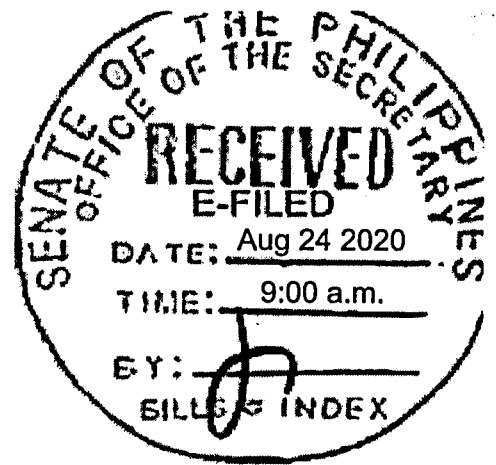


**EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)**
Second Regular Session)



**SENATE
S.B. No. 1785**

Introduced by Senator Richard J. Gordon

**AN ACT
STRENGTHENING PROFESSIONALISM AND CONTINUITY OF
POLICIES AND MODERNIZATION INITIATIVES OF THE ARMED
FORCES OF THE PHILIPPINES BY PRESCRIBING FIXED TERMS
FOR THE CHIEF-OF-STAFF AND OTHER KEY OFFICERS
THEREOF, INCREASING THE MANDATORY AGE OF
RETIREMENT OF MILITARY PERSONNEL, PROVIDING FOR A
MORE EFFECTIVE ATTRITION SYSTEM, REPEALING SECTIONS
10, 11 AND 12 PRESIDENTIAL DECREE NO. 1638, AS
AMENDED, AND SECTIONS 3 AND 4 OF THE REPUBLIC ACT
8186, AS AMENDED, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Section 3, Article II of the 1987 Philippine Constitution, in part, provides: "The Armed Forces of the Philippines is the protector of the people and the State. Its goal is to secure the sovereignty of the State and the integrity of the national territory."

It cannot be denied that the continuity and stability in the leadership of the Armed Forces of the Philippines (AFP) is vital to the defense and security of our nation. The Chief of Staff of the AFP (CS-AFP), who currently also holds the position of the Chairman of the Joint Chiefs of Staff, is the highest military officer in the Armed Forces and commands all its elements—the Philippine Air Force, Army, and Navy.

Since 1987, there have been thirty-five (35) CS-AFP appointed with only an average period of service of one (1) year. This is extremely short compared to other Asian countries, such as Malaysia, Indonesia and Singapore, where the average years of service of their Military Chiefs or Commanders is reportedly at

three (3) to three and a half (3.5) years. Oftentimes, by the time an officer is qualified to be appointed, he/she is already in their fifties, nearing the compulsory retirement age, as such, the State is unable to maximize their years of experience and expertise in the service.

Thus, there seems to be a practice of a "revolving door" leadership in the AFP which in turn is inimical to public interest as it allows for political patronage and accommodation promotion, which favors personalities over the security and defense of our nation. Such practice must be prevented.

Persons at the helm of the AFP should be given ample time and security of tenure to develop, test, and implement effective reforms and meaningful long-term plans and programs to strengthen and modernize the AFP. This is imperative not only for the CS-AFP, but also for other key officers of the AFP, namely: officers of the Joint Chiefs of Staff, which includes the Major Service Commanders, the Joint Forces Commanders of the Unified Commands, the Commandant of the Philippine Marine Corps, the Commander of the Special Operations Command, the Commander of Cyber Security Command, and the Superintendent of the Philippine Military Academy (PMA).

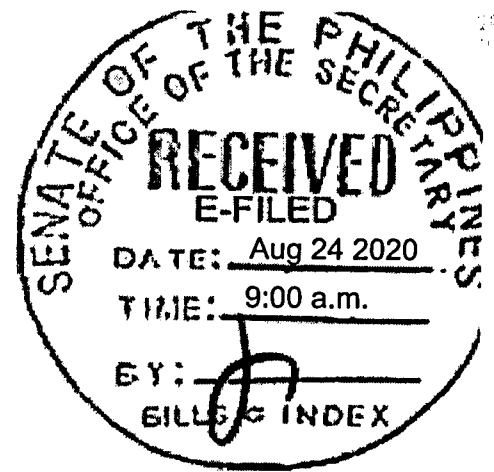
To ensure continuity in leadership and excellence in the Armed Forces, this bill proposes to:

