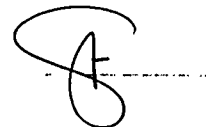


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

'21 SEP -1 P3 :07

SENATE

RECEIVED



COMMITTEE REPORT NO. 297

Submitted by the Committee on National Defense and Security, Peace, Unification and Reconciliation jointly with the Committees on Government Corporations and Public Enterprises; Ways and Means; and Finance on SEP 01 2021

RE: Senate Bill No. 2376 Prepared by the Committees

Recommending its approval in substitution of Senate Bill Nos. 1045, 1370 and 1785

Sponsor: Senator Panfilo M. Lacson

MR. PRESIDENT:

The Committee on National Defense and Security, Peace, Unification and Reconciliation joint with the Committees on Government Corporations and Public Enterprises, Ways and Means, and Finance, to which were referred **Senate Bill No. 1045**, introduced by Senator Aquilino "Koko" Pimentel III, entitled:

"AN ACT

**AMENDING SECTION 4 OF REPUBLIC ACT NO. 8186 OTHERWISE KNOWN AS
'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'"**

Senate Bill No. 1370, introduced by Senator Emmanuel D. Pacquiao, entitled:

"AN ACT

INCREASING THE COMPULSORY RETIREMENT AGE FOR OFFICERS AND ENLISTED MEN OF THE ARMED FORCES OF THE PHILIPPINES FROM 56 YEARS OLD TO 60 YEARS OLD, FURTHER AMENDING FOR THE PURPOSE SECTION 5 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"

and **Senate Bill No. 1785**, introduced by Senator Richard J. Gordon, entitled:

"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"

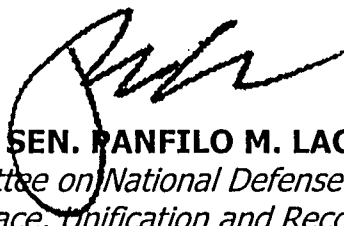
have considered the same and have the honor to report them back to the Senate with the recommendation that the attached **Senate No. 2376**, prepared by the Committees entitled:

**"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"**

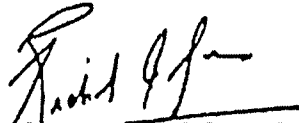
be approved in substitution of Senate Bill Nos. 1045, 1370 and 1785, with Senators Pimentel, Pacquiao, Gordon, Lacson, and Angara as authors thereof.

Respectfully submitted:

Chairpersons

A handwritten signature in black ink, appearing to read 'Panfilo M. Lacson', written over a circular stamp or seal.

SEN. PANFILO M. LACSON
*Committee on National Defense and Security,
Peace, Unification and Reconciliation
Member, Committees on Finance and Ways and Means*



SEN. RICHARD J. GORDON

*Committee on Government Corporations and Public Enterprises
Vice Chairperson, Committees on National Defense and Security,
Peace, Unification and Reconciliation; and Finance
Member, Committee on Ways and Means*



SEN. SONNY ANGARA

*Committee on Finance
Vice Chairperson, Committee on Ways
and Means
Member, Committee on National
Defense and Security, Peace,
Unification and Reconciliation*



SEN. PIA S. CAYETANO

*Committee on Ways and Means
Vice Chairperson, Committee on Finance*

Vice Chairpersons



SEN. GRACE POE

*Committees on National Defense and Security, Peace, Unification and Reconciliation; and Finance
Member, Committee on Ways and Means*

SEN. FRANCIS "TOL" N. TOLENTINO

*Committee on National Defense and Security, Peace, Unification and Reconciliation
Member, Committee on Finance*



With reservations

SEN. CHRISTOPHER BONG GO

*Committees on National Defense and Security, Peace, Unification and Reconciliation; and Finance
Member, Committees on Government Corporations and Public Enterprises; and Ways & Means*

SEN. RONALD "BATO" DELA ROSA

*Committee on National Defense and Security, Peace, Unification and Reconciliation
Member, Committees on Finance; and Ways and Means*



