the school nominated by the school authorities, and a military physician. The student volunteer shall be physically examined for fitness for training and shall further be made to execute in writing a statement that he volunteered for training on his own volition. Where the student is below eighteen years of age, he shall be required to obtain his parent's or guardian's consent. In the case of students volunteering for reserve officer training, they shall be further subject to competitive examination in order to select the best material. The students undergoing advance ROTC will be referred to as advance ROTC cadets.

SEC. 41. *Organization and Staffing of ROTC Units.* - The Secretary of National Defense shall prescribe the organization and staffing of ROTC units. Reserve officers in active service as well as qualified enlisted and officer reservists on inactive status shall be given priority to handle training instruction and to assist in administration and shall be entitled to receive honoraria and other allowances as the Secretary of National Defense shall prescribe.

SEC. 42. *Fund for Maintenance and Operation of School ROTC Units.* - The funds for the establishment, maintenance and operation of ROTC units shall be provided for in the regular annual appropriations of the Armed Forces of the Philippines. Such appropriations shall provide for the full funding support for the advance ROTC only. The school of the student may not be required to spend any amount for the establishment, operation and maintenance of ROTC training: Provided, That the school requesting for the establishment shall provide the training ground and office facilities free of charge. The advance ROTC cadet shall each be provided free two suits of fatigue uniform with headgear, belt and one pair of combat boots for the duration of training. However, those taking the basic ROTC are required to pay a reasonable ROTC fee, the amount to be determined by the Secretary of National Defense in coordination with the school officials concerned.

SEC. 43. *Scholarship Incentive for Advance ROTC Training.* - Students undergoing Advance ROTC who belong to the upper five percent of their academic class shall be provided a tuition subsidy of fifty percent of their annual tuition for the period of their Advance ROTC. The funds for this purpose shall be carried in the annual appropriations of the AFP. The Chief of Staff, AFP shall promulgate the guidelines for the implementation of this provision.

ARTICLE VIII. INCORPORATION INTO THE RESERVE FORCE

SEC. 44. *Elected Officials and Presidential Appointees.* - Elected officials and presidential appointees may be commissioned in the reserve force subject to the existing AFP rules and regulations.

SEC. 45. *Award of Ranks and Assignments to Reserve Units of Graduates of ROTC.* - Graduates of basic ROTC shall be given a reserve enlisted rank and serial number and assigned to units and mobilization centers in their provinces. The ranks to be awarded shall be from private to sergeant or its equivalent. Provided, That the quota for non-commission officers shall not exceed five percent of the authorized strength of the unit to which the reservists shall be assigned after graduation and: Provided, further, That those to be awarded rank above private shall be chosen based on merit. Those who continue to the advance ROTC course shall continue to carry their enlisted rank until their successful completion of advance ROTC.

SEC. 46. *Disposition of Graduates of Advance ROTC.* - Those who successfully completed advance ROTC course shall be recommended for commission in the reserve as Second Lieutenants and assigned to the reserve units and mobilization centers in their provinces. Those with manifest potential may be commissioned in the regular force as second lieutenant subject to the criteria for regular officers of this rank for that particular service. Those who fail to complete the course shall be conferred the enlisted rank of sergeant or its equivalent and similarly assigned to reserve units and mobilization centers. Probationary training as a requisite before commissionship shall be determined by the major service concerned based on technical skills, experiences or qualifications of the applicants.

SEC. 47. *Notification of Reserve Assignment.* -

The Reservist shall be notified in writing of his assignment to a reserve unit and a mobilization center. He shall be made to acknowledge receipt in writing of such notification.

SEC. 48. *Reservists Registry.* - The Armed Forces of the Philippines Reserve Command shall provide all city/municipal treasurers of chartered cities and municipalities of the list of those who have successfully completed military training, indicating therein among others their rank, serial number, reserve unit assignment and mobilization center. It shall be the duty of the local civil registrar to maintain and update the reservists registry.

ARTICLE IX. MAINTENANCE, TRAINING AND ADMINISTRATION OF THE RESERVE FORCE

SEC. 49. *Accounting of Reservists* - All reservists, particularly those belonging to the Ready and Standby Reserves, shall be accounted for, their records and status updated and present whereabouts ascertained in order to ensure their readiness for call to duty. As far as practicable, the services of the national and local reservists and veterans organizations will be tapped to assist in the accounting of reservists.

Sec. 50. *Organization for Maintenance and Administration for the Reserve Force.* - The major services shall be responsible for the administration, training, equipage and maintenance of their respective reserve components subject to the regulations to be prescribed by the Secretary of National Defense. In General Headquarters, AFP and each Major Service Headquarters, there shall be a staff division of the level of the principal coordinating staff which shall be dedicated to planning and policy formulation for the administration, development, organization, training, equipage, maintenance and utilization of their respective Reserve Force component. The Chief of Staff, AFP, shall create an AFP Reserve Command within one (1) year from the effectivity of this Act. In the case of Major services, there shall further be a separate unit dedicated to the implementation of such plans and policies. In staffing the command structure of these units, preference shall be given to qualified reserve officers in active service and integrees.

