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
AN ACT

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

Title I
DECLARATION OF POLICY

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

(a) Enhance professionalization in the organization by strengthening the merit system and allow the new leadership a longer period to implement reforms and institutionalize good policies that will redound to the improvement of the AFP;

(b) Promote the most qualified officers of general rank; and
(c) Obviate revolving door accommodation promotions in order to successfully create a new culture of excellence in leadership and accountability in the AFP.

Towards this end, the State shall:

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

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

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

**TITLE II**

**TERMS OF OFFICE**

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

(a) The AFP Chief of Staff;
(b) The Chairman of the Joint Chiefs of Staff;
(c) The Vice Chairman of the Joint Chiefs;
(d) The Chief of the Army;
(e) The Chief of the Air Force;
(f) The Chief of the Navy;
(g) The Joint Forces Commanders of the Unified Commands;
(h) The Commandant of the Philippine Marine Corps;
(i) The Commander of the Special Operations Command; and
(j) The Commander of the Cyber Security Command;

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

The fixed term provided herein shall apply to the Chief of Staff and other key officers identified in this Section, as appointed by the President after the effectivity of this Act.
The President, in his/her judgment, may recall a former Chief of Staff who retired from service in times of national emergency or war, Provided, that he/she has not reached the age of compulsory retirement under Section 5 of this Act.

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

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

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

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

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

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

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

COMPULSORY RETIREMENT

SEC. 6. Compulsory Retirement for Military Personnel. – Section 5 (a) of Presidential Decree No. 1638, entitled "Establishing a New System of Retirement and Separation for Military Personnel of the Armed Forces of the Philippines and for Other Purposes", as amended by Presidential Decree No. 1650, (P.D. No. 1638) is hereby repealed and replaced with a new provision which shall read as follows:

"Sec 5. (a) Compulsory retirement. –

(1) Enlisted Personnel. –
(i) Enlisted Personnel with the rank of Master Sergeant and below shall be compulsory retired upon attaining the age of fifty-six (56) with at least twenty years of active service, or upon accumulation of thirty (30) years of satisfactory active service, whichever is earlier.

(ii) Senior Non-Commissioned Officers with the rank of Senior Master Sergeant and above shall be compulsory retired by sixty-two (62) years of age.

(2) Commissioned Officers. – Upon attaining the age of sixty-five (65), an officer of the AFP shall be compulsory retired, Provided, however, That the compulsory retirement of the Chief of Staff, shall be deferred until the completion of his/her term as may be prescribed by law, which shall not be more than three (3) years in accordance with the Constitution.

TITLE IV

ATTRITION SYSTEM FOR THE PERSONNEL OF THE AFP

SEC. 7. Definition of Terms. – As used in this Title, the following terms shall mean:

(a) Active Duty – the service or duty in the regular force AFP.

(b) Enlisted Personnel – the members of the AFP with the rank of Private, up to First Chief Master Sergeant, usually referred to as
Non-Commissioned Officers upon reaching the rank of Corporal and above.

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

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

(1) Second Lieutenant/Ensign (PN);
(2) First Lieutenant/ Lieutenant Junior Grade (PN);
(3) Captain;/Lieutenant (PN);
(4) Major Lieutenant Commander (PN);
(5) Lieutenant Colonel/Commander (PN);
(6) Colonel/Captain (PN);
(7) Brigadier General/Commodore AFP;
(8) Major General/Rear Admiral AFP;
(9) Lieutenant General/Vice Admiral AFP; and
(10) General/Admiral AFP.

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

(1) Private,
(2) Private First Class,
(3) Corporal,
(4) Sergeant,
(5) Staff Sergeant,
(6) Technical Sergeant,
(7) Master Sergeant,
(8) Senior Master Sergeant, and
(9) Chief Master Sergeant
(10) First Chief Master Sergeant

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

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

(f) Primacy Zone – the primary zone shall be composed of officers who are on promotable status in the uppermost portion of the promotion list equivalent to the number of declared vacancies.
(g) Service member – any active duty officer or enlisted personnel of the AFP.

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

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

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

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

(a) **Attrition by Non-Promotion.** –

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

(2) **Twice Deferment of Promotion.** – An officer in the grade of First Lieutenant/Lieutenant Junior Grade (PN) but below that of Colonel/Captain (PN) who is deferred twice for promotion to the same next higher grade shall be separated in the permanent grade he/she holds on the first day of the third month later after the President shall have approved the promotion of officers recommended by the Selection Board which recommended the
deferment of such officer for the second time. This subsection applies only to officers in the primary zone of consideration because he/she was considered or deliberated upon by the selection board but failed to qualify for promotion to the next higher grade.