SEN. JOEL VILLANUEVA

*Committee on Finance
Member, Committees on National Defense and Security, Peace, Unification and Reconciliation; and Government Corporations and Public Enterprises*



SEN. EMMANUEL D. PACQUIAO

*Committee on National Defense and Security, Peace, Unification and Reconciliation
Member, Committees on Government Corporations and Public Enterprises; Finance and Ways & Means*

Vice Chairpersons

SEN. GRACE POE

*Committees on National Defense and Security, Peace, Unification and Reconciliation; and Finance
Member, Committee on Ways and Means*



SEN. FRANCIS "TOL" N. TOLENTINO

*Committee on National Defense and Security, Peace, Unification and Reconciliation
Member, Committee on Finance*

SEN. CHRISTOPHER BONG GO

*Committees on National Defense and Security, Peace, Unification and Reconciliation; and Finance
Member, Committees on Government Corporations and Public Enterprises; and Ways & Means*

SEN. RONALD "BATO" DELA ROSA

*Committee on National Defense and Security, Peace, Unification and Reconciliation
Member, Committees on Finance; and Ways and Means*

SEN. JOEL VILLANUEVA

*Committee on Finance
Member, Committees on National Defense and Security, Peace, Unification and Reconciliation; and Government Corporations and Public Enterprises*

SEN. EMANNUEL D. PACQUIAO

*Committee on National Defense and Security, Peace, Unification and Reconciliation
Member, Committees on Government Corporations and Public Enterprises; Finance and Ways & Means*

SEN. IMEE R. MARCOS

*Committee on Finance
Member, Committees on National
Defense and Security, Peace,
Unification and Reconciliation; and
Ways & Means*



SEN. WIN GATCHALIAN

*Committees on Government Corporations
and Public Enterprises; and Finance
Member, Committees on National Defense
and Security, Peace, Unification and
Reconciliation; and Ways & Means*

SEN. RISA HONTIVEROS

*Committee on Finance
Member, Committees on National
Defense and Security, Peace,
Unification and Reconciliation;
Government Corporations and Public
Enterprises; and Ways and Means*

SEN. CYNTHIA A. VILLAR

*Committee on Finance
Member, Committees on National Defense
and Security, Peace, Unification and
Reconciliation; and Government
Corporations and Public Enterprises*

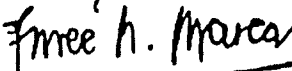
Members

**SEN. MARIA LOURDES NANCY S.
BINAY**

*Committees on National Defense and
Security, Peace, Unification and
Reconciliation; Government
Corporations and Public Enterprises;
and Finance*

SEN. RAMON BONG REVILLA JR.

*Committees on National Defense and
Security, Peace, Unification and
Reconciliation; Ways and Means and
Finance*

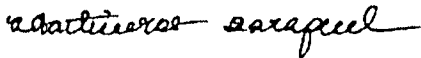


SEN. IMEE R. MARCOS

*Committee on Finance
Member, Committees on National
Defense and Security, Peace,
Unification and Reconciliation;
and Ways & Means*

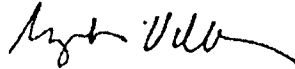
SEN. WIN GATCHALIAN

*Committees on Government Corporations
and Public Enterprises; and Finance
Member, Committees on National Defense
and Security, Peace, Unification and
Reconciliation; and Ways & Means*



SEN. RISA HONTIVEROS

*Committee on Finance
Member, Committees on National
Defense and Security, Peace,
Unification and Reconciliation;
Government Corporations and Public
Enterprises; and Ways and Means*



SEN. CYNTHIA A. VILLAR

*Committee on Finance
Member, Committees on National Defense
and Security, Peace, Unification and
Reconciliation; and Government
Corporations and Public Enterprises*

Members



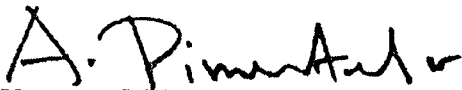
**SEN. MARIA LOURDES NANCY S.
BINAY**

*Committees on National Defense and
Security, Peace, Unification and
Reconciliation; Government
Corporations and Public Enterprises;
and Finance*



SEN. RAMON BONG REVILLA JR.