Sec. 51. *Training of Individual Reservists and Reserve Units* - Maximum opportunity shall be

afforded the reservists to update their skills through compulsory or voluntary training. Such training shall have for its principal purpose the enhancement of the readiness of the individual reservists and reserve units to respond to the call for service. To this end, there shall be two types of training:

(1) Compulsory training of not less than thirty days but not more than sixty days for reserve units and/or individual reservists in a given year preferably to First Category Reservists;

(2) Voluntary training subject to the capability of the AFP to provide the training, individual reservists, commissioned and non-commissioned officers will be encouraged to undergo training on a voluntary basis to upgrade their proficiency with priority to the officers and key non-commissioned officers of the Standby Reserve Units. The Secretary of National Defense shall prescribe the course of instruction for the aforementioned training. The services of qualified individual enlisted and officer reservists shall be utilized to the maximum in the conduct of ROTC and reservists training.

Sec. 52. Reserve Officers Non-Resident Instruction. - Each major service shall conduct on a continuing basis non-resident instruction for the purpose of maintaining and updating the proficiency of their reservist officers, particularly key officers of Ready Reserve Units. Such instruction shall prepare these reserve officers to assume duties up to brigade command and staff or equivalent. The reserve officers undertaking such course shall be given priority for call to annual duty training or service with their units or with other AFP units. Successful completion of the non-resident course will be equivalent to having undertaken one annual active duty training tour.

Sec. 53. Active Duty Tour for Training of Reserve Officers. - In order to improve their professional competence and leadership qualities, reserve officers in the inactive status shall be called to active duty for a period not exceeding two years without extension; Provided, That the quota for such active duty tour shall as far as practicable be proportionately distributed to the provinces and cities based on their reserve officer population and size of the reserve units, with priority to units of Ready Reserve I and: Provided, finally, That the reserve officers called to active duty shall as far as

practicable serve in the province of their reserve unit assignment. A reserve officer who has served his tour shall not be called again to active duty until after five years, except in case of mobilization.

Sec. 54. Classification and Maintenance of Readiness of Reserve Units. - Units which are composed of the Ready Reserve shall be classified as to degree of readiness to respond to the call for service, as follows:

(1) Ready Reserve I. Units classified as Ready Reserve I shall be maintained in a high degree of readiness as to be ready for operational employment in not more than seven days after activation. The individual and crew served weapons and individual clothing and equipment shall be ready for distribution upon their activation. The whereabouts of their reservists shall be constantly ascertained. As necessary, these units will carry an excess of twenty percent of their authorized personnel strength to compensate for those who may fail to report or be late in reporting for duty.

(2) Ready Reserve II. Units classified as Ready Reserve-II shall be maintained in a degree of readiness as to be ready for operational employment in not more than fifteen days.

The Chief of Staff, AFP shall select and recommend to the Secretary of National Defense the reserve units under Ready Reserve I and Ready Reserve II: Provided, That in the areas threatened by insurgency, there shall be at least one unit of infantry battalion strength under readiness status of Ready Reserve I.

SEC. 55. Mobilization Stock. - The minimum essential individual and organization equipment and supplies shall be procured, stored and maintained for selected Ready Reserve Units to enhance rapid transition to readiness required for employment in the shortest possible time.

Sec. 56. Training as Requisite for Promotion. - Successful completion of training pursuant to Sections 51 and 52 herein shall be a requisite for promotion in rank in the inactive status.

Sec. 57. Classification of Reserve Officers in Inactive Status. - There shall be only one classification of reserve officers in the inactive status,

regardless of their source or nature of commission. Likewise, there shall be only one seniority and lineal list for all reservist officers in the inactive status regardless of their source of commission, subject to the rules and regulations to be prescribed by the Secretary of National Defense.

Sec. 58. *Status of Reservists on Training.* Reservists on compulsory training shall be subject to military law. They shall not receive pay, but shall be entitled to allowances and burial benefits as provided by law. Reservists on voluntary training are also subject to military law but not entitled to allowances.

ARTICLE X. UTILIZATION OF THE RESERVE FORCE

Sec. 59. *The utilization of the Reserve Force in time of emergency to meet threats to national security shall be through mobilization.* (1) Full mobilization. Full mobilization shall be through the joint act of Congress and the President. When full mobilization is ordered, all units of the Ready and Standby Reserves will be activated, the reservists constituting them are called to active duty, and the units activated are placed on operational readiness. All other reservists not assigned to any unit or those assigned to reserve pools shall be organized into replacement units. (2) Partial Mobilization. Partial mobilization shall be through the joint act of Congress and the President. When partial mobilization is ordered, only the units of the Ready Reserve as are necessary to meet the threat will be activated, the reservists assigned to these units called to active duty and the activated units placed on operational readiness. The President will specify the units to be activated. (3) Selective Mobilization. Selective mobilization shall be by authority of the President. Selective mobilization may be ordered to meet a local threat or emergency situation. When so ordered, only selected units of the Ready Reserve of the localities involved are activated and the reservists assigned to them are called to active duty; or active auxiliary units are organized and volunteer reservists are called to active auxiliary service for the purpose, under such rules and regulations that the Secretary of National Defense may prescribe.

