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SENATE

S. NO. 489

SECRETARY: *ja*

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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### EXPLANATORY NOTE

Personnel management is a vital aspect in any organization, especially when such has a sizable manpower base. It is the process of attracting, holding, and motivating people in the organization. And as such, personnel management, which includes recruitment and promotion, compensation and benefits, seniority, morale and discipline, retirement, and separation, is a dynamic concept that changes over time.

In an organization such as the Armed Forces of the Philippines, personnel management is of great importance. This bill, hence, seeks to provide a legal comprehensive basis for the establishment of a new system of management for military personnel of the active force.


This bill seeks to repeal Republic Act No. 291, otherwise known as the "Armed Forces Personnel Act of 1948" and several other laws pertaining to military personnel which provisions have been found to be inadequate for the present and changing requirement of the AFP.

Following are the highlights of this bill:

1. It integrates existing laws on military personnel which were enacted in the 1940s and 1950s;
2. It grants separation pay for enlisted personnel honorably separated from the service with less than twenty (20) years of active service;
3. It provides for one (1) Seniority and Lineal List of Officers in the active service in each Major or Technical Service;
4. It prescribes the eligibility requirements for every major position of responsibility such as time-in-grade, education and training, and examination;
5. It tempers the lateral attrition provision of Section 10 of Presidential Decree Numbered 1638. Essentially, lateral attrition will be tied without promotion system; and
6. It integrates women military members into the regular active force of the AFP.

The many changes and developments that transpired since the passage of the AFP Personnel Management Act of 1948 makes it imperative to restructure the AFP Personnel Management System and conform it with the present needs and realities.

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



ANTONIO "SONNY" F. TRILLANES IV  
Senator



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S. NO. 489

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AN ACT  
TO ESTABLISH A SYSTEM OF PERSONNEL MANAGEMENT FOR MILITARY  
PERSONNEL OF THE ACTIVE FORCE OF THE ARMED FORCES OF THE  
PHILIPPINES AND FOR OTHER PURPOSES

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

**TITLE I - SHORT TITLE**

1  
2 SECTION 1. This Act shall be known as the "*Armed Forces of the Philippines*  
3 *Personnel Management Act of 2013.*"  
4

**TITLE II - APPLICABILITY**

5  
6 SEC. 2. This Act shall apply to all military personnel of the active force of the Armed  
7 Forces of the Philippines.  
8

**TITLE III - DEFINITION OF TERMS**

9  
10 SEC. 3. For purposes of this Act, the following terms are hereby defined as indicated:

11 (a) Active Commissioned Service - Any period of active service rendered by an  
12 individual as a commissioned officer.

13 (b) Active Service - Any period in which a military person performs military duty or  
14 service.

15 (c) Component - the division of officers of the active force into regular officers and  
16 reserve officers on active duty.

1 (d) Grade – the military rank of a commissioned officer or an enlisted personnel.

2 Commissioned officers, from the lowest to highest, are: Second Lieutenant/Ensign

3 (PN); First Lieutenant/ Lieutenant Junior Grade (PN); Captain/ Lieutenant (PN);

4 Major Lieutenant Commander (PN); Lieutenant Colonel/Commander (PN);

5 Colonel/Captain (PN); Brigadier General/Commodore AFP; Major General/Rear

6 Admiral AFP; Lieutenant General/ Vice Admiral AFP; and General/Admiral AFP.

7 For enlisted personnel, from lowest to highest, they are: Private, Private First Class,

8 Corporal, Sergeant, Staff Sergeant, Technical Sergeant, Master Sergeant, Senior

9 Master Sergeant, and Chief Master Sergeant or their equivalent in the Philippine

10 Navy and Philippine Air Force.

11 (e) Initial Appointment Grade – The lowest rank(s) in a major or support service to

12 which an officer or an enlisted person can be appointed or enlisted.

13 (f) Major, Technical or Administrative – A branch of service of the Armed Forces of the

14 Philippines to which an officer and an enlisted person is commissioned/appointed or

15 enlisted.

16 (g) Relative Seniority – Order of precedence of officers having the same grade.

17 (h) Seniority and Lineal List – A document reflecting the names of all officers on active

18 military service arranged in accordance with their relative seniority, grade,

19 component, and major or support service to which appointed. Such list likewise

20 reflects the officer grades, from the highest to the lowest, authorized for a specific

21 major or support service.

22 (i) Specialty – Area or field of military occupation where a military person specializes

23 in.

24 (j) Table of Organization – A document which reflects, among others the positions in the

25 military organization which are to be occupied by officers, their grades and major or

26 support service. For purposes of this Act, Tables of Organization shall include the

27 military positions authorized for the Office of the Secretary of National Defense,

28 Office of the President and Congress.

1 (k) Time-in Grade – A period of active service rendered by an officer or an enlisted  
2 personnel in a certain grade or rank.

3  
4 **TITLE IV. - THE ARMED FORCES OF THE PHILIPPINES AND ITS MAJOR,**  
5 **TECHNICAL, AND ADMINISTRATIVE SERVICES**

6 **SEC. 4.** The Armed Forces of the Philippines (AFP) shall be composed of the following:  
7 major, technical, and administrative services.

8 (a) The major services are the Philippine Army (PA), Philippine Air Force (PAF), and  
9 the Philippine Navy (PN).

10 (b) The technical services are the Medical Corps (MC), Nurse Corps (NC), Dental Corps  
11 (DC), Veterinary Corps (VC), and the Judge General Corps (JAGC).

12 (c) The administrative services are the Corps of Professors (PROF), Medical  
13 Administrative Corps (MAC), and the Chaplain Corps (CHC)

14  
15 **TITLE V. – COMPOSITION, STRENGTH, AND GRADE DISTRIBUTION**  
16 **OF THE ACTIVE FORCE OF AFP**

17 **SEC. 5.** The active force of the Armed Forces of the Philippines shall be composed of the  
18 following military personnel:

19 (a) *Commissioned Officers who are either:*

20 (1) Regular officers who were appointed under Republic Act No. 291, as  
21 amended, and, those who will be appointed under this Act;

22 (2) Reserve officers who were commissioned under Commonwealth Act No. 1, as  
23 amended, and who are called to active duty under Republic Act No. 2334 or  
24 Executive Order No. 79 dated 2 December 1986 and, those who will be called  
25 to active duty under this Act;

26 (b) Probationary officers on actual training or on-the-job training with the AFP;

27 (c) Filipino Cadets of the Philippine Military Academy (PMA), Philippine Air Force  
28 Flying School (PAFFS), and foreign service academies;

1 (d) Enlisted Personnel;

2 (e) Officer Candidates and Soldier Candidates.