*Committees on National Defense and
Security, Peace, Unification and
Reconciliation; Ways and Means and
Finance*



SEN. AQUILINO "KOKO" PIMENTEL III

Committees on National Defense and Security, Peace, Unification and Reconciliation; and Finance



SEN. MANUEL "LITO" M. LAPID

Committees on National Defense and Security, Peace, Unification and Reconciliation; Ways and Means and Finance



SEN. FRANCIS N. PANGILINAN

Committees on National Defense and Security, Peace, Unification and Reconciliation; Government Corporations and Public Enterprises; Ways and Means; and Finance

SEN. LEILA M. DE LIMA

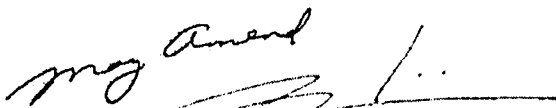
Committees on National Defense and Security, Peace, Unification and Reconciliation; Ways and Means; and Finance

Ex Officio Members



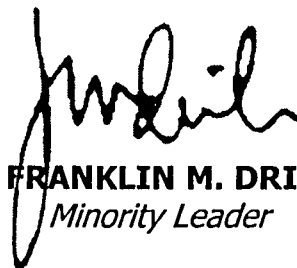
SEN. RALPH G. RECTO

President Pro Tempore



SEN. JUAN MIGUEL F. ZUBIRI

Majority Leader



SEN. FRANKLIN M. DRILON

Minority Leader

HON. VICENTE C. SOTTO III

Senate President

SEP 21 2015

SENATE

21 SEP -1 P3 :08

S. No. 2376

RECEIVED



(In Substitution of Senate Bill Nos. 1045, 1370 and 1785)

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, Pacquiao, Gordon, Lacson, and Angara 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 the House of Representatives of the Philippines in Congress assembled:

TITLE I
DECLARATION OF POLICY

SECTION. 1. *Declaration of Policy.* — In pursuit of modernization of the Armed Forces of the Philippines (AFP), it is hereby declared the policy of the State to:

- (a) Enhance professionalization in the organization by strengthening the merit system, allow the new leadership a longer period to implement reforms, and institutionalize sound policies that will redound to the improvement of the AFP;
- (b) Promote the most qualified officers to higher ranks;
- (c) Obviate revolving door accommodation promotions to successfully create a new culture of excellence in leadership and accountability in the AFP; and,

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

2 Towards this end, the State shall:

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

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

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

7 (d) Ensure implementation of merit-based promotion and attrition
8 system that will assure the Armed Forces of a continuous pool of
9 qualified and effective leaders; and,

10 (e) Modify the Grade Distribution of Officers.

11 **TITLE II**
12 **TOUR OF DUTY**

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

16 (a) Chief of Staff;

17 (b) Vice Chief of Staff;

18 (c) The Deputy Chief of Staff;

19 (d) Commanding General, Philippine Army;

20 (e) Commanding General, Philippine Air Force;

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

22 (g) Unified Command Commanders; and

23 (h) Inspector General

24 The tour of duty of the aforementioned officers shall commence on the date
25 the appointment is signed and shall be for three (3) consecutive years unless
26 sooner terminated by the President; *Provided, That* those mentioned in
27 Section 2(b) to 2(h) shall not be eligible for any other position in the AFP
28 unless promoted to the Chief of Staff.

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

13 **SEC. 4. *Prohibition on the Extension of Tour of Duty.*** – Except as
14 provided for under Section 5 of this Act, no extension of tour of duty of the
15 Key Officers mentioned in Sections 2 and 3 shall be allowed.

16 **SEC. 5. *Tour of Duty of the Chief of Staff.*** – The tour of duty of the
17 Chief of Staff shall not exceed three (3) years. However, in times of war or
18 other national emergency declared by Congress, the President may extend
19 such tour of duty.