1. Prescribe fixed terms for the following key officers:
 - a. 3 years for the CS-AFP, Vice-Chair of the JCOS, Chiefs of the Philippine Army, Philippine Navy and Philippine Air Force, Commander of the Joint Forces Command, Commandant of the Philippine Marine Corps, Commander of the Special Operations Command and Commander of the Cyber Security Command
 - b. 4 years for the Superintendent of PMA
2. Increase the age of compulsory retirement for military personnel; and
3. Enhance the promotion and attrition system in the AFP.

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


RICHARD J. GORDON

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
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AN ACT
STRENGTHENING PROFESSIONALISM AND CONTINUITY OF
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THE CHIEF-OF-STAFF AND OTHER KEY OFFICERS THEREOF,
INCREASING THE MANDATORY AGE OF RETIREMENT OF
MILITARY PERSONNEL, PROVIDING FOR A MORE EFFECTIVE
ATTRITION SYSTEM, REPEALING SECTIONS 10, 11 AND 12
PRESIDENTIAL DECREE NO. 1638, AS AMENDED, AND
SECTIONS 3 AND 4 OF THE REPUBLIC ACT 8186, AS
AMENDED, AND FOR OTHER PURPOSES

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

1 **Title I**
2 **DECLARATION OF POLICY**

3 **SECTION 1. Declaration of Policy.** — It is hereby declared the policy of
4 the State that in the pursuit of modernization of the Armed Forces of the
5 Philippines (AFP) to:

- 6 (a) Enhance professionalization in the organization by strengthening the
7 merit system and allow the new leadership a longer period to
8 implement reforms and institutionalize good policies that will redound
9 to the improvement of the AFP;
10 (b) Promote the most qualified officers of general rank; and

1 (c) Obviate revolving door accommodation promotions in order to
2 successfully create a new culture of excellence in leadership and
3 accountability in the AFP.

4 Towards this end, the State shall:

5 (a) Fix the terms of the Chief of Staff and other officers holding key
6 positions;

7 (b) Adjust the mandatory retirement age of military personnel of the AFP;
8 and

9 (c) Ensure implementation of merit-based promotion and attrition system
10 that will assure the Armed Forces of continuous pool of qualified and
11 effective leaders.

12 **TITLE II**
13 **TERMS OF OFFICE**

14 **SEC. 2. *Terms of Office of Key Officers*** –The following officers holding key
15 positions in the AFP, upon appointment, shall have a fixed term of office of three
16 (3) years:

17 (a) The AFP Chief of Staff;

18 (b) The Chairman of the Joint Chiefs of Staff;

19 (c) The Vice Chairman of the Joint Chiefs;

20 (d) The Chief of the Army;

21 (e) The Chief of the Air Force;

22 (f) The Chief of the Navy;

23 (g) The Joint Forces Commanders of the Unified Commands;

24 (h) The Commandant of the Philippine Marine Corps;

25 (i) The Commander of the Special Operations Command; and

26 (j) The Commander of the Cyber Security Command;

27 The terms of office of the aforementioned officers shall commence on the
28 date of the appointment by the President, regardless of the date of confirmation
29 by the Commission on Appointments.

30 The fixed term provided herein shall apply to the Chief of Staff and other
31 key officers identified in this Section, as appointed by the President after the
32 effectivity of this Act.

1 The President, in his/her judgment, may recall a former Chief of Staff who
2 retired from service in times of national emergency or war, *Provided*, that he/she
3 has not reached the age of compulsory retirement under Section 5 of this Act.

4 The President shall select from among the Vice Chairman of the Joint Chiefs
5 of Staff, the Chief of the Army, the Chief of Navy, the Chief of the Air Force, or
6 the Commandant of the Marine Corps; or the Joint Forces Commanders of the
7 Unified Command he Joint Forces Commanders of the Unified Commands who, in
8 the judgment of the President, is best qualified for the position of the Chief of
9 Staff; *Provided*, that the President has the prerogative to waive the foregoing
10 and select any officer from the grades of Major General/Rear Admiral and
11 Lieutenant General/Vice Admiral if the President determines such action is
12 necessary in the national interest.

