



S E N A T E

S. No. 2376

---

PREPARED AND SUBMITTED JOINTLY BY THE COMMITTEES  
ON NATIONAL DEFENSE AND SECURITY, PEACE,  
UNIFICATION, AND RECONCILIATION; GOVERNMENT  
CORPORATIONS AND PUBLIC ENTERPRISES; WAYS AND  
MEANS; AND FINANCE, WITH SENATORS PIMENTEL III,  
PACQUIAO, GORDON, LACSON, ANGARA, GATCHALIAN,  
DELA ROSA AND REVILLA, JR. AS AUTHORS THEREOF

---

AN ACT STRENGTHENING PROFESSIONALISM AND  
CONTINUITY OF POLICIES AND MODERNIZATION  
INITIATIVES OF THE ARMED FORCES OF THE  
PHILIPPINES, PROVIDING FUNDS THEREFOR,  
AND FOR OTHER PURPOSES

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

1

TITLE I

2

DECLARATION OF POLICY

3

SECTION 1. *Declaration of Policy.* – In pursuit of

4

modernization of the Armed Forces of the Philippines

5

(AFP), it is hereby declared the policy of the State to:

1           (a) Enhance professionalization in the organization  
2 by strengthening the merit system, allow the new  
3 leadership a longer period to implement reforms, and  
4 institutionalize sound policies that will redound to the  
5 improvement of the AFP;

6           (b) Promote the most qualified officers to higher  
7 ranks;

8           (c) Obviate revolving door accommodation promotions  
9 to successfully create a new culture of excellence in  
10 leadership and accountability in the AFP; and

11           (d) Refine and improve the rules on retirement and  
12 commissionship.

13           Towards this end, the State shall:

14           (a) Fix the tour of duty of the Chief of Staff and other  
15 officers holding key positions;

16           (b) Adjust the mandatory retirement age of Officers of  
17 the AFP;

18           (c) Raise the age of commission of officers of the AFP;

1 (d) Ensure implementation of merit-based promotion  
2 and attrition system that will assure the Armed Forces of a  
3 continuous pool of qualified and effective leaders; and

4 (e) Modify the Grade Distribution of Officers.

5 TITLE II

6 TOUR OF DUTY

7 SEC. 2. *Tour of Duty of Key Officers.* – The following  
8 officers holding key positions in the AFP, upon  
9 appointment, shall have a fixed tour of duty of three (3)  
10 years:

11 (a) Chief of Staff;

12 (b) Vice Chief of Staff;

13 (c) The Deputy Chief of Staff;

14 (d) Commanding General, Philippine Army;

15 (e) Commanding General, Philippine Air Force;

16 (f) Flag Officer in Command, Philippine Navy;

17 (g) Unified Command Commanders; and

18 (h) Inspector General.

19 The tour of duty of the aforementioned officers shall  
20 commence on the date the appointment is signed and shall

1 be for three (3) consecutive years unless sooner terminated  
2 by the President: *Provided*, That those mentioned in  
3 Section 2(b) to 2(h) shall not be eligible for any other  
4 position in the AFP unless promoted to the Chief of Staff.

5       SEC. 3. *Tour of Duty of the Superintendent of the*  
6 *Philippine Military Academy (PMA).* – A General/Flag  
7 Officer of proven competence and academic excellence shall  
8 be appointed as Superintendent, Philippine Military  
9 Academy (PMA) and shall be exempt from the application  
10 of the maximum tenure-in-grade defined under this Act.  
11 The PMA Superintendent shall have the rank of  
12 Lieutenant General/Vice Admiral and be given a tour of  
13 duty of four (4) years unless sooner terminated by higher  
14 authority: *Provided*, That the PMA Superintendent shall  
15 not be eligible for any other position in the AFP and shall  
16 be compulsorily retired after completion of the fixed tour of  
17 duty or upon relief from office: *Provided, further*, That no  
18 General/Flag Officer shall be appointed as PMA  
19 Superintendent if he/she is more than fifty-eight (58) years  
20 of age.



