

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



'22 DEC -6 P5:51

SENATE
S. No. 1601

RECEIVED BY

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Introduced by Senator Jinggoy Ejercito Estrada

**AN ACT
FURTHER STRENGTHENING PROFESSIONALISM AND PROMOTING THE
CONTINUITY OF POLICIES AND MODERNIZATION INITIATIVES IN THE
ARMED FORCES OF THE PHILIPPINES**

EXPLANATORY NOTE

After the passage into law of Republic Act No. 11709 or the law that strengthens professionalism and promotes the continuity of policies and modernization initiatives in the Armed Forces of the Philippines, a significant number of proposals and recommendations from officers and enlisted personnel were made to amend some provisions in order to make it more responsive to the needs, peculiar situation, organizational culture and human resource development of the Armed Forces of the Philippines (AFP).

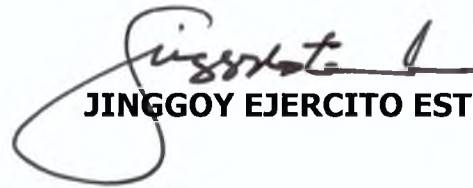
As a law of national significance, there is an imperative need to revisit its key provisions and to make it more responsive to the needs of the AFP. Consistent with Sec. 23 of the law which provides for the conduct for a systematic review, evaluation, and impact assessment of the Act, a pro-active stance was taken to consult the organization, officers, and enlisted personnel on the recommendations and courses of action.

After the conduct of extensive consultations, several recommendations were identified towards the further enhancement of the law:

- a.) Allow the organization to manage the tenure-in-grade of enlisted personnel;
- b.) Limit the fixed tour of duty to the Chief of Staff, the commanding generals of the major services, and the PMA Superintendent while allowing lateral movement for other key positions;
- c.) Allow the Secretary of National Defense in consultation with the AFP to prescribe the authorized number of officers in the active force in each grade and in each major, technical or administrative service and implement the gradual increase or decrease in the number of officers in each officer rank based on the mission requirement, capabilities, scope of responsibility, technical nature of the position and task;
- d.) Restore the rule that except for the Chief of Staff of the AFP, no officer shall be designated to the key positions or promoted to the rank of Brigadier General/Commodore or higher if said officer has less than six (6) months of active service remaining prior to compulsory retirement;
- e.) Provide for lengthening for those in the positions of Captain, Major, and Lieutenant Colonel and increase the maximum tenure-in-grade for Colonel; and,
- f.) Address the retirement grade provision of the law together with the proposed measures on pension and retirement for Military and other Uniformed Personnel.

Congress is at all times guided by the constitutional provision of upholding the continuing role of the Armed Forces of the Philippines as the protector of the people and the State and its goal of securing the sovereignty of the State and the integrity of the national territory (Article II, Section 2, 1987 Philippine Constitution). In the enhancement of the law, the policies of professionalization of the organization, allowing the leadership for a longer period to implement reforms, and obviating the revolving door policy regarding promotions will continuously be pursued.

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



JINGGOY EJERCITO ESTRADA

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**AN ACT
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CONTINUITY OF POLICIES AND MODERNIZATION INITIATIVES IN THE
ARMED FORCES OF THE PHILIPPINES**

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

1 Section 1. Section 2 of Republic Act No. 11709 is hereby amended to read
2 as:

3 "SEC. 2. **FIXED Tour of Duty AND LATERAL MOVEMENT**
4 **of Key Officers.** – (A) The following officers holding key
5 positions in the AFP, upon [appointment] **DESIGNATION**
6 shall have a fixed tour of duty of three (3) **CONSECUTIVE**
7 years, **UNLESS SOONER TERMINATED BY THE**
8 **PRESIDENT**

9 "[a] (1) Chief of Staff

10 "[b] [Vice-Chief of Staff]

11 "[c] [The Deputy-Chief of Staff]

12 "[d] (2) Commanding General, Philippine Army

13 "[e] (3) Commanding General, Philippine Air Force; **AND**

14 "[f] (4) Flag Officer in Command, Philippine Navy

15 "[g] [Unified-Command Commanders; and]

16 "[h] [Inspector-General.]"