20 **TITLE III**
21 **RETIREMENT**

22 **SEC. 6. *Compulsory Retirement for Military Personnel.***

23 (a) The following Officers of the AFP shall be compulsorily retired:

- 24 (1) Those in the grades of Second Lieutenant/Ensign (O-1) to
25 Colonel/Captain (O-6), upon reaching the age of fifty-nine (59) or
26 accumulation of thirty (30) years of satisfactory active duty,
27 whichever comes earlier;
- 28 (2) Those in the grades of Brigadier General/Commodore (O-7) to
29 Lieutenant General/Vice Admiral (O-9), upon reaching the age of
30 fifty-nine (59) or the maximum tenure-in-grade as defined in this
31 Act, whichever comes earlier;
- 32 (3) Those occupying a key position, as defined in Sec. 2 of this Act,
33 upon completion of the fixed tour of duty regardless of age, unless
34 promoted to Chief of Staff or who is relieved from post and is not

1 designated to or occupying any position in the AFP Table of
2 Organization; and,

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

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

10 **SEC. 7. *Optional Retirement.*** – Upon accumulation of at least twenty
11 (20) years of satisfactory active duty, an officer or enlisted personnel may at
12 his/her own request be retired from military service, subject to the approval
13 of either the President, the Secretary of National Defense, or the AFP Chief of
14 Staff, or Major Service Commander as appropriate, as provided for in the
15 Implementing Rules and Regulations of this Act.

16 **SEC. 8. *Retirement Grade.*** – Officers and enlisted personnel covered
17 by this Act shall be retired in the permanent grade last held and received the
18 benefits appurtenant thereto.

19 **TITLE IV**

20 **ATTRITION SYSTEM FOR THE PERSONNEL OF THE AFP**

21 **SEC. 9. *Definition of Terms.*** – As used in this Act, the following terms
22 shall mean:

- 23 (a) *Active Duty* - the service or duty as a commissioned officer or
24 enlisted personnel in the regular force of the AFP.
- 25 (b) *Enlisted Personnel* – refer to members of the AFP with the rank
26 of Private up to First Chief Master Sergeant or their equivalent in
27 the other services.
- 28 (c) *Forced Attrition* – is a mode of attrition wherein an officer or
29 enlisted personnel, who after having been considered for
30 promotion to the next higher grade, failed to qualify on account
31 of his/her own fault, failure or negligence or lack of individual
32 merit, or who has completed the maximum tenure-in-grade
33 without being promoted, is subsequently separated or retired
34 from military service.

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

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

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

- 15 (1) Private;
- 16 (2) Private First Class;
- 17 (3) Corporal;
- 18 (4) Sergeant;
- 19 (5) Staff Sergeant;
- 20 (6) Technical Sergeant;
- 21 (7) Master Sergeant;
- 22 (8) Senior Master Sergeant;
- 23 (9) Chief Master Sergeant; and
- 24 (10) First Chief Master Sergeant

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

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

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

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

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

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

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

17 (1) *Deferment of Promotion.* – An officer in the grade of
18 Second Lieutenant/Ensign (PN) who is deferred once
19 shall be separated in the permanent grade he/she
20 holds on the first day of the third month after the
21 President shall have approved the promotion of
22 officers recommended by the Selection Board which
23 recommended the deferment of such an officer for the
24 first time.

25 (2) *Twice deferment of Promotion.* – An officer in the
26 grade of First Lieutenant/Lieutenant Junior Grade (PN)
27 to Lieutenant Colonel/Commander (PN) who is
28 deferred twice for promotion to the next higher grade
29 shall be separated in the permanent grade he/she
30 holds on the first day of the third month after the
31 President shall have approved the promotion of
32 officers recommended by the Selection Board which
33 recommended the deferment of such officer for the
34 second time. This subsection applies only to officers in
35 the primary zone of consideration because they were
36 considered or deliberated upon by the Selection Board

1 but failed to qualify for promotion to the next higher
2 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
6 AFP are 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

7 (2) *Officers.* – The maximum tenure of officers in the
8 grades of Colonel, Lieutenant Colonel, Major, and
9 Captain, or their equivalent in the other services in the
10 AFP are 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 (b) *Low-Potentiality.* – An officer referred to and found by the AFP
2 Efficiency and Separation Board not fit for retention, lacking
3 leadership skills, of doubtful integrity, or fails to demonstrate
4 satisfactory performance may be separated from the military
5 service subject to the approval of the President.