1           (2) Those in the grades of Brigadier  
2 General/Commodore (O-7) to Lieutenant General/Vice  
3 Admiral (O-9), upon reaching the age of fifty-nine (59) or  
4 the maximum tenure-in-grade as defined in this Act,  
5 whichever comes earlier;

6           (3) Those occupying a key position, as defined in  
7 Section 2 of this Act, upon completion of the fixed tour of  
8 duty regardless of age, unless promoted to Chief of Staff or  
9 who is relieved from post and is not designated to or  
10 occupying any position in the AFP Table of Organization;  
11 and

12           (4) Those commissioned under Presidential Decree  
13 No. 1908, and those appointed in the Corps of Professors  
14 upon reaching the age of sixty (60) or completion of twenty  
15 (20) years of satisfactory active duty, whichever comes  
16 later.

17           (b) An enlisted personnel shall be compulsorily  
18 retired upon accumulation of at least thirty (30) years of  
19 satisfactory active duty or upon reaching the age of fifty-six  
20 (56) years old, whichever comes later.



1           (a) *Active Duty* – the service or duty as a  
2 commissioned officer or enlisted personnel in the regular  
3 force of the AFP.

4           (b) *Enlisted Personnel* – refer to members of the AFP  
5 with the rank of Private up to First Chief Master Sergeant  
6 or their equivalent in the other services.

7           (c) *Forced Attrition* – is a mode of attrition wherein an  
8 officer or enlisted personnel, who after having been  
9 considered for promotion to the next higher grade, failed to  
10 qualify on account of his/her own fault, failure or  
11 negligence or lack of individual merit, or who has  
12 completed the maximum tenure-in-grade without being  
13 promoted, is subsequently separated or retired from  
14 military service.

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

18           (1) Second Lieutenant/Ensign (PN);

19           (2) First Lieutenant/Lieutenant Junior Grade (PN);

20           (3) Captain/Lieutenant (PN);



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

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

- 9 (1) Private;
  - 10 (2) Private First Class;
  - 11 (3) Corporal;
  - 12 (4) Sergeant;
  - 13 (5) Staff Sergeant;
  - 14 (6) Technical Sergeant;
  - 15 (7) Master Sergeant;
  - 16 (8) Senior Master Sergeant;
  - 17 (9) Chief Master Sergeant; and
  - 18 (10) First Chief Master Sergeant
- 19 or their equivalent in the Philippine Navy and
- 20 Philippine Air Force.

1           (e) *Officers* – refer to commissioned personnel in the  
2 regular force of the AFP.

3           (f) *Primary Zone* – composed of officers who are on  
4 promotable status in the uppermost portion of the  
5 promotion list equivalent to the number of declared  
6 vacancies.

7           (g) *Procurement* – the process of obtaining personnel  
8 through recruitment, selection, and appointment.

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

12           SEC. 10. *Forced Attrition of Officers.* – Officers who  
13 are subjected to forced attrition as defined in Section 9(c) of  
14 this Act shall be subsequently separated or retired from  
15 military service. In addition, officers with contractual  
16 service obligations who are recommended for separation on  
17 account of their own fault, failure or negligence, shall be  
18 required to refund the government the amount equivalent  
19 to the cost of training proportionate to the remaining  
20 period to be served as stipulated in the training contract.

1 The following are the instances of forced attrition of  
2 officers:

3 (a) *Attrition by Non-Promotion.* –

4 (1) Deferment of Promotion. – An officer in the grade  
5 of Second Lieutenant/Ensign (PN) who is deferred once  
6 shall be separated in the permanent grade he/she holds on  
7 the first day of the third month after the President shall  
8 have approved the promotion of officers recommended by  
9 the Selection Board which recommended the deferment of  
10 such an officer for the first time.

11 (2) Twice deferment of Promotion. – An officer in the  
12 grade of First Lieutenant/Lieutenant Junior Grade (PN) to  
13 Lieutenant Colonel/Commander (PN) who is deferred twice  
14 for promotion to the next higher grade shall be separated  
15 in the permanent grade he/she holds on the first day of the  
16 third month after the President shall have approved the  
17 promotion of officers recommended by the Selection Board  
18 which recommended the deferment of such officer for the  
19 second time. This subsection applies only to officers in the  
20 primary zone of consideration because they were

1 considered or deliberated upon by the Selection Board but  
 2 failed to qualify for promotion to the next higher grade.

