


FIFTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
*First Regular Session* )

10 JUL -8 P1:32

**SENATE**

S. No. 995

RECEIVED BY: 

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Introduced by Senator Manuel "Lito" M. Lapid

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**EXPLANATORY NOTE**

The bill seeks to provide for the establishment of educational assistance and training programs for the enlisted personnel in the Armed Forces of the Philippines. Under this measure, the beneficiaries shall have the luxury of choosing to undertake four-year diploma courses or short-term courses intended to enhance their competence and skills in performing their duties while on active service and to improve their chances of getting hired after their tour of duty. In the appraisal for promotions, attendance to the abovementioned courses will be considered aside from the meritorious services rendered by the enlisted personnel.

In cases where an enlisted personnel elects not to avail of the program, he/she can transfer such entitlement to his/her spouse or dependents. If a member dies while on active duty, the remaining years of his/her educational assistance may be availed by the surviving spouse or dependent children.

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

  
**MANUEL "LITO" M. LAPID**  
Senator

**SENATE**

S. No. 995

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Introduced by Senator Manuel "Lito" M. Lapid

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**AN ACT**  
**ESTABLISHING AN EDUCATIONAL ASSISTANCE AND TRAINING**  
**PROGRAM FOR ENLISTED PERSONNEL OF THE ARMED FORCES OF**  
**THE PHILIPPINES (AFP) AND FOR OTHER PURPOSES**

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

**SECTION 1. Short Title.** - This Act shall be known as the "**AFP Education and Training Assistance Act of 2010.**"

**SEC. 2. Declaration of Policy.** - To encourage enlistments for service on active duty in the armed forces, the Department of National Defense (DND) shall establish a program that will provide educational assistance to all qualified enlisted personnel. This is in accordance with Article XVI, Sec. 5(2) of the Philippine Constitution which provides that the State shall strengthen the patriotic spirit and nationalist consciousness of the military, and respect for peoples' rights in the performance of their duty.

**SEC. 3. Definition of Terms.** - For the purpose of this Act the following definitions shall apply:

- a. Enlisted Personnel – those belonging to the following grade: Private (E-1), Private First Class (E-2), Corporal (E-3), Sergeant (E-4), Staff Sergeant (E-5), Technical Sergeant (E-6), Master Sergeant (E-7) and its equivalent in the Air Force, Navy and Marines.
- b. Educational Assistance for Enlisted Personnel – education and training opportunities provided to enlisted personnel of the Armed Forces under this Act.

- c. Dependent Child – legitimate or illegitimate child of the enlisted personnel who is under eighteen (18) years of age.
- d. Surviving Spouse – means a widow or widower who has not remarried.

**SEC. 4. *Establishment of an Educational Assistance and Training Program.*** - There is hereby established an Educational Assistance and Training Program for enlisted personnel of the Armed Forces of the Philippines which shall provide education and training opportunities to those who satisfy the eligibility requirements of this Act.

The program shall provide retraining for all qualified enlisted personnel of the armed forces to upgrade their skills and enhance their chances for post-service employment.

**SEC. 5. *Eligibility.*** - A person who meets the following requirements shall be eligible for educational assistance:

- a. an enlisted or re-enlisted personnel in the Regular Force of the Armed Forces of the Philippines (AFP)- Army, Air Force, Navy, and marines;
- b. those who have served two (2) continuous years of active duty;
- c. those who have graduated from a duly recognised secondary school; and,
- d. those who meet such other requirements as the Administrator of this program may consider for the purposes of this Act and the needs of the armed forces.

Upon enlistment in the active force, all enlisted personnel shall opt whether or not to participate in this educational program.

**SEC. 6. *Period of Eligibility.*** - The period of educational assistance to which a person becomes entitled is one (1) standard academic year (or the equivalent) for each year of the enlistment of such person up to a maximum of four years.

**SEC. 7. *Education and Training Available.*** - The following education and training opportunities are available under the Educational Assistance and Training Program:

- a. courses at recognized colleges or universities leading to a certificate or diploma in an academic, business, technical or vocational training;
- b. work in an apprenticeship or job training program offered by a company or a union;

- c. a cooperative training program;
- d. a correspondence or distance learning course; and,
- e. remedial and annual refresher retooling courses.

Aside from the meritorious services that have been rendered, the annual promotion of enlisted personnel will also be based on attendance to refresher/retooling courses which should not be less than two (2) weeks in duration.

**SEC. 8. *Duration of Entitlement.*** - The entitlement of any person to educational assistance under this bill expires at the end of the ten-year period beginning on the date of his entitlement. In case a member entitled to educational assistance under this chapter dies while on active duty, the remaining years of his educational assistance will be transferred to the surviving spouse or dependent child.

**SEC. 9. *Application for Educational Assistance.*** - To receive educational assistance benefits under this Act, a person entitled to such assistance shall submit an application to the Administrator in such form and manner as the latter may prescribe.

**SEC. 10. *Right of Members to Transfer Entitlement to Spouses or Dependents.*** -

- a. An enlisted personnel who is entitled to educational assistance under Sec. 5 of this Act may elect to transfer all or any part of such entitlement to his/her spouse or dependent child.
- b. If the enlisted personnel described in the preceding paragraph dies before making an election authorized under such paragraph, any unused entitlement of such person shall be automatically transferred to such person's spouse or dependent children. A surviving spouse to whom entitlement is given may elect to transfer such entitlement to the dependent children.
- c. Any transfer of entitlement under this subsection shall be made in accordance with the regulations prescribed by the Administrator.
- d. A spouse/surviving spouse or dependent child to whom entitlement is transferred under subsection (a) can avail of the educational assistance in the same manner and at the same rate as the enlisted personnel from whom the entitlement originated.

**SEC. 11. *Administration of Program.*** - To carry out the purpose of this Act, the present AFP Education and Training Board under the Office of the Deputy Chief of

Staff for Education and Training Policies (OJ-8) is hereby charged with the implementation of this law.

For purposes of this Act, the present composition of the Board is hereby expanded to include the Chairperson of the Commission on Higher Education (CHED) and the Director General of the Technical Education and Skills Development Authority (TESDA).

**SEC. 12. *AFP Education and Training Fund.*** - There is hereby created a special fund, to be known as the AFP Education and Training Fund, which shall be administered by the Board and from which the benefits under this law shall be sourced.

The AFP Education and Training Fund shall be established out of and maintained from amounts appropriated pursuant to Section 13 hereof, from donations, grants in aid and other forms of contributions which may be received by the Board.

**SEC. 13. *Appropriations.*** - The amount necessary to implement the provisions of this Act is hereby authorized to be paid out of savings from the appropriations of the AFP for the current year. Thereafter, the sums necessary for the implementation of this Act shall be included in the annual appropriations of the AFP.

**SEC. 14. *Annual Report.*** - The Board shall submit to the President and to the Congress of the Philippines through the Secretary of National Defense an annual report on its operations and accomplishments.

**SEC. 15. *Separability Clause.*** - If for any reason any provision of this Act is declared unconstitutional or invalid, such parts not affected thereby shall remain in full force and effect.

**SEC. 16. *Repealing Clause.*** - All laws, orders, decrees, rules and regulations or part thereof inconsistent with the provisions of this Act are hereby repealed, modified or amended accordingly.

**SEC. 17 *Implementing Rules and Regulations.*** - Within ninety days, from the effectivity of this Act, the Secretary of National Defense, in coordination with the AFP Education and Training Fund and all appropriate government agencies shall promulgate rules and regulations to ensure the effective implementation of this Act.

**SEC. 18. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general application.

***Approved,***