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

7 (a) *Failure of Promotion.* – An Enlisted Personnel who fails to qualify
8 or fails to satisfy any of the conditions for promotion to the next
9 higher grade as determined by the appropriate Enlisted Personnel
10 Promotion Board shall be referred to the concerned Review and
11 Evaluation Board for evaluation and subsequent recommendation
12 to the Major Service Commanders for attrition or retention. The
13 grounds for referral shall be provided in the Implementing Rules
14 and Regulations of this Act.

15 (b) *Maximum Tenure-In-Grade for Enlisted Personnel.* – An Enlisted
16 Personnel shall be separated or retired in accordance with the
17 provisions of existing laws for failure to be promoted after having
18 attained the maximum allowable tenure for the present grade
19 except if occupying a position calling for a higher grade in the AFP
20 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 referred to and
2 found by the Enlisted Personnel Reenlistment Board not fit for
3 retention, complacent, lacking leadership skills, of doubtful
4 integrity, or fails to demonstrate outstanding performance may
5 be separated from the military service.

6 **SEC. 12.** *Separation or Retirement from the AFP.* — Any officer or
7 enlisted personnel who is removed from the AFP pursuant to this Title shall
8 be:

9 (a) *separated*, if one has rendered less than twenty (20) years of
10 satisfactory active duty and shall receive separation benefits
11 pursuant to law, or

12 (b) *retired*, if one has rendered at least twenty (20) years of
13 satisfactory active duty and shall receive retirement benefits
14 pursuant to law, unless the concerned service member is
15 disqualified by law to receive such benefits.

16 **TITLE V**
17 **PROCUREMENT OF OFFICERS/ENLISTED PERSONNEL AND**
18 **GRADE DISTRIBUTION**

19 **SEC. 13.** *Age Requirement for Commissionship.* – Unless otherwise
20 provided herein, all officers appointed to the Regular Force shall have an
21 initial appointment in the grade of Second Lieutenant (O-1) and shall not be
22 less than twenty-one (21) but not more than twenty-eight (28) years old;
23 *Provided, That,* The original appointment in the Nurse Corps and Medical

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

11 In accordance with this Act and other pertinent laws, rules and
12 regulations, non-commissioned officers of the Regular Force of the Armed
13 Forces of the Philippines, who have shown outstanding ability and have
14 rendered exceptional service may be appointed in the grade of Second
15 Lieutenant (O-1) in the Regular Force by the President upon recommendation
16 of the Secretary of National Defense.

17 **SEC. 14. *Age Requirement for Enlistment.*** - Enlisted personnel shall
18 not be less than eighteen (18) nor more than twenty-six (26) years old at the
19 time of enlistment. *Provided, That* the AFP may offer special enlistment to an
20 individual whose technical/skills qualification is highly desirable to the
21 organization and who at the time of enlistment is not less than eighteen (18)
22 nor more than thirty-five (35) years old.

23 **SEC. 15. *Officer Grade Distribution.*** - The Secretary of National
24 Defense shall prescribe the authorized number of officers in the active force
25 in each grade and in each major, technical or administrative service and shall
26 implement the gradual decrease in the number of officers in each officer rank
27 as part of, and in line with, the Modernization Program of the Armed Forces:
28 *Provided, That* one (1) year after the approval of this Act, such number shall
29 not exceed the number in each grade authorized in the Table of Organization
30 of units of the active force distributed as follows:

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

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

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

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

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

9 (6) Forty-three percent (43%) in the grades of First
10 Lieutenant/Lieutenant Junior Grade (PN) and Second
11 Lieutenant/Ensign (PN) based on the total officer strength
12 authorized for the AFP.