13 Except for the Chief of Staff, only officers with a minimum remaining active
14 service of three (3) years are eligible to be appointed in the Joint Chiefs of Staff.

15 Section 4 of Republic Act No. 8186 entitled "An Act Prescribing Officer
16 Grade Distribution in the Active Force of the Armed Forces of the Philippines and
17 Limiting the Tenure of Officers in the Grade of Colonel/Captain (PN) And
18 General/Flag Officers in the AFP" (R.A. No. 8186) is hereby repealed.

19 **SEC. 3.** *Term of Office of Superintendent of the Philippine Military*
20 *Academy.* – The Superintendent of the Philippine Military Academy shall have a
21 fixed term of four (4) years, *Provided*, That, an officer eligible for appointment
22 shall have a minimum remaining active service of four (4) years.

23 **SEC. 4.** *Prohibition on the Extension of Term of Office.* – Except as
24 provided for under Section 4 of this Act, no extension of term prescribed under
25 this Title shall be allowed.

26 **SEC. 5.** *Extension of Term of the Chief of Staff of the AFP.* – The tour of
27 duty of the Chief of Staff of the AFP shall not exceed three years. However, in
28 times of war or other national emergency declared by the Congress, the
29 President may extend such tour of duty.

30 When the officer appointed to the position of Chief of Staff reaches the age
31 of compulsory retirement before the end of the three-year term as prescribed
32 under Section 2 of this Act, such retirement shall be deferred until the
33 completion of the prescribed three-year term, *Provided, however*, That the Chief
34 of Staff may be removed by the President of the Philippines for loss of
35 confidence at any time before the end of the term of three (3) years.

1 Non-Commissioned Officers upon reaching the rank of Corporal and
2 above.

3 (c) Forced Attrition – the mode of attrition wherein an officer or enlisted
4 personnel, who having been considered for promotion to the next
5 higher in grade, failed to qualify on account of his/her own fault,
6 failure or negligence or lack of individual merit.

7 (d) Grade – the military rank of a commissioned officer or and enlisted
8 personnel. Commissioned officers, from the lowest to highest, are:

- 9 (1) Second Lieutenant/Ensign (PN);
10 (2) First Lieutenant/ Lieutenant Junior Grade (PN);
11 (3) Captain;/Lieutenant (PN);
12 (4) Major Lieutenant Commander (PN);
13 (5) Lieutenant Colonel/Commander (PN);
14 (6) Colonel/Captain (PN);
15 (7) Brigadier General/Commodore AFP;
16 (8) Major General/Rear Admiral AFP;
17 (9) Lieutenant General/Vice Admiral AFP; and
18 (10) General/Admiral AFP.

19 For enlisted personnel, from lowest to highest, they are:

- 20 (1) Private,
21 (2) Private First Class,
22 (3) Corporal,
23 (4) Sergeant,
24 (5) Staff Sergeant,
25 (6) Technical Sergeant,
26 (7) Master Sergeant,
27 (8) Senior Master Sergeant, and
28 (9) Chief Master Sergeant
29 (10) First Chief Master Sergeant

30 or their equivalent in the Philippine Navy and Philippine Air Force.

31 (e) Officers – the members of the AFP who are designated as leaders of
32 platoon companies, battalions, AFP offices and so on, distinguished
33 from the Enlisted Personnel.

34 (f) Primacy Zone – the primary zone shall be composed of officers who
35 are on promotable status in the uppermost portion of the promotion
36 list equivalent to the number o f declared vacancies.

1 (g) Service member – any active duty officer or enlisted personnel of
2 the AFP.

3 (h) Tenure-In-Grade – the allowable/maximum year given to an
4 officer/Enlisted Personnel in a certain grade/rank

5 (i) Time-In—Grade. – the period of active commissioned service
6 rendered by an officer/Enlisted Personnel in a certain grade/rank.

