

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

'04 JUN 30 P5:12

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Osmeña

S E N A T E

S. No. 404

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

Morale is an important facet in keeping an efficient and capable Armed Forces. Unfortunately, the armed forces of the Philippines does not have a comprehensive education and training assistance program which affects morale of our enlisted troops.

Continued education will be an important tool in providing opportunities for advancement for all AFP enlisted personnel. Training programs will enhance growth in careers whether inside the AFP or at the end of their service.

This bill aims to provide for the creation of training programs for all deserving AFP enlisted personnel for skills training and upgrading.

As guardians of our liberty and way of life, the enlisted men of our armed forces deserve quality education and training.

In view of the foregoing, approval of this act is earnestly requested.

S. Osmeña III
SERGIO OSMEÑA III
Senator

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AN ACT
ESTABLISHING AN EDUCATIONAL ASSISTANCE AND TRAINING
PROGRAM FOR ENLISTED PERSONNEL 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:*

1 SECTION 1. *Title.* - This Act shall be known as the "AFP Education
2 and Training Assistance Act of 2004."

3 SEC. 2. *Declaration of Policy.* - To encourage enlistments and
4 reenlistments for service on active duty in the armed forces, the Department of
5 National Defense shall establish a program that will provide educational
6 assistance to all qualified enlisted personnel. This is in accordance with Article
7 XVI, Sec. 5(2) of the Philippine Constitution which provides that the State shall
8 strengthen the patriotic spirit and nationalist consciousness of the military, and
9 respect for people's rights in the performance of their duty.

10 SEC. 3. *Definition of Terms.* - For the purpose of this Act the following
11 definitions shall apply:

12 1. Enlisted personnel - those belonging to the following grade:
13 Private (E-1), Private First Class (E-2), Corporal (E-3), Sergeant (E-4), Staff
14 Sergeant (E-5), Technical Sergeant (E-6), Master Sergeant (E-7) and its
15 equivalent in the Air Force, Navy and Marines.

1 2. Educational assistance for enlisted personnel – education and
2 training opportunities provided to enlisted personnel of the Armed Forces under
3 this Act.

4 3. Dependent child – legitimate or illegitimate child of the enlisted
5 personnel who is under eighteen (18) years of age.

6 4. Surviving spouse – means a widow or widower who has not
7 remarried.

8 SEC. 4. *Establishment of Educational Assistance and Training Program.*

9 – There is hereby established an Educational Assistance and Training Program
10 for enlisted personnel of the Armed Forces of the Philippines which shall provide
11 education and training opportunities to those who satisfy the eligibility
12 requirements of this Act.

13 The program shall provide retraining for all qualified enlisted personnel of
14 the armed forces to upgrade their skills or enhance their chances for other
15 employment post-service.

16 SEC. 5. *Eligibility.* – A person who meets the following requirements
17 shall be eligible for educational assistance:

18 (a) an enlisted or re-enlisted personnel in the Regular Force of the
19 Armed Forces of the Philippines (AFP) – Army, (from Private to Master
20 Sergeant), Air Force (from Airman to Master Sergeant), Navy (from Apprentice
21 Seaman/Fireman to Chief Petty Officer), and Marines (from Marine to Master
22 Sergeant);

23 (b) those who have served two (2) continuous years of active duty;

24 (c) those who have graduated from a duly recognized secondary
25 school; and

26 (d) those who meet such other requirements as the Administrator of
27 this program may consider appropriate for the purposes of this bill and the
28 needs of the armed forces.

1 Upon enlistment in the active force, all enlisted personnel shall opt
2 whether or not to participate in this educational program.

3 An enlisted personnel who is discharged or otherwise released from
4 active duty before completing two (2) years of active service who is discharged
5 or otherwise released from active duty under other than honorable conditions is
6 not entitled to educational assistance under this Act.

7 SEC. 6. Period of Eligibility. – The period of educational assistance to
8 which such person becomes entitled is one (1) standard academic year (or the
9 equivalent) for each year of the enlistment of such person, up to a maximum of
10 four (4) years.

11 SEC. 7. Education and Training Available. – The following education
12 and training opportunities are available under the Educational Assistance and
13 Training Program:

- 14 (a) courses at duly recognized colleges or universities leading to a
15 certificate or diploma in an academic business, technical or
16 vocational training;
- 17 (b) work and train in an apprenticeship or job training program offered
18 by a company or union;
- 19 (c) a cooperative training program;
- 20 (d) a correspondence course; and
- 21 (e) remedial and annual refresher retooling course

22 The annual promotion of enlisted personnel will be based on attendance in such
23 refresher /retooling courses which should not be less than two (2) weeks in
24 duration, aside from the meritorious services that have been rendered.