Sec. 60. *Status of Reservists under Mobilization.* - An enlisted or officer reservist when called to active duty by virtue of mobilization shall receive all the pay and allowances, medical care, hospitalization

and other privileges and benefits prescribed by law or regulations for officers and enlisted personnel of the regular force.

Sec. 61. *Mobilization centers.* - There shall be established in each province as many mobilization centers as needed corresponding to the number and distribution of reservists in the province to which reservists will report when mobilization is ordered. The Citizen Military Training Centers in the provinces established under this Act may also be used as mobilization centers. The Secretary of National Defense, upon recommendation of the Chief of Staff, AFP and in consultation with the local executives, shall prescribe the location of the mobilization centers. The location of these centers shall be given the widest public information by the local executives.

Sec. 62. *Demobilization.* - When the threat or emergency for which mobilization has been ordered has passed, the President will order the demobilization of the reserve of the reserve units activated and the reservists of such deactivated units shall be reverted into inactive status.

Sec. 63. *Auxiliary Service.* - For the purpose of helping maintain local peace and order, meeting local insurgent threat, assisting in rescue and relief operations during disasters and calamities, health welfare activities and participating in local socioeconomic development projects, the President may call upon the reservists in the affected or concerned localities to volunteer their services. Such voluntary services shall be referred to as auxiliary service and shall be of two types:

(1) Civil Auxiliary Service. Civil auxiliary service covers services rendered in helping maintain law and order, assisting in rescue and relief operations, participating in socioeconomic development projects, delivery of health services and any other nonmilitary activity. Female reservists shall be given greater participation in this regard. Reservists serving under this category shall not be armed. Those who have licensed firearms may be granted permit to carry firearms only when they are actually performing duties in maintaining peace and order, provided adequate control measures are instituted by the proper authorities concerning the carrying and use of the firearms. In no case will the reservists be vested with police powers.

(2) **Military Auxiliary Service.** Military auxiliary service covers services rendered in meeting local insurgent threat. Reservists serving under this category will be organized into Ready Reserve Units. They must be issued and allowed to carry firearms: Provided, That these reservists will be utilized only for the defense of their respective localities and will not be employed outside their localities. Elected/appointed local government officials are expected to perform their duties and responsibilities in their respective Peace and Order Council levels or similar organizations efficiently and effectively to enhance a total integrated system approach against threats to national security.

The Secretary of National Defense shall prescribe the rules and regulations to implement this section in coordination with the Secretary of Interior and Local Government.

Sec. 64. Status of Reservists on Auxiliary Service. - A reservist performing auxiliary service shall not receive pay but shall be entitled to receive allowances and burial benefits as provided by law. With his consent, a reservist on auxiliary service, whether civil or military, may continue to render such service without receiving the allowances due him. A reservist serving military auxiliary service is subject to military law, whereas, a reservist serving civil auxiliary is not.

Sec. 65. Women Reservists. - Women shall have the right and duty to serve in the AFP. The relevant standards for admission, training and commissioning of women shall be the same as those required for men, except for those essential adjustments in such standards required because of physiological differences between men and women.

ARTICLE XI. FUNDING

Sec. 66. Funding. - All funds previously appropriated for the administration, development and training of the reserve component of the AFP and which will subsequently and thereafter be appropriated for the purpose shall be used exclusively for the purpose of implementing the provisions of this Act.

To sustain the efficient and effective administration, organization, training, maintenance and utilization of ready reserve units and keep them

appropriately and adequately equipped and in a state of readiness, as well as provide for the adequate training of citizen soldiers or reservists, adequate funds for this purpose, as may be requested or recommended by the AFP Reserve Command or the AFT, shall be appropriated and made available on a continuing basis.

The President shall utilize a portion of the Military Assistance Fund available from any source to augment the appropriation for the reserve force.

ARTICLE XII. TRANSITORY PROVISIONS

Sec. 67. Retention of ROTC Units in Colleges and Universities. - ROTC units in colleges and universities shall continue with ROTC training in accordance with this Act.

ARTICLE XIII. PENALTIES

Sec. 68. - Failure of reservists to respond to call for compulsory training or service shall be punishable in accordance with the Articles of War and those convicted by a court martial shall be liable for imprisonment of not less than two months to not more than twelve months. Citizens who fail to register for compulsory military training or who after having selected to undergo such training and have been notified thereof fail to report for training shall, upon conviction by the civil court, be punishable and liable for imprisonment of not less than one month to not more than one month to not more than three months.

Sec. 69. Failure to Provide Updated List of Registrants. - Failure of registrars and canvassers to provide an updated listing of registrants under their responsibility shall, upon conviction by the civil court, be punishable and liable for imprisonment of not less than one month to not more than three months under Sections 16 and 19 of this Act.

ARTICLE XIV. RESCISSION AND EFFECTIVITY

Sec. 70. Repealing Clause. - All laws, decrees, executive orders, rules and regulations which are inconsistent or in conflict with any provision of this Act are hereby repealed or amended.

Sec. 71. Effectivity. - This Act shall take effect upon its approval.