

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

SENATE

S. NO. 1702

Introduced by Senator Antonio F. Trillanes IV

EXPLANATORY NOTE

Since 1994 when RA 7898, otherwise known as the AFP Modernization Act, was enacted, two laws were passed to fix and determine the percentage distribution of generals/ flag officers in the AFP. Republic Act 8186, which was passed in 1996, was the first law to determine and provide the percentage for the distribution of generals in the AFP.

In 2002, Republic Act 9188 amended several provisions in RA 8186 paving the way for the increase in the distribution in the number of flag officers/ generals in the AFP. The increase in the distribution was meant to strengthen and attune the command and staff structure to the exigencies of the modernized AFP.

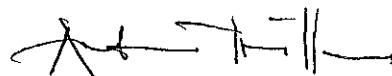
The increase in the percentage of the distribution of generals also aimed to remedy the quandary of officers performing duties and responsibilities that are normally assumed by people with higher ranks due to lack of vacancies or available positions. The passing of RA 9188 was also expected to boost the morale of the officer's corps as it provided more opportunities for promotion.

Section 4 (a) of RA 7898 states that the modernization program shall develop the AFP into a **compact**, efficient, responsive and modern force. Likewise, Section 1 of RA 9188 states that the Secretary of National Defense shall implement the gradual decrease in the number of officers in each officer rank as part of, and in, line with the Modernization Program of the AFP.

This bill seeks to facilitate the gradual decrease in the percentage distribution of flag officers/ generals in the Armed Forces by repealing Sections 1 and 2 of Republic Act 9188 as the problems that were experienced before would have already been remedied with the five year existence of RA 9188.

Likewise, it can be expected that after five years, the AFP has already professionalized its ranks and is ready for a leaner but more professional organization.

In view of the foregoing, the approval of this Act is earnestly requested.



SENATOR ANTONIO F. TRILLANES IV

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7 MAY -4 2016

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S. NO. 1702

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AN ACT AMENDING SECTIONS ONE (1) AND TWO (2) OF REPUBLIC ACT NUMBERED NINETY-ONE EIGHTY-EIGHT (R.A. 9188), OTHERWISE KNOWN AS "AN ACT STRENGTHENING THE PROFESSIONALISM IN THE ARMED FORCES OF THE PHILIPPINES BY INCREASING THE PERCENTAGE DISTRIBUTION OF GENERALS/FLAG OFFICERS IN THE AFP TABLE OF ORGANIZATION".

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

1 **SECTION 1.** Any provision of law to the contrary notwithstanding,
2 Sections One (1) and Two (2) of Republic Act Numbered Ninety-One
3 Eighty-Eight (R. A. 9188) entitled "An Act Strengthening The
4 Professionalism In The Armed Forces of the Philippines By Increasing The
5 Percentage Distribution of Generals/Flag Officers In The AFP Table of
6 Organization, Amending For This Purpose Republic Act Numbered Eighty-
7 One Eighty-Six (R.A. 8186), And For Other Purposes" is hereby amended to
8 read as follows:

9 **[SECTION 1. Officer Grade Distribution. —** The Secretary of National
10 Defense shall prescribe the authorized number of officers in the active force
11 in each grade and in each major, technical or administrative service and shall
12 implement the gradual decrease in the number of officers in each officer
13 rank as part of, and in line with, the Modernization Program of the Armed
14 Forces: *Provided*, That effective one (1) year after the approval of this Act,
15 such number shall not exceed the number in each grade authorized in the
16 Table of Organization of units of the active force distributed as follows: One
17 point one two five *per centum* (1.125%) in the General/Flag Officer grade;
18 six *per centum* (6%) in the grade of Colonel/Captain (PN); twelve *per*

1 *centum* (12%) in the grade of Lieutenant Colonel/Commander (PN);
 2 eighteen *per centum* (18%) in the grade of Major/Lieutenant Commander
 3 (PN); twenty *per centum* (20%) in the grade of Captain/Lieutenant (PN) and
 4 forty-two point eight seven five *per centum* (42.875%) in the grades of First
 5 Lieutenant/Lieutenant Junior Grade (PN) and Second Lieutenant/Ensign
 6 (PN): *Provided, further,* That such distribution is based on the total officer
 7 strength authorized for the AFP: *Provided, furthermore,* That the Table of
 8 Organization of units of the active force shall be adjusted in accordance with
 9 their respective missions and officer requirements, and shall be gradually
 10 decreased pursuant to this Sec. and such rules and regulations as the
 11 Secretary of National Defense shall prescribe, subject to the condition that
 12 the schedule of percentage for each grade as herein prescribed shall not be
 13 exceeded: *Provided, furthermore,* That in the determination of the officer to
 14 enlisted personnel ratio, the mission requirement, capabilities, scope of
 15 responsibility, technical nature of the position and task, and equipment
 16 inventory of units shall be taken into consideration: *Provided, furthermore,*
 17 That considering the highly technical nature of the Air Force and the Navy,
 18 they shall be allocated a higher officer to enlisted personnel ratio which shall
 19 not exceed fifteen percent (15%) of the officer to enlisted personnel ratio
 20 allocated in the Philippine Army: *Provided, furthermore,* That as far as
 21 practicable, officers in the technical or administrative services such as, but
 22 not limited to, surgeon general, chief dental service and chief nurse may be
 23 eligible for promotion to general/flag officer grade: *Provided, furthermore,*
 24 That the quota limitation provided herein shall not apply in the promotion to
 25 general/flag rank of reserve officers in the inactive service: *Provided, finally,*
 26 less than the number prescribed, the difference may be applied as an increase
 27 to the number prescribed in a lower grade."
 28