3  
4 **SEC. 6.** The grades of officers, from the lowest to highest, shall be: Second  
5 Lieutenant/Ensign (PN) 0-1; First Lieutenant/Lieutenant Junior Grade (PN) 0-2;  
6 Captain/Lieutenant (PN) 0-3; Major/ Lieutenant Commander (PN) 0-4; Lieutenant  
7 Colonel/Commander (PN) 0-5; Colonel/Captain (PN) 0-6; Brigadier General/Commodore (PN)  
8 0-7; Major General/Rear Admiral (PN) 0-8; Lieutenant General/Vice Admiral (PN) 0-9; and  
9 General/Admiral (PN) 0-10.

10  
11 **SEC. 7.** The term "officer" as used in this Act shall mean commissioned officer.

12  
13 **SEC. 8.** The grades of enlisted personnel, from lowest to highest, shall be: Private (E-1),  
14 Private First Class (E-2), Corporal (E-3), Sergeant (E-7), Senior Master Sergeant (E-8) and Chief  
15 Master Sergeant (E-9) or their equivalent in the Philippine Navy and Philippine Air Force.

16  
17 **SEC. 9.** Whenever a rank or grade is used in this Act, the equivalent rank or grade in the  
18 Philippine Navy or Philippine Air Force are deemed included.

19  
20 **SEC. 10.** The Secretary of National Defense shall prescribe the authorized number of  
21 officers in the active force in each grade and in each major, technical, or administrative service:  
22 *Provided*, That effective one (1) year after the approval of this Act, such number shall not exceed  
23 the number in each grade authorized in Tables of Organization of Units of the active force  
24 distributed as follows: 0.75 percentum in the General/Flag officer grades, 6 percentum in the  
25 grade of Colonel, 12 percentum in the grade of Lieutenant Colonel, 18 percentum in the grade of  
26 Major, 20 percentum in the grade of Captain, and 0.25 percentum in the grades of First and  
27 Second Lieutenant: *Provided*, That such distribution is based on the total officer strength  
28 authorized for the AFP: *Provided, further*, That the Table of Organization of units of the active

1 force shall be adjusted in accordance with their respective missions and officer requirements,  
2 under such rules and regulations as the Secretary of National Defense shall prescribe, subject to  
3 the condition that the schedule of percentage for each grade as herein prescribed shall not be  
4 exceeded: *Provided, further*, That the number of general/flag officers herein authorized shall be  
5 distributed to the various general/flag officer grades in accordance with the schedule of  
6 percentage as follows: 1 percentum in the grade of General/Admiral (0-10), 7 percentum in the  
7 grade of Lieutenant General/Vice Admiral (0-9), 26 percentum in the grade of Major  
8 General/Rear Admiral (0-8), 66 percentum in the grade of Brigadier General  
9 General/Commodore (0-7); *Provided, further*, That there shall only be one officer with a grade of  
10 General/Admiral at any one time, *Provided, further*, That the number corresponding to the  
11 schedule of percentage prescribed for the grades of Major General/Rear Admiral, Lieutenant  
12 General/Vice Admiral and General/Admiral shall be the maximum: *Provided, still further*, That  
13 any vacancy in any of these grades which is unfilled may be absorbed in the next lower grade:  
14 and *Provided, finally*, That whenever the number of officers in the grade of Captain/Lieutenant  
15 (PN) in the Armed Forces of the Philippines exceeds at least ten percent (10%) the number  
16 Secretary of National Defense, may declare as additional promotional vacancies to the grade of  
17 Major/Lieutenant Commander (PN) a number not to exceed thirty-three percent (33%) of the  
18 excess number of officers in the said grade of Captain/Lieutenant (PN).

19

20

## TITLE VI. – APPOINTMENT OF REGULAR OFFICERS

21 **SEC. 11.** Any natural born Filipino citizen, male or female, with a baccalaureate degree  
22 from an accredited school who is at least twenty-one (21) years of age and physically, mentally,  
23 and morally fit for general military service is eligible for appointment as regular officer:  
24 *Provided*, That the Secretary of National Defense may prescribe such other qualifications as he  
25 deems necessary.

26

27 **SEC. 12.** When any Filipino cadet in a foreign service academy or the Philippine Air  
28 Force Flying School has completed the prescribed course of instruction, he shall be appointed as

1 a regular officer in the grade of Second Lieutenant upon graduation, irrespective of age:  
2 *Provided*, That any cadet who completed the prescribed course of instruction of at least the first  
3 year at the Philippine Military Academy or Philippine Air Force Flying School who is thereafter  
4 sent to a Foreign Service Academy shall be appointed as a regular officer after graduation  
5 therefrom under such rules and regulations as the Secretary of National Defense shall prescribe:  
6 *Provided*, That whenever such appointment would exceed the authorized officer strength, such  
7 strength shall be temporarily increased to accommodate such appointment.

8  
9 **SEC. 13.** Regular officers shall, upon the recommendation of the Chief of Staff, Armed  
10 Forces of the Philippines, and the Secretary of National Defense, be appointed by the President  
11 in a specific Major or Technical or Administrative Service and in the initial grade as prescribed  
12 in Sections 15, 16, 17, and 18 of this Act.

13  
14 **SEC. 14.** Unless specifically provided otherwise, upon appointment of a regular officer  
15 in any grade, such officer's name shall be placed at the bottom of the seniority and lineal list of  
16 officers of the grade and major, technical, or administrative service to which appointed.

17  
18 **SEC. 15.** The initial appointment of a regular officer in the Philippine Army (PA),  
19 Philippine Air Force (PAF), Philippine Navy, Nurse Corps (NC) or Medical Administrative  
20 Corps (MAC), shall be in the grade of Second Lieutenant, subject to such rules and regulations  
21 as may be prescribed by the Secretary of National Defense: *Provided, further*, That the applicant  
22 for appointment as regular officers in the PA, PN, PAF, and MAC, shall be required to pass the  
23 Officer Candidate Training for at least ten (10) months: *Provided, still further*, That the applicant  
24 shall have been admitted to the practice of nursing if appointment is to be made in the Nurse  
25 Corps (NC).

26  
27 **SEC. 16.** The initial appointment of a regular officer in the Dental Corps (DC) or  
28 Veterinary Corps (VC) shall be in the grade of First Lieutenant, subject to such rules and

1 regulations as may be prescribed by the Secretary of National Defense: and, *Provided, further,*  
2 That the applicant shall have been admitted to the practice of dental medicine or veterinary  
3 medicine if appointment is to be made in the Dental Corps (DC) or Veterinary Corps (VC),  
4 respectively.

5  
6 SEC. 17. The initial appointment of a regular officer in the Medical Corps (MC), Judge  
7 Advocate General Corps (JAGC) or Chaplain Corps (CHC) shall be in the grade of Captain:  
8 *Provided,* That at the time of his appointment is to be made in the Medical Corps (MC) or Judge  
9 Advocate General Corps (JAGC), respectively, or shall have been endorsed by his church for  
10 chaplaincy if appointment is to be made in the Chaplain Corps (CHC): *Provided, still further,*  
11 That he satisfies the age requirement for this grade under Section 20 of this Act: and *Provided,*  
12 *finally,* That the Secretary of National Defense shall prescribe such rules and regulations  
13 necessary for the purpose of this Section.

