

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

'04 NOV 16 P6:11

SENATE
S.B. No. 1858

RECEIVED BY: _____

Introduced by SENATOR LUISA "LOI" P. EJERCITO ESTRADA

EXPLANATORY NOTE


As the link between the officers corps and the enlisted personnel, the Armed Forces of the Philippines (AFP) Sergeant Major is the most important adviser of the Chief of Staff on matters of discipline and morale of the troops.

There is a need to make him distinct for him to gain respect as well as to dignify his role as the model of morale and discipline. To achieve this, he must have a higher pay, grade, and rank than the other Sergeant Majors of the service commands of the AFP. This will thus ensure that his authority and responsibility are distinct and that a commensurate privilege is bestowed upon his position.

In essence, this bill seeks to create the rank of First Chief Master Sergeant/First Master Chief Petty Officer (E-10) for the enlisted personnel with the highest rank both in position and grade which shall be held by the AFP Command Sergeant Major.

Moreover, and perhaps as important, this bill will rationalize the pay grade of both the officers corps and the enlisted personnel because, while the officers have ten pay grades or ranks from Second Lieutenant/Ensign (O-1) to General/Admiral (O-10), the enlisted personnel only has nine from Private (E-1) to Chief Master Sergeant/Master Chief Petty Officer (E-9). This bill will translate to an equal number of ranks to which a soldier may aspire for promotion.

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


LUISA "LOI" P. EJERCITO ESTRADA
Senator

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

'04 NOV 16 P6:11

S E N A T E

RECEIVED BY: _____

S.B. No. 1858

Introduced by SENATOR LUISA "LOI" P. EJERCITO ESTRADA

AN ACT

CREATING THE RANK OF FIRST CHIEF MASTER SERGEANT/FIRST MASTER CHIEF PETTY OFFICER IN THE ENLISTED RANKS OF THE ARMED FORCES OF THE PHILIPPINES (AFP), APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. Declaration of Policy. – It is the policy of the State to continuously develop a professional Armed Forces. In pursuit thereof, career development and promotion systems shall be established to insure a career progression of all personnel of the Armed Forces of the Philippines and to provide them with appropriate career motivations.

SEC. 2. Creation and Distribution of New Rank. – The grade of First Chief Master Sergeant/First Master Chief Petty Officer (E-10) is hereby created as a component part of the non-commissioned grades of the Armed Forces of the Philippines and which shall be held by the AFP Command Sergeant Major.

SEC. 3. Selection of AFP Command Sergeant Major. – The AFP Command Sergeant Major shall be selected from among the Chief Master Sergeants/Master Chief Petty Officers under such rules and regulations that the Chief of Staff, AFP, may prescribe: *Provided*, that unless sooner terminated by the Chief of Staff, AFP, the AFP Command Sergeant Major shall serve for a maximum term of three (3) years.

SEC. 4. Compensation. – A First Chief Master Sergeant/First Master Chief Petty Officer shall receive a monthly base pay equivalent to the monthly base pay of a Chief Master Sergeant/Master Chief Petty Officer plus one-half (1/2) of the difference between the

monthly base pays of a Second Lieutenant/Ensign (O-1) and a Chief Master Sergeant/Master Chief Petty Officer (E-9). The computation of his other allowances shall also be based on the same scheme.

SEC. 5. Retirement and Separation. – The enlisted personnel who attains the rank of First Chief Master Sergeant/First Master Chief Petty Officer shall, upon retirement, be entitled to the retirement pay and benefits of a First Lieutenant/Lieutenant Junior Grade (O-2); *Provided*, That he may opt to receive a monthly retirement pay, in lieu of gratuity, the computation of which shall be based on the same scheme; *Provided, furthermore*, That upon his retirement, he shall be entitled at this option to receive in advance his lump sum annual retirement pay payable in equal monthly installments as they accrue; *Provided* finally, That if he dies within the three-year period following his retirement and is survived by beneficiaries as defined in Presidential Decree No. 1638, the latter shall only receive the derivative benefits thereunder starting the first month after the aforementioned three-year period.

Nothing in this Section shall be construed as authorizing adjustment of pay, or payment of any differential in retirement pay to officers and enlisted men who are already retired prior to the approval of this Act as a result of increases in salary of those in the active service; *Provided*, That retirees who are recalled to active duty may have their retirement pension adjusted based on the rank they hold and on the prevailing pay of military personnel in the active service, at the term of the termination of their recall to active duty.

SEC. 6. Appropriations. – The amount necessary for the effective implementation of this Act shall be charged to the appropriations of the Department of National Defense under the current General Appropriations Act. Thereafter, such sum as may be necessary for its continued implementation shall be included in the annual General Appropriations Act.

SEC. 7. Implementing Rules and Regulations. – The Secretary of National Defense shall, within ninety (90) days after the approval of this Act, promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 8. Separability Clause. – If any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions shall not be affected.

SEC. 9. Repealing Clause.— All laws, regulations, orders, circulars and memoranda inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 10. Effectivity. — This Act shall take effect fifteen (15) days upon approval.

Approved,