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

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

Grade	Maximum Tenure-in-Grade
General/Admiral (O-10)	Three (3) years
Lieutenant General/Vice Admiral (O-9)	Three (3) years
Major General/Rear Admiral (O-8)	Three (3) years
Brigadier General/Commodore (O-7)	Three (3) years

7 (2) Officers. – The maximum tenure of officers in the  
 8 grades of Colonel, Lieutenant Colonel, Major, and Captain,  
 9 or their equivalent in the other services in the AFP are  
 10 hereby prescribed as follows:

Grade	Maximum Tenure-in-Grade
Colonel/Captain (PN) (O-6)	Nine (9) years
Lieutenant Colonel/ Commander (PN) (O-5)	Seven (7) years
Major/ Lieutenant Commander (PN) (O-4)	Six (6) years
Captain/ Lieutenant (PN) (O-3)	Six (6) years

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

7           SEC. 11. *Forced Attrition of Enlisted Personnel*. –

8           (a) *Failure of Promotion*. – An Enlisted Personnel  
9 who fails to qualify or fails to satisfy any of the conditions  
10 for promotion to the next higher grade as determined by

1 the appropriate Enlisted Personnel Promotion Board shall  
 2 be referred to the concerned Review and Evaluation Board  
 3 for evaluation and subsequent recommendation to the  
 4 Major Service Commanders for attrition or retention. The  
 5 grounds for referral shall be provided in the Implementing  
 6 Rules and Regulations of this Act.

7 (b) *Maximum Tenure-In-Grade for Enlisted*  
 8 *Personnel.* – An Enlisted Personnel shall be separated or  
 9 retired in accordance with the provisions of existing laws  
 10 for failure to be promoted after having attained the  
 11 maximum allowable tenure for the present grade except if  
 12 occupying a position calling for a higher grade in the AFP  
 13 Table of Organization:

GRADE	MAXIMUM TENURE-IN- GRADE
First Chief Master Sergeant (E-10)	Three (3) years
Chief Master Sergeant (E-9)	Three (3) years

Senior Master Sergeant (E-8)	Three (3) years
Master Sergeant (E-7)	Three (3) years
Technical Sergeant (E-6)	Five (5) years
Staff Sergeant (E-5)	Five (5) years
Sergeant (E-4)	Four (4) years
Corporal (E-3)	Four (4) years
Private First Class (E-2)	Four (4) years
Private (E-1)	Four (4) years

1           (c) *Low Potentiality*. – An enlisted personnel who is  
2 referred to and found by the Enlisted Personnel  
3 Reenlistment Board not fit for retention, complacent,  
4 lacking leadership skills, of doubtful integrity, or fails to  
5 demonstrate outstanding performance may be separated  
6 from the military service.





1 Nurse Corps and Medical Administrative Corps, and in the  
2 Dental Service and Veterinary Corps shall be in the grade  
3 of Second Lieutenant (O-1) and First Lieutenant (O-2),  
4 respectively, from among applicants who at the time of  
5 appointment shall be at least twenty-one (21) but not more  
6 than thirty (30) years old: *Provided, further,* That those  
7 commissioned under Presidential Decree No. 1908, namely,  
8 the original appointments in the Judge Advocate General's  
9 Service, Medical Corps, and the Chaplain Service, and  
10 those appointed in the Corps of Professors shall be not less  
11 than twenty-five (25) but not more than forty (40) years old  
12 at the time of appointment and shall be in the grade of  
13 Captain (O-3).

14 In accordance with this Act and other pertinent  
15 laws, rules and regulations, non-commissioned officers of  
16 the Regular Force of the Armed Forces of the Philippines,  
17 who have shown outstanding ability and have rendered  
18 exceptional service may be appointed in the grade of  
19 Second Lieutenant (O-1) in the Regular Force by the

1 President upon recommendation of the Secretary of  
2 National Defense.

3       SEC. 14. *Age Requirement for Enlistment.* – Enlisted  
4 personnel shall not be less than eighteen (18) nor more  
5 than twenty-six (26) years old at the time of enlistment:  
6 *Provided*, That the AFP may offer special enlistment to an  
7 individual whose technical/skills qualifications, including  
8 excellence in athletics, are highly desirable to the  
9 organization and who at the time of enlistment is not less  
10 than eighteen (18) nor more than thirty-five (35) years old.