14  
15 SEC. 18. The initial appointment of members of the Corps of Professors (PROF), who  
16 are all regular officers, shall be made in accordance with the following:

17 (a) A regular officer, upon his own application, may be appointed in the Corps of  
18 Professors (PROF) in such grade as hereinafter provided:

19 1) A regular officer, with at least a baccalaureate degree from an accredited school  
20 shall be appointed in the grade of CAPTAIN or the grade he holds at the time of  
21 his appointment, whichever is higher, and in the academic rank of Assistant  
22 Professor One (I);

23 2) A regular officer with a masteral degree from an accredited school shall be  
24 appointed in the rank of MAJOR or the grade he holds at the time of his  
25 appointment, whichever is higher, and in the academic rank of Assistant Professor  
26 Two (II);

27 3) A regular officer with a doctorate degree from an accredited school shall be  
28 appointed in the grade of LIEUTENANT COLONEL or the grade he holds at the



1           time of his appointment, whichever is higher, and in the academic rank of  
2           Associate Professor One (I);

3           (b) A person, other than a regular officer, may be appointed in the Corps of Professors  
4           (PROF) upon his application, subject to the following conditions:

5           1) An applicant with a masteral degree from an accredited school shall be appointed  
6           in the grade of CAPTAIN and in the rank of Assistant Professor One (I); and

7           2) An applicant with a doctorate degree from an accredited school shall be appointed  
8           in the grade of LIEUTENANT COLONEL and in the academic rank of Associate  
9           Professor One (I);

10          (c) The age requirement under Section 20 of this Act and the teaching experience of the  
11          applicant shall be considered in the appointment of officers in the Corps of Professors  
12          (PROF).

13          (d) The Secretary of National Defense shall prescribe such rules and regulations as are  
14          necessary for the purpose of this section.

15  
16          **SEC. 19.** Subject to the approval of the President, a regular officer commissioned in any  
17          Major Service may change his Service with another Major, Technical or Administrative:  
18          *Provided,* That such change of service shall be effected without loss of grade and relative  
19          seniority: *Provided, further,* That such regular officer meets the qualifications for such service:  
20          *Provided, still further,* That such option may be exercised only once and only during the first  
21          three (3) years of his active commissioned service: *Provided, likewise,* That regular officers of  
22          the Women's Auxiliary seniority upon the approval of this Act: and, *Provided, finally,* That the  
23          Secretary of National Defense shall issue the implementing rules and regulations.

24  
25          **SEC. 20.** The minimum and maximum age limits for the appointment of individuals as  
26          regular officers in the various major, technical, and administrative services and in specified  
27          grades shall be as follows:

Major, Technical & Administrative Service	Specified Grade	Minimum Age	Maximum Age
PA, PAF, PN, NC, AND MAC	2 LT	21 years	26 years
DC and VC	1LT	24 years	29 years
MC, JAGC, and CHC	CPT	24 years	40 years
CORPS OF PROF	CPT, MAJ	25 years 28 years	40 years 40 years

**SEC. 21.** The initial appointment of a regular officer under Sections 15, 16, 17, and 18 of this Act, who is found not fully qualified, may be revoked by the President at any time, upon the recommendation of the Secretary of National Defense.

**TITLE VII. – APPOINTMENT OF PHILIPPINE MILITARY ACADEMY CADETS AND THEIR SUBSEQUENT APPOINTMENT AS REGULAR OFFICERS**

**SEC. 22.** The President is authorized to appoint to the Philippine Military Academy (PMA) annually, subject to such physical and mental examination as he may prescribe, the number of cadets necessary to maintain the Cadet Corps at a strength as determined by the Secretary of National Defense upon the recommendation of the Chief of Staff, AFP, and within the strength limited by the General Appropriations Act. Cadets shall be selected from among candidates as herein provided. Candidates for admission must be single and must never have been married, in good physical condition, not less than seventeen nor more than twenty-two years of age on the first of April of the year of admission. The President shall appoint from among those who pass the physical and mental examinations with the highest ratings, the number or numbers necessary to fill the existing vacancies: *Provided*, That each Congressional District shall be allotted quota, hereinafter referred to as Congressional quota; *Provided, further*, That the Congressional quota per year shall be determined by the Secretary of National Defense depending upon the authorized strength of the Cadet Corps but shall be a number such that each Congressional District is equitably represented in the Cadet Corps; *Provided, further*, That in case no candidates from a given Congressional District attain the required minimum ratings, the vacancies in the Congressional quota shall be filled by the President from successful candidates

1 at large with the highest ratings: *Provided, still further,* That a quota of not more than five  
2 percent of the authorized strength of the Cadet Corps shall be filled by the President from  
3 qualified candidates with the highest ratings who are enlisted men of the Regular Force who  
4 have completed at least one year of active military service and are in active status at the time of  
5 admission: *Provided, still further,* That a quota of not more than five percent of the authorized  
6 strength of the Cadet Corps shall be filled by the president from qualified candidates with the  
7 highest ratings who are sons of enlisted men who are serving or who have honorably served for a  
8 period of at least six months in the Armed Forces of the Republic of the Philippines or of the  
9 Commonwealth of the Philippines, or of duly recognized guerilla units or of the United States  
10 Armed Forces prior to July fourth, nineteen hundred and forty-six: *Provided, still further,* That  
11 physically qualified sons of military personnel who have been cited for and awarded the medal  
12 of valor may be appointed as cadets by the President directly without Congressional nomination  
13 and mental examination, on the condition that the number of such cadets shall not be included in  
14 the Cadet Corps authorized strength as herein provided: and *Provided, finally,* That a quota of  
15 one foreign cadet per class may be allotted to each foreign country maintaining diplomatic  
16 relations with the Republic of the Philippines on the condition that the pay and allowances, per  
17 diems and traveling expenses of such cadet be borne by his country. Foreign cadets shall pass a  
18 qualifying physical and mental examination and the number thereof authorized to train at the  
19 Military Academy shall not be included in the authorized Cadet Corps strength.

20

21       SEC. 23. Upon satisfactory completion of the course instruction at the PMA, candidates  
22 except foreign cadets, shall be appointed as regular officers in the grade of Second Lieutenants  
23 notwithstanding the age limit for appointment in the regular force as prescribed in Section 20 of  
24 this Act. The relative seniority in the order of final general standing is determined by the  
25 Academic Board and approved by the Chief of Staff, AFP: *Provided,* That any cadet who is  
26 discharged from the Academy prior to the completion of the prescribed course of instruction  
27 shall not be commissioned in the Regular or Reserve forces until after the members of his class  
28 have been graduated from the Military Academy and duly commissioned: *Provided, further,*

1 That any cadet dismissed from the Academy for hazing shall not thereafter be eligible for  
2 appointments as commissioned officer in the Regular or Reserve Forces.