1 ~~“[The tour of duty of the aforementioned officers shall~~
2 ~~commence on the date the appointment is signed and shall~~
3 ~~be for three (3) consecutive years unless sooner terminated~~
4 ~~by the President;] Provided, That **THE COMMANDING**~~
5 ~~**GENERALS/FLAG OFFICER IN COMMAND OF THE**~~
6 ~~**MAJOR SERVICES** [those mentioned in Section 2(b) to~~
7 ~~2(h)] shall not be eligible for any other position in the AFP~~
8 ~~unless promoted to the position of Chief of Staff.~~

9 **“(B) LATERAL MOVEMENT SHALL BE ALLOWED**
10 **FOR OFFICERS HOLDING THE FOLLOWING KEY**
11 **POSITIONS:**

12 **“(A) VICE CHIEF OF STAFF**

13 **“(B) THE DEPUTY CHIEF OF STAFF**

14 **“(C) UNIFIED COMMAND COMMANDERS; AND**

15 **“(D) THE INSPECTOR GENERAL AFP**

16 **“PROVIDED, THAT, EXCEPT FOR THE POSITION OF**
17 **CHIEF OF STAFF, NO OFFICER SHALL BE**
18 **DESIGNATED TO KEY POSITIONS IF THE OFFICER**
19 **HAS LESS THAN ONE (1) YEAR OF ACTIVE SERVICE**
20 **REMAINING PRIOR TO COMPULSORY RETIREMENT,**
21 **OR PROMOTED TO THE RANK OF BRIGADIER**
22 **GENERAL/COMMODORE OR HIGHER IF THE OFFICER**
23 **HAS LESS THAN SIX (6) MONTHS OF ACTIVE**
24 **SERVICE REMAINING PRIOR TO COMPULSORY**
25 **RETIREMENT.”**

26 Sec. 2. Section 6, subsection (a), paragraph (3) of the same Act is hereby
27 amended to read as:

28 **“SEC. 6. *Compulsory Retirement for Military Personnel.***

29 **“(a) The following officers of the AFP shall be compulsorily**
30 **retired:**

31 **“(1) X x x.**

1 “(2) Those in the grades of Brigadier General/Commodore
2 (O-7) upon reaching the age of **FIFTY-SEVEN (57);**
3 **MAJOR GENERAL/REAR ADMIRAL (O-8) UPON**
4 **REACHING THE AGE OF FIFTY-EIGHT (58);**
5 **LIEUTENANT GENERAL/VICE ADMIRAL (O9) UPON**
6 **REACHING THE AGE OF** fifty-nine (59) or the maximum
7 tenure-in-grade as defined in this Act, whichever comes
8 earlier;

9 “(3) Those occupying [a] key position~~S~~, as defined in
10 Section 2 of this Act, upon completion of the fixed tour of
11 duty regardless of age, unless promoted [~~to Chief of Staff~~]
12 **IN ACCORDANCE WITH SAID SECTION 2** or who is
13 relieved from post [~~and is not designated to or occupying~~
14 ~~any position in the AFP Table of organization~~]; and,

15 “(4) X x x.”

16
17 Sec. 3. Section 8 of the same Act is hereby repealed.

18 Sec. 4. Section 10, subsection (b), paragraph (2) of the same Act is hereby
19 amended to read as:

20 “SEC. 10. *Forced Attrition of Officers.* X x x.

21 “(a) X x x.

22 “(b) *Maximum Tenure-In-Grade for Officers*

23 “(1) *Generals/Flag Officers.* X x x.