11       SEC. 15. *Officer Grade Distribution.* – The Secretary  
12 of National Defense shall prescribe the authorized number  
13 of officers in the active force in each grade and in each  
14 major, technical or administrative service and shall  
15 implement the gradual decrease in the number of officers  
16 in each officer rank as part of, and in line with, the  
17 Modernization Program of the Armed Forces: *Provided*,  
18 That one (1) year after the approval of this Act, such  
19 number shall not exceed the number in each grade

1 authorized in the Table of Organization of units of the  
2 active force distributed as follows:

3 (1) One percent (1%) in the General/Flag Officer  
4 grade based on the total officer strength authorized for the  
5 AFP or zero point one per centum (0.1%) of the total troop  
6 strength authorized for the AFP, whichever is lower;

7 (2) Six percent (6%) in the grade of Colonel/Captain  
8 (PN) based on the total officer strength authorized for the  
9 AFP;

10 (3) Twelve percent (12%) in the grade of Lieutenant  
11 Colonel/Commander (PN) based on the total officer  
12 strength authorized for the AFP;

13 (4) Eighteen percent (18%) in the grade of  
14 Major/Lieutenant Commander (PN) based on the total  
15 officer strength authorized for the AFP;

16 (5) Twenty percent (20%) in the grade of  
17 Captain/Lieutenant (PN) based on the total officer strength  
18 authorized for the AFP; and

19 (6) Forty-three percent (43%) in the grades of First  
20 Lieutenant/Lieutenant Junior Grade (PN) and Second

1 Lieutenant/Ensign (PN) based on the total officer strength  
2 authorized for the AFP.

3 *Provided, further,* That the Table of Organization of  
4 units of the active force shall be adjusted in accordance  
5 with their respective missions and officer requirements,  
6 and shall be gradually decreased pursuant to this section  
7 and such rules and regulations as the Secretary of  
8 National Defense shall prescribe, subject to the condition  
9 that the schedule of percentage for each grade as  
10 herein prescribed shall not be exceeded: *Provided,*  
11 *furthermore,* That in the determination of the officer to  
12 enlisted personnel ratio, the mission requirement,  
13 capabilities, scope of responsibility, technical nature of the  
14 position and task, and equipment inventory of units shall  
15 be taken into consideration: *Provided, furthermore,* That  
16 considering the highly technical nature of the Air Force  
17 and the Navy, they shall be allocated a higher officer  
18 to enlisted personnel ratio which shall not exceed fifteen  
19 percent (15%) of the officer to enlisted personnel ratio  
20 allocated in the Philippine Army: *Provided, furthermore,*

1 That as far as practicable, officers in the technical or  
2 administrative services such as, but not limited to,  
3 surgeon general, chief dental service and chief nurse may  
4 be eligible for promotion to general/flag officer grade:  
5 *Provided, furthermore,* That the quota limitation provided  
6 herein shall not apply in the promotion to General/Flag  
7 rank of reserve officers in the inactive service: *Provided,*  
8 *finally,* That if the actual number in a grade is less than  
9 the number prescribed, the difference may be applied as an  
10 increase to the number prescribed in a lower grade.

## 11 TITLE VI

### 12 GENERAL PROVISIONS

13 SEC. 16. *Competitive Categories for Promotion.* –  
14 Under regulations prescribed by the Secretary of National  
15 Defense, the AFP shall establish competitive categories for  
16 promotion. Each officer whose name appears on an active-  
17 duty list shall be carried in a competitive category of  
18 officers. Officers in the same competitive category shall  
19 compete among themselves for promotion.

1           SEC. 17. *Officer Lineal List.* – There shall be only one  
2 seniority lineal list for the officers of the Major Services  
3 and each of the Technical Services.

4           SEC. 18. *Prohibited Appointment.* – No retired or  
5 resigned military officer may be appointed as Secretary of  
6 National Defense within one (1) year from the date of his  
7 retirement or resignation.

8           SEC. 19. *Annual Personnel Management Report.* –  
9 The AFP Chief of Staff shall submit to the Department of  
10 National Defense an accurate, comprehensive, and up-to-  
11 date Personnel Management Report, which shall include  
12 information on the number of military personnel, rank,  
13 place of designation, and list of attrited personnel, on an  
14 annual basis on or before the end of April of every year:  
15 *Provided,* That the Secretary of National Defense shall  
16 furnish a copy of the report to the Committee on National  
17 Defense and Security, Peace, Unification, and  
18 Reconciliation of the Senate of the Philippines and the  
19 Committee on National Defense and Security of the House  
20 of Representatives. The Personnel Management Report

1 and any information contained therein shall be  
2 confidential in nature.