3  
4 **TITLE VIII. – ACTIVE DUTY OF RESERVE OFFICERS AND THEIR**  
5 **SUBSEQUENT APPOINTMENT AS REGULAR OFFICERS**

6 **SEC. 24.** After the approval of this Act, a reserve officer may, during peace time and  
7 upon his own application, be called to active duty and thereafter be appointed as a regular officer  
8 as hereunder provided and under such rules and regulations as the Secretary of National Defense  
9 shall prescribe:

10 (a) A reserve officer with the initial commissioned grade and age similar to those  
11 prescribed for appointment of regular officers under Sections 15, 16, 17, 18 of this  
12 Act, may be called to active duty in such initial commissioned grade of Second  
13 Lieutenant, First Lieutenant, or Captain for a period of three (3), four (4), or five (5)  
14 years, respectively: *Provided, further,* That if he fails to qualify for such appointment,  
15 he shall be reverted into inactive status;

16 (b) An enlisted person with a reserve commission under Republic Act No. 718 or by  
17 virtue of his having graduated from a prescribed officer candidate course and who is  
18 not more than thirty-four (34) years of age may be called to active duty in the grade  
19 of Second Lieutenant for a period of three (3) years: *Provided,* That he shall qualify  
20 for appointment as a regular officer not later than the end of the period of his call to  
21 active duty: and, *Provided, further,* That if he fails to qualify for such appointment, he  
22 shall be reverted into inactive status; *Provided, still further,* That he may be reenlisted  
23 in the Active Force subject to the rules and regulations prescribed by the Secretary of  
24 National Defense.

25  
26 **SEC. 25.** A reserve officer on active commissioned service for a period of less than seven  
27 (7) years at the time of the approval of this Act may be allowed to remain in the active military  
28 service: *Provided,* That within the period covered by current AFP orders for his call to active

1 duty or extension of tour of active duty he qualifies for appointment as a regular officer in the  
2 grade he holds at the time of such appointment, irrespective of age: *Provided, further*, That if he  
3 fails to qualify for such appointment, he shall be reverted into inactive status: and, *Provided*,  
4 *finally*, That the rules and regulations necessary thereof shall be prescribed by the Secretary of  
5 National Defense.

6  
7 **SEC. 26.** A reserve officer on active commissioned service for a period of at least seven  
8 (7) years at the time of the approval of this Act shall continue to remain in the active military  
9 service: *Provided*, That when he is promoted to the next higher grade, he shall be appointed sa a  
10 regular officer, irrespective of age: and, *Provided, further*, That the relative seniority of a regular  
11 officer appointed under this Section shall be established in accordance with Title IX of this Act.

12  
13 **SEC. 27.** A reserve officer of the Women's Auxiliary Corps shall, upon her call to active  
14 duty under Section 24 of this Act, be appointed in any Major Service in the same component. A  
15 reserve officer who is in the active military service at the time of approval of this Act shall, upon  
16 qualifying for appointment as a regular officer under Section 25 of this Act, be commissioned in  
17 any of the Major Services.

18  
19 **SEC. 28.** The call to active duty of a reserve officer under Section 24 of this Act, who is  
20 found not fully qualified, may be terminated at any time by the Chief of Staff, AFP.

21  
22 **TITLE IX- SENIORITY OF OFFICERS**

23 **SEC. 29.** The Secretary of National Defense shall prescribe rules and regulations for the  
24 separate listing of a regular and reserve officers on active duty, by major or support service and  
25 by grade, which shall establish their relative seniority. Such seniority shall not thereafter be  
26 altered except by operation of law.

1           **SEC. 30.** The names of all officers in the active force shall be carried in seniority and  
2 lineal lists by major or support service, by grade and by component, as appropriate. Such names  
3 shall be arranged in the order of ranking of permanent grades, that is: first, general; second,  
4 lieutenant general; third, major general; fourth, brigadier general; fifth, colonel; sixth, lieutenant  
5 colonel; seventh, major; eighth, captain; ninth, first lieutenant; and tenth, second lieutenant.  
6 Officers serving in a grade shall be arranged in the order of their relative seniority in that grade.  
7 General officer, however, shall carry the AFP as their service although their names shall continue  
8 to be carried in the seniority and lineal lists in the major or support service to which they  
9 belonged as colonels.

10  
11           **SEC. 31.** Among officers of the same grade, component, and major or support service to  
12 which appointed, names shall be listed in the order as provided for in this Act and relative  
13 seniority among such officers shall be established thereby. The officer whose name appears first  
14 on such list shall be the most senior; the officer whose name appears second shall be the next  
15 most senior and so on throughout the list. Once established, such relative seniority shall not be  
16 altered except by operation of law.

17  
18           **SEC. 32.** The names of graduates of PMA and the PAFFS shall be placed in the  
19 appropriate seniority and lineal lists in their order of merit upon graduation. Graduates of foreign  
20 service academies shall be integrated with the graduates of PMA of the same year by  
21 interpolation in accordance with their merit standing in their respective classes.

22           Other individuals appointed as officers in the initial grades prescribed in Sections 15, 16,  
23 17, and 18 of this Act shall be placed in the appropriate seniority and lineal lists as follows:

- 24           (a) By date of entry to military service based on their oath of office;
- 25           (b) When the date of entry to service is the same, by date of appointment;
- 26           (c) When the date of appointment is the same, by length of active commissioned  
27           service; and
- 28           (d) When the length of active commissioned service is the same, by age.

1           **SEC. 33.** Officers promoted to the same grade on the same date in the same component  
2 of Major, Technical, or Administrative Service shall be placed at the bottom of the appropriate  
3 seniority and lineal lists in the order of their relative seniority, except as otherwise provided.  
4

5           **SEC. 34.** Relative seniority of regular officers and reserve officers on active duty in the  
6 same grade, regardless of the major or support service to which appointed, shall be established as  
7 follows:

- 8           (a) By length of active commissioned service in grade;  
9           (b) When length of active commissioned service in grade is the same, by length of active  
10           commissioned service in the lower grade, taken successively;  
11           (c) When length of active commissioned service in the lowest grade is the same, by date  
12           of entry to the service;  
13           (d) When date of entry to the service is the same, by date of appointment; and  
14           (e) When date of appointment is the same, by age.

15  
16           **TITLE X. – PROFESSIONAL DEVELOPMENT AND UTILIZATION OF OFFICERS**

17           **SEC. 35.** Officers of the active force shall be classified by Major, Technical, and  
18 Administrative Branch of Service and by occupational specialty. The Chief of Staff, AFP shall  
19 determine from time to time the number and skill of officers needed by the AFP and shall plan  
20 the professional development and utilization of such officers through a progressive career pattern  
21 of assignments and military and specialty education and training  
22

23           **SEC. 36.** All officers of the active force in a grade, branch, or service and specialty shall  
24 be afforded equal opportunity for assignment and education and training on a fair and equitable  
25 basis to prepare them for the duties and responsibilities associated with the next higher grades.