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

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

<table>
<thead>
<tr>
<th>GRADE</th>
<th>MAXIMUM</th>
</tr>
</thead>
<tbody>
<tr>
<td>General/Admiral (0-10)</td>
<td>Three (3) years</td>
</tr>
<tr>
<td>Lieutenant General/Vice Admiral (0-9)</td>
<td>Three (3) years</td>
</tr>
<tr>
<td>Major General/Rear Admiral (0-8)</td>
<td>Three (3) years</td>
</tr>
<tr>
<td>Brigadier General/Commodore (0-7)</td>
<td>Three (3) years</td>
</tr>
</tbody>
</table>

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

(iii) Officers. – Officers in the permanent grades of Captain, Major, Lieutenant Colonel and Colonel, or their equivalent, shall be separated in accordance with the provisions of existing laws upon completing the following
active commissioned tenure-in-grade or age, without being promoted to the next rank whichever is later:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Maximum Tenure-In-Grade</th>
<th>Maximum Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Captain</td>
<td>Six (6) years</td>
<td>Thirty-three (33) years of age</td>
</tr>
<tr>
<td>Major</td>
<td>Six (6) years</td>
<td>Thirty-nine (39) years of age</td>
</tr>
<tr>
<td>Lieutenant Colonel</td>
<td>Seven (7) years</td>
<td>Forty-six (46) years of age</td>
</tr>
<tr>
<td>Colonel</td>
<td>Nine (9) years</td>
<td>Fifty-two (52) years of age</td>
</tr>
</tbody>
</table>

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

"Section 11. Forced Attrition of Enlisted Personnel. –

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

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

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

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

(4) Received poor rating in the Performance Evaluation Report for two (2) consecutive rating periods.
(c) Maximum Tenure-in-Grade for Enlisted Personnel. — Enlisted Personnel shall be separated in accordance with the provisions of existing laws for failure to be promoted after having attained the maximum allowable Active Cumulative Service (ACS) for the present grade except if occupying a position for a higher grade in the AFP Table of Organization:

<table>
<thead>
<tr>
<th>GRADE</th>
<th>TIME-IN-GRADE</th>
<th>TENURE-IN-GRADE</th>
</tr>
</thead>
<tbody>
<tr>
<td>E-10</td>
<td>-</td>
<td>3 years</td>
</tr>
<tr>
<td>E-9</td>
<td>-</td>
<td>4 years</td>
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<td>E-8</td>
<td>3 years</td>
<td>5 years</td>
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<td>E-7</td>
<td>6 years</td>
<td>8 years</td>
</tr>
<tr>
<td>E-6</td>
<td>5 years</td>
<td>7 years</td>
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<td>E-5</td>
<td>4 years</td>
<td>6 years</td>
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<td>E-4</td>
<td>3 years</td>
<td>5 years</td>
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<td>E-3</td>
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<td>E-2</td>
<td>3 years</td>
<td>4 years</td>
</tr>
<tr>
<td>E-1</td>
<td>3 years</td>
<td>4 years</td>
</tr>
</tbody>
</table>

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

SEC. 9. Renumbering. — The succeeding sections of P.D. No. 1638, as amended, are hereby renumbered accordingly.

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

(a) separated, if one has rendered less than twenty (20) years of service, or
(b) retired if one has rendered at least twenty (20) years of service unless the concerned service member is disqualified by law to receive such benefits.

**TITLE V**
**GENERAL PROVISIONS**

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

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

**SEC. 12. Percentage of General Officers to AFP strength.** – The percentage of General Officers to the AFP’s total strength shall be point zero zero one percent (0.001%).

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

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

**SEC. 15. Prohibited Acts.** – Any officer who, without authority, assigns service members any activity beyond his/her official duties or fails to render a true account of the disposition and assignment of any service member as required under Section 13 of this Act shall immediately face court martial proceedings.
SEC. 16. Prohibited Appointment. — A person may not be appointed as Secretary of National Defense within three (3) years after relief or retirement from active duty as a commissioned officer or a regular component of the armed forces.

TITLE VI
MISCELLANEOUS PROVISIONS

SEC. 17. 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. 18. Implementing Rules and Regulations. — The Department of National Defense shall formulate the rules and regulations necessary to implement the provisions of this Act and submit to the President within thirty (30) days from the effectivity of this Act.

SEC 19. Separability Clause. —If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions thereof.

SEC. 20. Repealing Clause. — Sections 3 and 4 of Republic Act 8186 as amended, Sections 10 to 12 of the Presidential Decree No 1638, as amended are hereby repealed. All other laws, executive orders or issuances or any part thereof, which are inconsistent herewith, are hereby repealed or amended accordingly.

Sec. 21. Effectivity. — This Act shall take effect fifteen (15) days after its publication in the Official Gazette and in at least two (2) newspapers of general circulation.

Approved,