13 *Provided, Further, That* the Table of Organization of units of the active
14 force shall be adjusted in accordance with their respective missions and
15 officer requirements, and shall be gradually decreased pursuant to this
16 section and such rules and regulations as the Secretary of National Defense
17 shall prescribe, subject to the condition that the schedule of percentage for
18 each grade as herein prescribed shall not be exceeded: *Provided,*
19 *furthermore, That* in the determination of the officer to enlisted personnel
20 ratio, the mission requirement, capabilities, scope of responsibility, technical
21 nature of the position and task, and equipment inventory of units shall be
22 taken into consideration: *Provided furthermore, That* considering the
23 highly technical nature of the Air Force and the Navy, they shall be allocated a
24 higher officer to enlisted personnel ratio which shall not exceed fifteen
25 percent (15%) of the officer to enlisted personnel ratio allocated in the
26 Philippine Army: *Provided furthermore, That* as far as practicable, officers in
27 the technical or administrative services such as, but not limited to, surgeon
28 general, chief dental service and chief nurse may be eligible for promotion to
29 general/flag officer grade: *Provided, furthermore, That* the quota limitation
30 provided herein shall not apply in the promotion to General/Flag rank of
31 reserve officers in the inactive service: *Provided finally, That* if the actual
32 number in a grade is less than the number prescribed, the difference may be
33 applied as an increase to the number prescribed in a lower grade.

34 **TITLE VI**
35 **GENERAL PROVISIONS**

36 **SEC. 16. Competitive Categories for Promotion.** - Under regulations
37 prescribed by the Secretary of National Defense, the AFP shall establish

1 competitive categories for promotion. Each officer whose name appears on an
2 active-duty list shall be carried in a competitive category of officers. Officers
3 in the same competitive category shall compete among themselves for
4 promotion.

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

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

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

21 **TITLE VII**
22 **MISCELLANEOUS PROVISIONS**

23 **SEC. 20. *Appropriations.*** – The amount necessary for the effective
24 implementation of this Act shall be charged to the appropriations of the
25 Department of National Defense under the current General Appropriations Act.
26 Thereafter, such sum as may be necessary for its continued implementation
27 shall be included in the annual General Appropriations Act.

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

32 **SEC. 22. *Implementing Rules and Regulations.*** – The Department of
33 National Defense shall formulate the rules and regulations necessary to
34 implement the provisions of this Act within ninety (90) days from its
35 effectivity. *Provided, That* the IRR shall provide for a systematic, methodical,

1 and efficient transition to the new retirement and separation system provided
2 for under this Act based on the following basic principles:

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

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

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

16 (d) The rules and regulations shall give full respect to the services
17 of the officers and enlisted personnel and provide for
18 adequate separation and/or retirement benefits as may be
19 allowed by existing laws, rules, and regulations.

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

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

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

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

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

34 (d) Sections 10, 11, and 12 of Presidential Decree No. 1638 are hereby
35 repealed;

- 1 (e) Section 9 of Presidential Decree No. 1638, which provides for
2 retirement in the next higher grade is hereby repealed;
- 3 (f) Section 17 of Presidential Decree No. 1638, which provides for
4 retirement benefits based on the next higher grade is hereby
5 amended;
- 6 (g) Section 1 of Republic Act No. 9188, with respect to Officer Grade
7 Distribution is hereby amended;
- 8 (h) Section 4(b) and (c) of Republic Act No. 291, as amended, which
9 provides for the age of commissionship is hereby amended;
- 10 (i) Section 27 of Commonwealth Act No. 1, which provides for the age
11 of enlistment is hereby amended; and,
- 12 (j) All laws, executive orders, or issuances, or any part thereof, which
13 are inconsistent herewith, are hereby repealed, amended or
14 modified accordingly.

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

Approved,