1           **SEC. 37.** Officer Professional Development shall be the responsibility of the Command  
2 and the individual officer concerned. No officer shall be allowed to have no duty assignment for  
3 any one (1) period exceeding six (6) months.  
4

5           **SEC. 38.** (a) The Secretary of National Defense shall prescribe the eligibility  
6 requirements for every major position of responsibility in the Active Force. Only officers of the  
7 active force whose names are in the appropriate eligibility lists may be designated to fill such  
8 positions.

9           (b) There shall be established Position Eligibility Boards in each of the major Service  
10 Headquarters and in the General Headquarters, AFP which shall determine the  
11 officers of the active force who satisfy the eligibility requirements for every major  
12 position of responsibility.

13           (c) There shall be no less than five (5) regular and two (2) alternate members in each  
14 Position Eligibility Board. The Chairman of each board shall be the most senior  
15 officer to be named in the Board and the Members thereof shall be regular officers  
16 and reserve officers on active duty in equal number: *Provided*, That reserve officers  
17 on active duty may be replaced by those of them who are integrated as regular  
18 officers under this Act: *Provided, further*, That members of the Board must be senior  
19 in grade to any officer being considered: *Provided, also*, That they are appointed by  
20 the Secretary of National Defense: and *Provided, finally*, That they shall serve for a  
21 period not exceeding two (2) years.  
22

23           **SEC. 39.** An officer's performance and his indicated potential shall be evaluated  
24 periodically and shall be primarily considered with respect to assignments, military and civilian  
25 education and training, promotion, command and staff designations, and elimination. The  
26 Secretary of National Defense shall promulgate rules and regulations necessary for the objective  
27 and impartial evaluation of an officer's performance.  
28



1           **SEC. 40.** The Chief of Staff, AFP may detail military personnel as students at technical,  
2 professional, and other educational institutions, or as observers or trainees at industrial plants,  
3 hospitals, and other institutions, as shall be best suited to enable such military personnel to  
4 acquire knowledge of, or experience in, the specialties which are deemed necessary for their  
5 professional growth. The number of personnel so detailed shall not exceed one-half of one  
6 percent of the commissioned officers and one-fourth of one percent of the regular enlisted  
7 personnel of the AFP in any fiscal year. Such expenses for the duration of the scholarship shall  
8 include tuition and miscellaneous fees such as medical and dental fees, and graduation and  
9 diploma fees. Library organ, expenses for thesis writing and defense, and graduation and  
10 diploma fees incurred at such technical, professional, and other institutions of learning.

11

12           **SEC. 41.** Funds to support the program shall be included in the annual appropriations of  
13 the Armed Forces of the Philippines.

14

15           **SEC. 42.** The Secretary of National Defense shall promulgate rules and regulations to  
16 implement the provisions of Title X of this Act to include eligibility and future utilization of the  
17 personnel concerned under the military career management system.

18

19   **TITLE XI. – PROMOTION OF OFFICERS**

20           **SEC. 43.** The President shall have the authority to approve the promotion of officers of  
21 the active force to the next higher grade.

22

23           **SEC. 44.** Based upon the number of existing and yearly average of anticipated vacancies  
24 in the grades of Major and Lieutenant Colonel within a five year period, the Secretary of  
25 National Defense shall determine and declare, as recommended by the Chief of Staff, the number  
26 of promotional vacancies sufficiently in advance in order that such promotion can be effected in  
27 accordance with the succeeding section.

1           **SEC. 45. Promotion to the grades of First Lieutenant and Captain:**

2           (a) Irrespective of the existence of any vacancy, an officer in the grade of Second  
3           Lieutenant or First Lieutenant shall be considered by a Selection Board for promotion  
4           to the grade of First Lieutenant or Captain sufficiently in advance of the date on  
5           which he shall complete three (3) or seven (7) years of active commissioned service,  
6           respectively, so that his promotion can be effected upon completion for such length of  
7           service. The authorized number of officers in the grade of First Lieutenant and  
8           Captain shall temporarily be increased by the Secretary of National Defense as  
9           necessary to accommodate such promotions;

10          (b) Whenever there are vacancies in any Major or Technical, or Administrative Service  
11          in the grade of First Lieutenant and Captain, officers of that service in the grades of  
12          Second Lieutenant and First Lieutenant, respectively, may be promoted before  
13          completing the years of active commissioned service as prescribed in the preceding  
14          subsection: *Provided*, That for this purpose, the Secretary of National Defense shall  
15          prescribe the minimum required active commissioned service requirements;

16          (c) When officers in the grades of Second Lieutenant and First Lieutenant are to be  
17          considered by the Selection Boards for promotion to the grades of First Lieutenant  
18          and Captain, respectively, to fill vacancies in those grades, existing or anticipated, the  
19          Selection Board shall consider all officers who satisfy such active commissioned  
20          service requirement in the order of their seniority as their names appear in the  
21          seniority and lineal list, recommended those who are fully qualified for promotions to  
22          the next higher grade, and continue such procedure until such officers are considered:  
23          *Provided*, That no officer in any list submitted by any Selection Board shall be  
24          promoted to the grade for which recommended ahead of any other officer whose  
25          name appears above his own in such list: *Provided, still further*, That the Secretary of  
26          National Defense shall prescribe the qualifications for promotion.

27  
28          **SEC. 46. Promotion to the grades of Major and Lieutenant Colonel:**

- 1 (a) Based upon the number of declared promotional vacancies in any promotion list in  
2 the grade of Major or Lieutenant Colonel, Selection Boards shall consider and  
3 recommend for promotion to such grade officers of that list in permanent grades of  
4 Captain and Major, respectively, who are in the zone of consideration for promotion.  
5 The number to be recommended shall not exceed the number of vacancies;
- 6 (b) The zone of consideration for promotion shall comprise the upper portion of the  
7 promotion list equivalent to twice the declared promotion vacancy. The primary zone  
8 shall be composed of officers who are on promotable status in the uppermost portion  
9 of the promotion list equivalent to the number of declared vacancies. The rest of the  
10 officers in the zone of consideration shall compose the secondary zone;
- 11 (c) When officers in the grade of Captain and Major are to be considered for promotion  
12 to the grade of Major or Lieutenant Colonel, respectively, to fill vacancies in these  
13 grades, Selection Boards shall consider officers in the grades of Captain or Major as  
14 the case may be in the order of their seniority as their names appear on the promotion  
15 list, recommend those who are fully qualified for promotion to such grade, pass over  
16 those who are not fully qualified for promotion to such grade, and continue such  
17 procedure until a specified number of recommended officers is obtained: *Provided,*  
18 *further,* That an officer who is in the primary zone of consideration and who is not  
19 recommended for promotion shall not be separated from the military service if he has  
20 attained the age and serve-in-grade limits prescribed in Section 98 hereunder.  
21 *Provided, still further,* That any officer who is passed over by virtue of not having  
22 been selected for promotion to fill third vacancy positions pursuant to the preceding  
23 provision, shall not be considered as a "deferred officer";
- 24 (d) No officer in any list submitted by any Selection Board shall be promoted to the  
25 grade for which recommended ahead of any other officer whose name appears above  
26 his on such list, except if such promotion is to fill a third vacancy position as a  
27 consequence of the action of the President under Section 50 of this Act;