7 **SEC. 8. *Forced Attrition.*** – Sections 10, 11 and 12 of P.D. No. 1638 is
8 hereby repealed and replaced by the following new provisions which shall read
9 as follows:

10 "Sec. 10. *Forced Attrition of Officers.* – Officers who considered but
11 failed to qualify for promotion to the next higher grade on account
12 of their own fault, failure or negligence or who lack the individual
13 merits required for promotion shall be subsequently separated from
14 the active service. Officers with contractual service obligations who
15 were recommended for separation shall be required to refund the
16 government the amount equivalent to the cost of training
17 proportionate to the remaining period to be served as stipulated in
18 the training contract. The following are the instances of forced
19 attrition of officers:

20 (a) *Attrition by Non-Promotion.* –

21 (1) *Deferment of promotion.* – An officer in the grade of
22 Second Lieutenant/Ensign (PN) who is deferred once
23 shall be separated in the permanent grade he/she holds
24 on the first day of the third month later after the
25 President shall have approved the promotion of officers
26 recommended by the selection board which
27 recommended the deferment of such an officer for the
28 first time.

29
30 (2) *Twice Deferment of Promotion.* – An officer in the grade
31 of First Lieutenant/Lieutenant Junior Grade (PN) but
32 below that of Colonel/Captain (PN) who is deferred twice
33 for promotion to the same next higher grade shall be
34 separated in the permanent grade he/she holds on the
35 first day of the third month later after the President shall
36 have approved the promotion of officers recommended
37 by the Selection Board which recommended the

1 deferment of such officer for the second time. This
2 subsection applies only to officers in the primary zone of
3 consideration because he/she was considered or
4 deliberated upon by the selection board but failed to
5 qualify for promotion to the next higher grade.

6 (3) *Maximum Tenure-in-Grade for Officers.* –

7 (i) *General Officers.* – The maximum tenure of officers
8 in the grades of General/Flag Officer in the AFP are
9 hereby prescribed as follows:

GRADE	MAXIMUM TENURE-IN-GRADE
General/Admiral (0-10)	Three (3) years
Lieutenant General/ Vice Admiral (0-9)	Three (3) years
Major General/ Rear Admiral (0-8)	Three (3) years
Brigadier General/ Commodore (0-7)	Three (3) years

10
11 (ii) Unless earlier separated, retired or promoted to the
12 next higher grade or occupying a position calling for the
13 ranks of higher grade in the AFP Table of Organizations,
14 Generals/Flag Officers shall be compulsorily retired upon
15 the attainment of the maximum tenure-in-grade herein
16 prescribed, except for the Chief of Staff of the AFP whose
17 retirement shall be deferred until the completion of his/her
18 term as may be prescribed by law, which shall not be more
19 than three (3) years in accordance with the Constitution.
20 Any general/flag officer who is relieved from post and is
21 not designated to or occupying any position in the AFP
22 Table of Organizations as funded in the General
23 Appropriations Act shall be deemed retired from the
24 military service effective upon relief.

25 (iii) *Officers.* – Officers in the permanent grades of
26 Captain, Major, Lieutenant Colonel and Colonel, or their
27 equivalent, shall be separated in accordance with the
28 provisions of existing laws upon completing the following

1 active commissioned tenure-in-grade or age, without being
2 promoted to the next rank whichever is later:

Grade	Maximum Tenure-In-Grade	Maximum Age
Captain	Six (6) years	Thirty-three (33) years of age
Major	Six (6) years	Thirty-nine (39) years of age
Lieutenant Colonel	Seven (7) years	Forty-six (46) years of age
Colonel	Nine (9) years	Fifty-two (52) years of age

3
4 (a) *Low-Potentiality.* – An officer referred to and found by the
5 AFP Efficiency and Separation Board not fit for retention, low
6 potentiality, lacking leadership skills, doubtful integrity or fails to
7 demonstrate satisfactory performance may be separated from the
8 military service subject to the approval of the President.”

9 “Section 11. *Forced Attrition of Enlisted Personnel.* –

10 (b) Failure of Promotion. – An Enlisted Personnel who fails to
11 qualify for promotion to the next higher rank shall be recommended
12 for evaluation by the appropriate Major Service Promotion Board to
13 the Major Service Review and Evaluation Boards for determination
14 of fitness to be retained in the service. The following are grounds
15 for referral to the Major Service Review and Evaluation Board:

16 (1) Three (3) times successive failure of Promotional
17 Examination within the present grade.