24 “(2) *Officers.* – The maximum tenure of officers in the
25 grades of Colonel, Lieutenant Colonel, Major, and Captain, or
26 their equivalent in the other services in the AFP are hereby
27 prescribed as follows:

| Grade | Maximum Tenure-in-Grade |
|--|---|
| Colonel/Captain (PN) (O-6) | [Eight (8)] NINE (9) years |
| Lieutenant Colonel/Commander (PN) (O-5) | Seven (7) years |
| Major/Lieutenant Commander (PN) | Six (6) years |

| | |
|----------------------------------|---------------|
| (O-4) | |
| Captain/Lieutenant (PN) (O-3) | Six (6) years |

1 **"PROVIDED, THAT THE PRESIDENT MAY LENGTHEN**
2 **THE ACTIVE SERVICE-IN-GRADE OF OFFICERS IN THE**
3 **PERMANENT GRADES OF CAPTAIN, MAJOR, AND**
4 **LIEUTENANT COLONEL, OR THEIR EQUIVALENT, UP TO**
5 **THREE (3) CYCLES WHEN NECESSARY, TO MAINTAIN**
6 **THE DESIRABLE OFFICER RANK STRUCTURE AND**
7 **UPHOLD THE PROGRESSIVE PROFESSIONAL**
8 **DEVELOPMENT OF THE OFFICER CORPS: PROVIDED**
9 **FURTHER, THAT THE MAXIMUM TENURE-IN-GRADE**
10 **HEREIN PRESCRIBED FOR THE GRADE OF**
11 **COLONEL/CAPTAIN (PN) SHALL APPLY TO THOSE**
12 **PROMOTED UNDER REPUBLIC ACT NO. 11709.**

13 "X x x."

14 Sec. 5. Section 11, subsection (b) of the same Act is hereby amended to read
15 as:

16 "SEC. 11. *Forced Attrition of Enlisted Personnel*

17 "(a) X x x

18 "(b) **Maximum Tenure-in-Grade for Enlisted**
19 **Personnel.** – [~~An enlisted personnel shall be separated or~~
20 ~~retired in accordance with the provisions of existing laws for~~
21 ~~failure to be promoted after having attained the maximum~~
22 ~~allowable tenure for the present grade except if occupying a~~
23 ~~position calling for a higher grade in the AFP Table of~~
24 ~~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 **“THE SECRETARY OF NATIONAL DEFENSE SHALL**
2 **DETERMINE THE MAXIMUM TENURE-IN-GRADE OF**
3 **ENLISTED PERSONNEL.”**

4 Sec. 6. Section 15 of the same Act is hereby amended to read as:

5 **“SEC. 15. AUTHORIZED NUMBER OF OFFICERS** *[Officer*
6 *Grade-Distribution]*. – The Secretary of National Defense, **IN**
7 **CONSULTATION WITH THE AFP**, shall prescribe the
8 authorized number of officers in the active force in each
9 grade and in each major, technical or administrative service.
10 ~~【and shall implement the gradual decrease in the number of~~
11 ~~officers in each officer rank as】~~ **THE AUTHORIZED**
12 **NUMBER OF OFFICERS IN EACH RANK SHALL BE** ~~【part~~
13 ~~of, and】~~ in line with~~【;~~ the Modernization Program of the
14 AFP: ~~【Provided, That one (1) year after the approval of this~~
15 ~~Act, such number shall not exceed the number in each grade~~
16 ~~authorized in the Table of Organization of units of the active~~
17 ~~force distributed as follows:】~~

18 ~~“【(1) One percent (1%) in the General/Flag Officer~~
19 ~~grade based on the total officer strength authorized for the~~
20 ~~AFP or zero point one per centum (0.1%) of the total troop~~
21 ~~strength authorized for the AFP, whichever is lower;】~~

1 ~~"[(2) Six percent (6%) in the grade of~~
2 ~~Colonel/Captain (PN) based on the total officer strength~~
3 ~~authorized for the AFP;]~~

4 ~~"[(3) Twelve percent (12%) in the grade of~~
5 ~~Lieutenant Colonel/Commander (PN) based on the total~~
6 ~~officer strength authorized for the AFP;]~~

7 ~~"[(4) Eighteen percent (18%) in the grade of~~
8 ~~Major/Lieutenant Commander (PN) based on the total officer~~
9 ~~strength authorized for the AFP;]~~