1 (e) The term "deferred officer" as used in this section means any officer considered and  
2 not recommend by any Selection Board for the grade of Major or Lieutenant Colonel  
3 under the provisions of this section. For promotion purposes, each "deferred officer"  
4 shall suffer loss in precedence to those officers who were recommended by the same  
5 Selection Board who failed to recommend him. Such loss in precedence shall not  
6 result in any loss in seniority by such deferred officer until the officers below him in  
7 the promotion list are promoted to the next higher grade;

8 (f) A "deferred officer" in any grade shall be considered a second time by the next  
9 Selection Board designated to consider the promotion of officers of his grade in the  
10 same promotion list. If a deferred officer is recommended by the next consecutive  
11 Selection Board and is promoted to the next higher grade, his previous deferment of  
12 promotion shall not in any sense be counted as a failure of selection when he is  
13 subsequently considered for further promotion. If a "deferred officer" is not  
14 recommended by the next two (2) consecutive Selection Board, he shall be  
15 considered as "thrice-deferred" officer and shall be eliminated from the active list of  
16 the Regular Force and separated under the provisions of Section 100 of this Act.

17  
18 **SEC. 47. Promotion to the grade of Colonel:**

19 (a) Based upon the number of declared promotional vacancies in the grade of Colonel,  
20 the Board of Generals shall consider and recommend from among the officers in the  
21 permanent grade of Lieutenant Colonel who are in the zone of consideration for  
22 promotion, those who have demonstrated, by actual duty and experience, their  
23 capability for holding the next higher grade, and are best qualified to hold the grade  
24 of Colonel;

25 (b) The zone of consideration for promotions to the rank of Colonel shall be four times  
26 the number of vacancies;

27 (c) Promotions to fill vacancies may be made at any time, but it is not mandatory that the  
28 authorized numbers in grades in the several promotion lists be maintained;

1 (d) The promotion to the rank of COLONEL shall be subject to the confirmation of the  
2 Commission on Appointments;

3 (e) The term "deferred officer" as used in this section means any officer considered and  
4 not recommend by any Selection Board for the grade of Major or Lieutenant Colonel  
5 under the provisions of this section. For promotion purposes, each "deferred officer"  
6 shall suffer loss in precedence to those officers who were recommended by the same  
7 Selection Board who failed to recommend him. Such loss in precedence shall not  
8 result in any loss in seniority by such deferred officer until the officers below him in  
9 the promotion list are promoted to the next higher grade;

10 (f) A "deferred officer" in any grade shall be considered a second time by the next  
11 Selection Board designated to consider the promotion of officers of his grade in the  
12 same promotion list. If a deferred officer is recommended by the next consecutive  
13 Selection Board and is promoted to the next higher grade, his previous deferment of  
14 promotion shall not in any sense be counted as a failure of selection when he is  
15 subsequently considered for further promotion. If a "deferred officer" is not  
16 recommended by the next two (2) consecutive Selection Board, he shall be  
17 considered as "thrice-deferred" officer and shall be eliminated from the active list of  
18 the Regular Force and separated under the provisions of Section 100 of this Act.

19  
20 SEC. 48. Officers shall, before promotion to any grade up to Colonel, pass the  
21 appropriate military career education and training which shall be prescribed by the Secretary of  
22 National Defense.

23  
24 SEC. 49. Until such time that the reserve officers in the active service are completely  
25 integrated as regular officers in accordance with Sections 25 and 26, the allocation of the  
26 promotion vacancies declared in the grades up to Colonel in each Major, Technical, or  
27 Administrative Service shall be proportionate to the relative strength of the promotable regular  
28 officer.

1           **SEC. 50.** The President may remove from the list submitted by any Selection Board the  
2 name of any officer recommended for promotion to any grade who in his opinion is not qualified  
3 for promotion.

4           (a) Any officer whose names is removed by the President from the list of officers  
5 recommended for promotion to the grade of first lieutenant shall be separated in  
6 accordance with the provisions of Section 100 of this Act.

7           (b) Any officer whose name is removed by the President form the list of officers  
8 recommended for promotion to the grade pf captain, major, lieutenant colonel, or  
9 colonel shall continue to be eligible for consideration by the succeeding Selection  
10 Board.

11           1) Should this succeeding Selection Board recommend and the President approve the  
12 promotion of such officer, his name shall thereafter be inserted in the seniority  
13 and lineal list of his contemporaries without loss of seniority.

14           2) Should this succeeding Selection Board recommend the promotion of such officer  
15 but, again, his name is removed from the list by the President, he shall be  
16 separated from the service in accordance with the provisions of Section 100 of  
17 this Act.

18  
19           **SEC. 51.** Appointment to the different General or Flag Officer Grades:

20           (a) The President shall appoint from among the officers in the permanent grade of  
21 Colonel and Brigadier General, respectively, by the Board of Generals and the  
22 Secretary of National Defense, whose who, in his judgment, can best effectively  
23 discharge the responsibilities associated with such grades;

24           (b) The President shall select from among the officers of the Major Services in the grade  
25 of Major General or Lieutenant General the officer who, in his judgment is best  
26 qualified for the position of Vice Chief of Staff, AFP;

27           (c) The grade of General shall be conferred to the officer designated by the President as  
28 Chief of Staff, AFP. The tour of duty of the Chief of Staff, AFP shall not exceed three

1 (3) years from the date of appointment. However, in times of war or other national  
2 emergency declared by Congress, the President may extend such tour of duty;

3 (d) The promotion of General or Flag Officers shall be subject to the confirmation of the  
4 Commission on Appointments.

5  
6 **SEC. 52.** Any officer of the active force who dies in line of duty or on account of any  
7 wound, injury, or illness contracted in line of duty may be promoted by the President to the next  
8 higher grade: *Provided*, That prior to the time of his death, such officer had already been selected  
9 and recommended for promotion by the appropriate Selection Board or by the Secretary of  
10 National Defense, as appropriate.

11  
12 **SEC. 53.** Promotion in academic ranks of members of the Corps of Professors shall be  
13 made in accordance with the following rules:

14 (a) Promotion in academic ranks shall be based upon a set of weighted criteria to be  
15 prescribed by the Chief of Staff, Staff which considers academic degrees earned,  
16 teaching experience, allied professional activities and performance in administrative  
17 duties;

18 (b) There shall be an Academic Promotion Board which shall meet at least once annually  
19 to consider the eligibility of members of the Corps of Professors for promotion in  
20 academic ranks as herein provided. The Board, with the Dean, Corps of Professors as  
21 Chairman, and the four (4) officers of the Corps of Professors most senior in  
22 academic rank as Members, shall be appointed by the Chief of Staff, AFP;

23 (c) Recommendations of the Board for promotion of officers in academic rank shall be  
24 submitted to the Chief of Staff, AFP for dispositive action.