29 **SECTION 2.** Sec. 2 of the same law is likewise amended to read as
 30 follows:

31 "SEC. 2. Distribution of General/Flag Officers. — The number of
 32 general/flag officers herein authorized shall be distributed to the various
 33 general/flag officer grades in accordance with the schedule of percentage as
 34 hereunder prescribed:

35		
36	General/Admiral (0-10)	- 1 <i>per centum</i>
37	Lieutenant General/Vice Admiral (0-9)	- 7 <i>per centum</i>
38	Major General/Rear Admiral (0-8)	- 30 <i>per centum</i>
39	Brigadier General/Commodore (0-7)	- <u>62 <i>per centum</i></u>
40	Total:	<u>100 <i>per centum</i></u>
41		=====

1 "Provided, That there shall only be one officer with a grade of
2 General/Admiral at any time: *Provided, further,* That the number
3 corresponding to the schedule of percentage prescribed for the grades of
4 Major General/Rear Admiral, Lieutenant General/Vice Admiral, and
5 General/Admiral shall be the maximum: *Provided, furthermore,* That if the
6 actual number in a grade is less than the number prescribed, the difference
7 may be applied as an increase to the number prescribed in the lower grade:
8 *Provided, finally,* That no officer shall be promoted to the grade of Brigadier
9 General/Commodore or higher unless there is an existing vacancy, and the
10 officer is occupying a position in the Table of Organization that requires the
11 grade or rank of which he is being considered for promotion."]

12
13 SECTION 1. *OFFICER GRADE DISTRIBUTION* – THE SECRETARY OF
14 NATIONAL DEFENSE SHALL PRESCRIBE THE AUTHORIZED
15 NUMBER OF OFFICERS IN THE ACTIVE FORCE IN EACH GRADE
16 AND IN EACH MAJOR TECHNICAL OR ADMINISTRATIVE
17 SERVICE AND SHALL IMPLEMENT THE GRADUAL DECREASE IN
18 THE NUMBER OF OFFICERS IN EACH OFFICER RANK AS PART OF,
19 AND IN LINE WITH, THE MODERNIZATION PROGRAM OF THE
20 ARMED FORCES: *PROVIDED,* THAT EFFECTIVE ONE (1) YEAR
21 AFTER THE APPROVAL OF THIS ACT, SUCH NUMBER SHALL NOT
22 EXCEED THE NUMBER IN EACH GRADE AUTHORIZED IN THE
23 TABLE OF ORGANIZATION OF UNITS OF THE ACTIVE FORCE
24 DISTRIBUTED AS FOLLOWS: POINT SEVENTY-FIVE *PER CENTUM*
25 (.75%) IN THE GENERAL/ FLAG OFFICER GRADE; SIX *PER*
26 *CENTUM* (6%) IN THE GRADE OF COLONEL/ CAPTAIN (PN);
27 TWELVE *PER CENTUM* (12%) IN THE GRADE OF LIEUTENANT
28 COLONEL/ COMMANDER (PN); EIGHTEEN *PER CENTUM* (18%) IN
29 THE GRADE OF MAJOR/ LIEUTENANT COMMANDER (PN);
30 TWENTY *PER CENTUM* (20%) IN THE GRADE OF CAPTAIN/