3 TITLE VII

4 MISCELLANEOUS PROVISIONS

5 SEC. 20. *Appropriations.* – The amount necessary for  
6 the effective implementation of this Act shall be charged to  
7 the appropriations of the Department of National Defense  
8 under the current General Appropriations Act. Thereafter,  
9 such sum as may be necessary for its continued  
10 implementation shall be included in the annual General  
11 Appropriations Act.

12 SEC. 21. *Construction and Interpretation.* – To protect  
13 the state policy and public interest as stated in Section 1 of  
14 this Act, this Act shall be given a liberal construction in  
15 favor of its provisions so as to further the accomplishment  
16 of its declared policies.

17 SEC. 22. *Implementing Rules and Regulations.* – The  
18 Department of National Defense shall formulate the rules  
19 and regulations necessary to implement the provisions of  
20 this Act within ninety (90) days from its effectivity:

1 *Provided*, That the IRR shall provide for a systematic,  
2 methodical, and efficient transition to the new retirement  
3 and separation system provided for under this Act based  
4 on the following basic principles:

5 (a) The fixed tour of duty provided herein shall apply  
6 to General/Flag Officers appointed by the President after  
7 the effectivity of this Act: *Provided*, That incumbent  
8 officers occupying key positions shall be compulsorily  
9 retired pursuant to the provisions of Presidential Decree  
10 No. 1638, as amended unless said officer is appointed to  
11 the position of Chief of Staff;

12 (b) The maximum tenure-in-grade shall only apply to  
13 officers and enlisted personnel promoted after the  
14 effectivity of this Act;

15 (c) The transition system shall allow all officers and  
16 enlisted personnel an opportunity to compete for  
17 promotions and/or complete the requirements for  
18 retirement, as may be necessary; and

19 (d) The rules and regulations shall give full respect to  
20 the services of the officers and enlisted personnel and



1 provide for adequate separation and/or retirement benefits  
2 as may be allowed by existing laws, rules, and regulations.

3 SEC. 23. *Separability Clause.* – If any provision of this  
4 Act is declared unconstitutional, the same shall not affect  
5 the validity and effectivity of the other provisions thereof.

6 SEC. 24. *Repealing Clause.* – Subject to the provisions  
7 of Section 22 of this Act, the following laws or provisions of  
8 laws are hereby repealed or amended:

9 (a) Sections 3 and 4 of Republic Act No. 8186, as  
10 amended, which provides for the Maximum Tenure-In-  
11 Grade and Maximum Tenure in Position are hereby  
12 repealed;

13 (b) Section 4 of Presidential Decree No. 1638, which  
14 deals with optional retirement is hereby amended;

15 (c) Sections 5(a) of Presidential Decree No. 1638, as  
16 amended by Presidential Decree No. 1650, which provides  
17 for the Compulsory Retirement for Military Personnel is  
18 hereby amended;

19 (d) Sections 10, 11, and 12 of Presidential Decree No.  
20 1638 are hereby repealed: *Provided*, That the last proviso

1 of Section 10 shall remain in force and effect for purposes  
2 of implementation of Section 8 of this Act;

3 (e) Section 9 of Presidential Decree No. 1638, which  
4 provides for retirement in the next higher grade is hereby  
5 amended;

6 (f) Section 17 of Presidential Decree No. 1638, which  
7 provides for retirement benefits based on the next higher  
8 grade is hereby amended;

9 (g) Section 1 of Republic Act No. 9188, with respect to  
10 Officer Grade Distribution is hereby amended;

11 (h) Section 4(b) and (c) of Republic Act No. 291, as  
12 amended, which provides for the age of commissionship is  
13 hereby amended;

14 (i) Section 27 of Commonwealth Act No. 1, which  
15 provides for the age of enlistment is hereby amended; and

16 (j) All laws, executive orders, or issuances, or any part  
17 thereof, which are inconsistent herewith, are hereby  
18 repealed, amended or modified accordingly.

1           SEC. 25. *Effectivity.* – This Act shall take effect fifteen  
2 (15) days after its publication in the *Official Gazette* and in  
3 at least two (2) newspapers of general circulation.

Approved,