25  
26 **SEC. 54.** Any commissioned officer of the regular force may be promoted to a temporary  
27 grade, excepting First Lieutenant and Brigadier General, not higher than one grade of his  
28 permanent grade, without vacating his permanent appointment: *Provided*, That such temporary

1 promotion must be based in unfilled vacancies, must not exceed 5% of number of officers in  
2 permanent grade, must be to fill up a TOE position in a field unit, must be passed upon by a  
3 Temporary Promotion Board and must be for one year: *Provided, further,* That the  
4 recommendee must be within the zone of consideration for promotion.

5

6 **TITLE XII. – THE BOARD OF GENERALS AND OTHER SELECTION BOARDS**

7 **SEC. 55. Composition and Functions of the Board of Generals:**

8 (a) The Board of Generals of the Armed Forces of the Philippines shall be composed of  
9 the following officers;

10	Chief of Staff, AFP	-	Chairman
11	Vice Chief of Staff, AFP	-	Member
12	The Deputy Chief of Staff, AFP	-	-do-
13	Commanding General, PA	-	-do-
14	Commanding General, PAF	-	-do-
15	Flag-Officer-in-Command, PN	-	-do-
16	Deputy Chief of Staff for Personnel, J1	-	-do-
17	Secretary	-	Non-voting Member

18 (b) Based upon the number of promotion vacancies declared by the Secretary of National  
19 Defense, in the grades of Colonel and Brigadier General, the Board of Generals shall  
20 pass upon the recommendation for the promotion to Colonel and Brigadier General of  
21 the Major, Technical, and Administrative Services based on the criteria that shall be  
22 set forth by the Board covering performance, leadership, and managerial or technical  
23 ability desired of every recommendee;

24 (c) The Board of Generals may promulgate such rules and procedures as necessary, in the  
25 selection of "best qualified officers" which may include, but not limited to, the  
26 creation of subordination board;



1 (d) The Board of Generals shall submit a written report to the President, through the  
2 Secretary of National Defense, signed by all members thereof, containing the  
3 following:

- 4 1) Names of best qualified officers recommended for promotion;
- 5 2) A certification that the Board carefully considered the individual records of all  
6 officer-candidates for promotion to the next higher grade; and
- 7 3) A certification that the inclusion of each officer in subsection 55(a) is by virtue of  
8 the judgment of at least majority of the members of the Board.

9  
10 **SEC. 56.** The Secretary of National Defense, as recommended by the Chief of Staff,  
11 AFP, shall create such number of Selection Boards in each major, technical, and administrative  
12 service as necessary to act on the promotion of officers in the active force up to the grade of  
13 Lieutenant Colonel.

14  
15 **SEC. 57.** There shall be no less than five (5) regular and two (2) alternate members in  
16 each Selection Board.

17  
18 **SEC. 58.** Selection Boards shall serve for such length of time as the Secretary of National  
19 Defense may prescribe but no longer than one (1) year. No officer shall serve on two (2)  
20 consecutive Selection Boards when the second of such boards consider officers who were  
21 previously considered but not recommended for promotion to the next higher grade by the first.

22  
23 **SEC. 59.** The Chairman of each Selection Board shall be the most senior officer to be  
24 named in the Board. The Members thereof shall be regular officers and reserve officers on active  
25 duty in equal number: *Provided*, That reserve officers on active duty may be replaced by those of  
26 them who are integrated as regular officers under this Act: *Provided, further*, That members of  
27 the Board must hold a grade higher than captain and must be senior in grade to any officer to be  
28 considered for promotion by the Board.

1           **SEC. 60.** Each member of a Selection Board swear or affirm that he shall discharge the  
2 duties imposed upon him, as herein provided without prejudice or partiality, and in accordance  
3 with the bases for selection such as the high standards of performance, and individual fitness  
4 required by the military organization.

5  
6           **SEC. 61.** Before a Selection Board is convened, notice of the convening date and the  
7 zone of consideration shall be disseminated to the officers concerned.

8  
9           **SEC. 62.** Each officer in the zone of consideration may send a communication to the  
10 Board, not later than fifteen (15) days after the Board convenes, calling attention to any matter of  
11 record concerning himself that he deems important in the consideration of his promotion.

12           **SEC. 63.** The Chief of Staff, AFP shall cause to be furnished the appropriate Selection  
13 Board the following:

- 14           (a) Number of promotional vacancies declared by the Secretary of National Defense;  
15           (b) Names of all officers to be considered by the Board for promotion to the next higher  
16                grade;  
17           (c) Pertinent records of all officers whose names are furnished to the Board; and  
18           (d) Such guidance as may be necessary to enable the Board to properly fulfill its  
19                functions.

20  
21           **SEC. 64.** Each Selection Board convened to consider the promotion of officers to the  
22 grade of First Lieutenant or Captain shall submit a written report to the President signed by all  
23 members thereof, containing the following:

- 24           (a) Names of officers recommended for promotion;  
25           (b) Names of officers who have unsatisfactorily performance of duty and perceived to be  
26                incapable of performing satisfactorily the duties attached to the next higher grade and  
27                thus are deferred for promotion for the first or second time, as the case may be;

1 (c) A certification that the Board carefully considered the individual records of all  
2 officers who have met the service-in-grade for promotion to the next higher grade;  
3 and

4 (d) A certification that the inclusion of each officer either in Subsection (a) or (b) hereof  
5 is by virtue of the judgment of at least the majority of the members of the Board.  
6

7 **SEC. 65.** Each Board convened to consider the promotion of officers to the grade of  
8 Major and Lieutenant Colonel shall likewise submit a written report to the President, signed by  
9 all members thereof.  
10

11 **SEC. 66.** Each Board shall course its report to the President through the Chief of Staff,  
12 AFP and the Secretary of National Defense. Such report shall be returned to the Board, for  
13 review and re-submission, if its actions are contrary to law or regulations: *Provided*, That the  
14 Chief of Staff, AFP and the Secretary of National Defense shall, after their review, submit the  
15 report of the Board to the President with their own recommendations: *And Provided, finally*, That  
16 except as required by this Act, the proceedings of a Selection Board shall not be disclosed to any  
17 person who is not a member of the Board.  
18

### 19 **TITLE XIII. – PROMOTION LISTS**

20 **SEC. 67.** After the President shall have approved the promotion of officers, as  
21 recommended by the Selection Boards, to the grades of First Lieutenant, Captain, Major,  
22 Lieutenant Colonel, Colonel, and Brigadier General, the Chief of Staff, AFP shall cause the  
23 names of such officers selected and promoted to be placed in promotion lists in accordance with  
24 their relative seniority. There shall be one (1) promotion list for each grade and in each major,  
25 technical, or administrative service. Officers in the grade of at least captain in such promotion  
26 lists shall be promoted to the next higher grade effective on the first day of the quarter following  
27 the occurrence of the vacancies for which they were selected to fill.