10 ~~"[(5) Twenty percent (20%) in the grade of~~
11 ~~Captain/Lieutenant (PN) based on the total officer strength~~
12 ~~authorized for the AFP; and]~~

13 ~~"[(6) Forty three percent (43%) in the grades of First~~
14 ~~Lieutenant/Lieutenant Junior Grade (PN) and Second~~
15 ~~Lieutenant/Ensign (PN) based on the total officer strength~~
16 ~~authorized for the AFP.]~~

17 ~~"Provided [,-further], That the Table of Organization~~
18 ~~of units of the active force shall be adjusted in accordance~~
19 ~~with their respective missions and officer requirements, [and~~
20 ~~shall be gradually decreased pursuant to this section and]~~

21 ~~**UNDER** such rules and regulations as the Secretary of~~
22 ~~National Defense shall prescribe[,- subject to the condition~~
23 ~~that the schedule of percentage for each grade as herein~~
24 ~~prescribed shall not be exceeded]: *Provided [,- furthermore]*~~

25 ~~**FURTHER**, That in the determination of the officer to~~
26 ~~enlisted personnel ratio, the mission requirement,~~
27 ~~capabilities, scope of responsibility, technical nature of the~~
28 ~~position and task, and equipment inventory of units shall be~~
29 ~~taken into consideration: *Provided, furthermore,* That~~
30 ~~considering the highly technical nature of the Air Force and~~
31 ~~the Navy, they shall be allocated a higher officer to enlisted~~
32 ~~personnel ratio [which shall not exceed fifteen percent~~

1 ~~(15%) of the officer to enlisted personnel ratio allocated in~~
2 ~~the Philippine Army]:~~ *Provided, furthermore,* That as far as
3 practicable, officers in the technical or administrative
4 services such as surgeon general, chief dental service and
5 chief nurse may be eligible for promotion to General/Flag
6 Officer grade:~~[~~~~*Provided, furthermore,*~~ ~~That the quota~~
7 ~~limitation provided herein shall not apply in the promotion to~~
8 ~~the rank of General/Flag Officer of reserve officers in the~~
9 ~~inactive service:]~~ *Provided, finally,* That if the actual number
10 in a grade is less than the number prescribed, the difference
11 may be applied as an increase to the number prescribed in a
12 lower grade.”

13 Sec. 7. There is hereby created a Congressional Oversight Committee to
14 monitor and oversee the implementation of the provisions of this Act. The
15 Committee shall be composed of six (6) members from the Senate and six (6)
16 members from the House of Representatives with the Chairpersons of the
17 Committee on National Defense and Security, Peace, Unity and Reconciliation of the
18 Senate and the Committee on National Defense and Security of the House of
19 Representatives as joint Chairpersons of this Committee. The five (5) other members
20 from each Chamber are to be designated by the Senate President and the Speaker
21 of the House of Representatives, respectively. The minority shall be entitled to pro
22 rata representation but shall have at least two (2) representatives from each
23 Chamber.

24 Sec. 8. The Department of National Defense shall conduct a systematic
25 review, evaluation and impact assessment of this Act within five (5) years of its
26 effectivity. A report shall be submitted to the Congressional Oversight Committee
27 created under Section 7 hereof, the Committee on National Defense and Security,
28 Peace, Unification and Reconciliation of the Senate of the Philippines and the
29 Committee on National Defense and Security of the House of Representatives within
30 thirty (30) days after its review and assessment.

1 Sec. 9. If any provision or part of this Act is declared unconstitutional or
2 invalid, the remaining parts or provisions not affected shall remain in full force and
3 effect.

4 Sec. 10. All laws, executive orders, rules and regulations or parts thereof
5 which are inconsistent with the provisions of this Act are hereby amended or
6 repealed accordingly.

7 Sec. 11. This Act shall take effect fifteen (15) days after its publication in the
8 *Official Gazette* or in a newspaper of general circulation.

Approved,