25 SEC. 8. *Duration of Entitlement.* – The entitlement of any person to
26 educational assistance under this bill expires at the end of the ten-year period
27 beginning on the date of his entitlement. In case a member entitled to
28 educational assistance under this chapter dies while on active duty, the

1 remaining years of his educational assistance will be transferred to the surviving
2 spouse or dependent child.

3 SEC. 9. *Application for Educational Assistance.* – To receive
4 educational assistance benefits under this Act, a person entitled to such
5 assistance shall submit an application for such assistance to the Administrator in
6 such form and manner as the latter may prescribe.

7 SEC. 10. *Right of Member to Transfer Entitlement to Spouses or*
8 *Dependent Child.*

9 (a) A person who is entitled to educational assistance under Sec. 5 of
10 this Act may elect to transfer all or any part of such entitlement to his/her spouse
11 or dependent child.

12 (b) If a person described in paragraph (a) dies before making an election
13 authorized by such paragraph, any unused entitlement of such person shall be
14 automatically transferred to such person's dependent children. A surviving
15 spouse to whom entitlement the educational assistance is transferred under this
16 paragraph may elect to transfer such entitlement to the dependent children of
17 the person whose service established such entitlement.

18 (c) Any transfer of entitlement under this subsection shall be made in
19 accordance with regulations prescribed by the Administrator.

20 (d) A spouse or surviving spouse or a dependent child to whom
21 entitlement is transferred under section (a) is entitled to educational assistance
22 under this Act in the same manner and at the same rate as the person from
23 whom the entitlement was transferred.

24 SEC. 11. *Contributions.* – Upon the approval of the application for
25 educational assistance, and for thirty-five (35) consecutive months thereafter,
26 the enlisted personnel shall pay a monthly contribution in an amount to be
27 determined by the Board but not exceeding five percent (5%) of the applicant's
28 basic salary in accordance with the following schedule:

29

1	Kind of training	Vocational	College	College
2	Duration of training	two years	four years	five years

3 SEC. 12. Administration of Program. – To carry out the purpose of this
4 Act, the present AFP Education and Training Board under the Office of the
5 Deputy Chief of Staff for Education and Training Policies (OJ-8) is hereby
6 charged with the implementation of this law.

7 The Board shall be composed of the following:

- 8 Chairman - Deputy Chief of Staff for Education & Training, J8
9 Member - Superintendent, Philippine Military Academy
10 Commandant,
11 Commandant & General Staff College
12 G8, Philippine Army
13 N8, Philippine Navy
14 A8, Philippine Air Force
15 OJ3, Chief Operations Division
16 OJ1, Chief Training & Travel Division
17 OJ8, Chief Training Division

18 The Deputies and/or Assistants of the members shall be automatically
19 designated as alternate members of the Board.

20 In case of reassignment or transfer of any member of the Board, the
21 Deputy and/or Assistant shall assume the task and position of his predecessor
22 until such time a replacement is duly designated by competent authorities.

23 SEC. 13. *Implementing Rules and Regulations.* – Within six (6) months
24 from the effectivity of this Act, the Secretary of National Defense, in coordination
25 with the AFP Education and Training Board shall promulgate rules and
26 regulations necessary to ensure the effective implementation of this Act.

27 SEC. 14. *AFP Education and Training Fund.* – There is hereby created
28 a special fund, to be known as the AFP Education and Training Fund, which

1 shall be administered by the Board and from which the benefits under this law
2 shall be sourced.

3 The AFP Education and Training Fund shall be established out of and
4 maintained from, the amounts appropriated pursuant to Section 16 hereof, from
5 the contribution of enlisted personnel under Section 11 hereof, and from such
6 donations, *legalica granta* in aid and other forms of contributions which may be
7 received by the Board.

8 SEC. 15. *Annual Report.* – The J8, AFP shall submit to the President
9 and to the Congress of the Philippines through the Secretary of National
10 Defense an annual report on its operations and accomplishments.

11 SEC. 16. *Appropriations.* – The amount necessary to implement the
12 provisions of this Act is hereby authorized to be paid out of savings from the
13 appropriations of the AFP for the current year. Thereafter, the sum necessary
14 for the implementation of this Act shall be appropriated in the annual
15 appropriations of the AFP.

16 SEC. 17. *Separability Clause.* – In the event that any provision of this
17 Act, or a part or parts thereof is declared invalid or unconstitutional, the
18 remaining provisions or parts thereof shall be considered valid and binding for
19 the purpose of this Act.

20 SEC. 18. *Repealing Clause.* – Any law, act, decree, order, proclamation
21 or regulation or parts thereof which are inconsistent with this Act are hereby
22 repealed or modified accordingly.

23 SEC. 19. *Effectivity.* – This Act shall take effect upon its approval.

Approved,