1 LIEUTENANT (PN); AND FORTY-THREE *POINT TWENTY-FIVE PER*
2 *CENTUM* (43.25%) IN THE GRADES OF FIRST LIEUTENANT/
3 LIEUTENANT JUNIOR GRADE (PN) AND SECOND LIEUTENANT/
4 ENSIGN (PN): *PROVIDED, FURTHER*, THAT SUCH DISTRIBUTION IS
5 BASED ON THE TOTAL OFFICER STRENGTH AUTHORIZED FOR
6 THE AFP: *PROVIDED, FURTHERMORE*, THAT THE TABLE OF
7 ORGANIZATION OF UNITS OF THE ACTIVE FORCE SHALL BE
8 ADJUSTED IN ACCORDANCE WITH THEIR RESPECTIVE MISSIONS
9 AND OFFICER REQUIREMENTS, AND SHALL BE GRADUALLY
10 DECREASED PURSUANT TO THIS SECTION AND SUCH RULES
11 AND REGULATIONS AS THE SECRETARY OF NATIONAL DEFENSE
12 SHALL PRESCRIBE, SUBJECT TO THE CONDITION THAT THE
13 SCHEDULE OF PERCENTAGE FOR EACH GRADE AS HEREIN
14 PRESCRIBED SHALL NOT BE EXCEEDED: *PROVIDED,*
15 *FURTHERMORE*, THAT IN THE DETERMINATION OF THE OFFICER
16 TO ENLISTED PERSONNEL RATIO, THE MISSION REQUIREMENT,
17 CAPABILITIES, SCOPE OF RESPONSIBILITY, TECHNICAL NATURE
18 OF THE POSITION AND TASK, AND EQUIPMENT INVENTORY OF
19 UNITS SHALL BE TAKEN INTO CONSIDERATION: *PROVIDED,*
20 *FURTHERMORE*, THAT CONSIDERING THE HIGHLY TECHNICAL
21 NATURE OF THE AIR FORCE AND THE NAVY, THEY SHALL BE
22 ALLOCATED A HIGHER OFFICER TO ENLISTED PERSONNEL
23 RATIO WHICH SHALL NOT EXCEED FIFTEEN PERCENT (15%) OF
24 THE OFFICER TO ENLISTED PERSONNEL RATIO ALLOCATED FOR
25 THE PHILIPPINE ARMY: *PROVIDED, FINALLY*, THAT IF THE
26 ACTUAL NUMBER IN A GRADE IS LESS THAN THE NUMBER
27 PRESCRIBED, THE DIFFERENCE MAY BE APPLIED AS AN
28 INCREASE TO THE NUMBER PRESCRIBED IN A LOWER GRADE.
29

1 SECTION 2. *DISTRIBUTION OF GENERAL/ FLAG OFFICERS* – THE
2 NUMBER OF GENERAL/ FLAG OFFICERS HEREIN AUTHORIZED
3 SHALL BE DISTRIBUTED TO THE VARIOUS GENERAL/ FLAG
4 OFFICER GRADES IN ACCORDANCE WITH THE SCHEDULE OF
5 PERCENTAGE AS HEREUNDER PRESCRIBED:

6		
7	GENERAL/ ADMIRAL (O-10)	1 PER CENTUM
8	LIEUTENANT GENERAL/ VICE ADMIRAL (O-9)	7 PER CENTUM
9	MAJOR GENERAL/ REAR ADMIRAL (O-8)	26 PER CENTUM
10	BRIGADIER GENERAL/ COMMODORE (O-7)	66 PER CENTUM
11		-----
12	TOTAL	100 PER CENTUM
13		

14 *PROVIDED*, THAT THERE SHALL ONLY BE ONE OFFICER WITH A
15 GRADE OF GENERAL/ ADMIRAL AT ANY ONE TIME: *PROVIDED*,
16 *FURTHER*, THAT THE NUMBER CORRESPONDING TO THE
17 SCHEDULE OF PERCENTAGE PRESCRIBED FOR THE GRADES OF
18 MAJOR GENERAL/ REAR ADMIRAL, LIEUTENANT GENERAL/
19 VICE ADMIRAL, AND GENERAL/ ADMIRAL SHALL BE THE
20 MAXIMUM: *PROVIDED, FURTHERMORE*, THAT IF THE ACTUAL
21 NUMBER IN A GRADE IS LESS THAN THE NUMBER PRESCRIBED,
22 THE DIFFERENCE MAY BE APPLIED AS AN INCREASE TO THE
23 NUMBER PRESCRIBED IN THE LOWER GRADE: *PROVIDED*,
24 *FINALLY*, THAT NO OFFICER SHALL BE PROMOTED TO THE
25 GRADE OF BRIGADIER GENERAL/ COMMODORE OR HIGHER
26 UNLESS THERE IS AN EXISTING VACANCY, AND THE OFFICER IS
27 OCCUPYING A POSITION IN THE TABLE OF ORGANIZATION
28 THAT REQUIRES THE GRADE OR RANK FOR WHICH HE IS BEING
29 CONSIDERED FOR PROMOTION.

1 **SECTION 2.** This Act shall take effect fifteen (15) days following its
2 publication in two (2) national newspapers of general circulation in the
3 Philippines.

Approved,