18 (2) Three (3) times successive failure of Physical Fitness Test
19 within the present grade.

20 (3) Failure to be promoted and have attained the maximum
21 Active Cumulative Service (ACS) for the present grade as
22 may be prescribed by in the Implementing Rules and
23 Regulations

24 (4) Received poor rating in the Performance Evaluation Report
25 for two (2) consecutive rating periods.

1 (c) Maximum Tenure-in-Grade for Enlisted Personnel. – Enlisted
 2 Personnel shall be separated in accordance with the provisions of
 3 existing laws for failure to be promoted after having attained the
 4 maximum allowable Active Cumulative Service (ACS) for the present
 5 grade except if occupying a position for a higher grade in the AFP
 6 Table of Organization:

GRADE	TIME-IN- GRADE	TENURE-IN-GRADE
E-10	-	3 years
E-9	-	4 years
E-8	3 years	5 years
E-7	6 years	8 years
E-6	5 years	7 years
E-5	4 years	6 years
E-4	3 years	5 years
E-3	3 years	5 years
E-2	3 years	4 years
E-1	3 years	4 years

7
 8 (d) *Low Potentiality.* – An enlisted personnel who is referred to
 9 and found by the Enlisted Personnel Reenlistment Board not fit for
 10 retention, low potentiality, complacency, lack of leadership skills,
 11 doubtful integrity or fails to demonstrate outstanding performance
 12 may be separated from the military service.”

13 **SEC.9. Renumbering.** – The succeeding sections of P.D. No. 1638, as
 14 amended, are hereby renumbered accordingly.

15 **SEC.10. Separation or Retirement from the AFP.** – Any service member
 16 who is dismissed from the AFP pursuant to this Title shall be:

17 (a) separated, if one has rendered less than twenty (20) years of
 18 service, or

1 (b) retired if one has rendered at least twenty (20) years of service
2 unless the concerned service member is disqualified by law to
3 receive such benefits.

4 **TITLE V**
5 **GENERAL PROVISIONS**
6

7 **SEC. 11.** *Competitive Categories for Promotion.* – Under regulations
8 prescribed by the Secretary of National Defense, the AFP shall establish
9 competitive categories for promotion. Each officer whose name appears on an
10 active-duty list shall be carried in a competitive category of officers. Officers in
11 the same competitive category shall compete among themselves for promotion.

12 In addition to existing laws and regulations, promotion to a higher rank by
13 officers and enlisted personnel of the AFP shall be based on pure merit and
14 fitness the determination of which shall include competitive examination to be
15 conducted by the Department of National Defense. The candidates for
16 promotion to the general ranks must have demonstrated a national strategic
17 outlook, knowledge, or experience.

18 **SEC.12.** *Percentage of General Officers to AFP strength.* – The percentage
19 of General Officers to the AFP's total strength shall be point zero zero one per
20 cent (0.001%).

21 **SEC. 13.** *Officer Lineal List.* – There shall be only one seniority lineal list
22 for the officers of the Major Services and each of the Technical Services.

23 **SEC. 14.** *Annual Personnel Management Report.* – The AFP Chief of Staff
24 shall submit to the Department of National Defense an accurate, comprehensive
25 and up-to-date Personnel Management Report (PMR), which shall include
26 information on the number of military personnel, rank and place of designation,
27 and list of attrited personnel, on an annual basis on or before the end of April of
28 every year, *Provided, That,* the Secretary of National Defense shall furnish a
29 copy of the Report to the Committee on National Defense and Security, Peace,
30 Unification and Reconciliation of the Senate of the Philippines and the Committee
31 on National Defense and Security of the House of Representatives. The PMR and
32 any of the information contained therein shall be confidential in nature.

33 **SEC. 15.** *Prohibited Acts.* – Any officer who, without authority, assigns
34 service members any activity beyond his/her official duties or fails to render a
35 true account of the disposition and assignment of any service member as
36 required under Section 13 of this Act shall immediately face court martial
37 proceedings.