1                                   **TITLE XIV. – EFFICIENCY AND SEPARATION BOARD**

2           **SEC. 68.** (a) The Secretary of National Defense shall create in each of the Major Service  
3 Headquarters and in the General Headquarters, AFP such number of Efficiency and Separation  
4 Boards as may be necessary to pass upon the elimination, by administrative action, or officers of  
5 the active force;

6           (a) Each efficiency and Separation Board shall have six (6) voting members composed of  
7 regular officers and reserve officers on active duty in equal number: *Provided*, That  
8 reserve officers on active duty may be replaced by those of them who are integrated  
9 as regular officers under this Act: *Provided, further*, That one (1) member shall come  
10 from the Judge Advocate General Corps (JAGC): *Provided, further*, That, as far as  
11 practicable, the members shall be senior in grade to any officer being considered for  
12 discharge or separation by the Board: *Provided, further*, That they shall not be below  
13 the grade of Colonel: *And Provided, finally*, That they shall serve for a term not  
14 exceeding two (2) years and shall be appointed by the Secretary of National Defense.

15  
16           **SEC. 69.** The Chief of Staff, AFP or the Commanders of the Major Services shall refer  
17 to the appropriate Efficiency and Separation Board any officer in the active force who commits  
18 any act of misconduct of such nature and gravity as may warrant his separation from the service  
19 for the determination by the said Board of his fitness or suitability for retention in the active  
20 military service.

21  
22           **SEC. 70.** Subordinate commanders shall, from time to time or as the need arises, cause  
23 the review of the personal records of officers under their command and refer, through channels,  
24 to the appropriate Efficiency and Separation Board those whose qualifications or efficiency are  
25 unsatisfactory.

26  
27           **SEC. 71.** A subordinate commander shall, through channels, refer to the appropriate  
28 Efficiency and Separation Board, an officer:

- 1 (a) With substandard performance of duty;
- 2 (b) Occupying a position the Table of Organization rank for which is lower than his
- 3 grade;
- 4 (c) Who committed moral or professional dereliction of duty; or
- 5 (d) Whose retention on active military duty is clearly inconsistent with the best interests
- 6 of the AFP.
- 7

8 **SEC. 72.** A Selection Board shall refer to the appropriate Efficiency and Separation

9 Board any officer in the active force:

- 10 (a) Deferred once for promotion to the grade of First Lieutenant;
- 11 (b) Deferred twice for promotion to the grade of Captain, Major, Lieutenant Colonel or
- 12 Colonel.
- 13

14 **SEC. 73.** The Efficiency and Separation Board shall, for any officer failing under sub-

15 section (a) or (c) of Section 74 of this Act, convene solely for the purpose of determining the

16 benefits of separating such officer from the service.

17

18 **SEC. 74.** The Efficiency and Separation Board shall, for any officer failing under Section

19 73 and 74 of this Act, convene for the purpose of determining the fitness of such officer for

20 retention, the Board shall further determine if his separation is with or without benefits.

21

22 **SEC. 75.** Any officer under consideration by an Efficiency and Separation Board shall:

- 23 (a) Be notified in writing of such fact and the circumstances surrounding his case;
- 24 (b) Be permitted to have a counsel of his own selection;
- 25 (c) Have a fair and impartial hearing;
- 26 (d) Have the right to appear before the Board personally or through counsel;
- 27 (e) Be allowed reasonable time to prepare his defense;

1 (f) Have the right to present any fact, argument, or witness in his behalf or any matter  
2 pertinent to his case; and

3 (g) Be informed and have access to all the evidences, charges and reports against him, to  
4 include records of all board proceedings at every stage, except those which should be  
5 withheld in the interest of national security.  
6

7 **SEC. 76.** The Efficiency and Separation Board, convened to act on the case of an officer  
8 under Sections 73 and 74 of this Act, shall determine the suitability of such officer to remain in  
9 the active service by weighing his proficiency, experience, accomplishments attitudes, abilities,  
10 character, and overall value to the service. No weight shall be given to any factor not military in  
11 nature.  
12

13 **SEC. 77.** The Efficiency and Separation Board shall recommend specifically in each case  
14 under Sections 73 and 74 of this Act that the officer be retained or that he be separated from the  
15 active service. Should, in the judgment of the Board, such officer be separated, the Board shall  
16 further determine as to whether his separation is with or without benefits.  
17

18 **SEC. 78.** Should the Efficiency and Separation Board in a Major Service Headquarters or  
19 General Headquarters, AFP recommend the retention in the active service of an officer under  
20 Section 73 and 74 of this Act and that the commander of such Major Service or the Chief of  
21 Staff, AFP respectively, concur with the Board's recommendations, the case shall be considered  
22 closed and the officer concerned notified in writing.  
23

24 **SEC. 79.** The following Efficiency and Separation Board recommendations pertinent o  
25 cases referred to under Sections 73 and 74(b) of this Act shall be forwarded to the President  
26 through the Secretary of National Defense:

27 (a) Separation from the Service concurred in by the commander of the major service  
28 concerned and/or the Chief of Staff, AFP; and

1 (b) Retention in the Service not concurred in by the Commander of the Major Service  
2 concerned and/or the Chief of Staff, AFP.  
3

4 **TITLE XV. – ENLISTMENT, RE-ENLISTMENT, AND PROMOTION OF ENLISTED**  
5 **PERSONNEL**

6 **SEC. 80.** Any citizen of the Philippines between eighteen (18) and twenty-six (26) years  
7 of age, physically fit for general military service, of good moral character and habits, and with  
8 average intelligence may be enlisted in the Active Force of the AFP, subject to the rules and  
9 regulations as may be prescribed by the Chief of Staff, AFP and under the following restrictions:

10 (a) Enlistment shall be for a term of three (3) years and shall be made by the  
11 Commanders of the Major Services;

12 (b) Enlistment in the service shall be apportioned among the various regions of the  
13 Philippines;

14 (c) Former enlisted personnel of the AFP may be enlisted anew: *Provided*, That he  
15 possesses the qualifications prescribed: *Provided, further*, That the difference  
16 between his age and the active service rendered by him does not exceed twenty-six  
17 (26) years.  
18

19 **SEC. 81.** Regulations applying to re-enlistment of enlisted personnel shall be prescribed  
20 by the Chief of Staff, AFP.  
21

22 **SEC. 82.** Based on the troop strength authorized by the General Appropriations Act or  
23 the Table Organization, whichever is applicable, the Chief of Staff, AFP shall declare annually  
24 the promotion vacancies for all enlistment personnel ranks.  
25

26 **SEC. 83.** Promotion of enlisted personnel shall be in recognition of their potential to  
27 perform the duties and responsibilities of the next higher rank.

1           **SEC. 84.** The Chief of Staff, AFP shall establish an enlisted personnel promotion system  
2 which will ensure that promotions are only for those who are best qualified. The system shall  
3 prescribe among other, the time-in-grade, promotional examination and training requirements for  
4 promotion.

5

6                           **TITLE XVI. – PAY AND ALLOWANCES OF MILITARY PERSONNEL**

7           **SEC. 85.** Except as herein specified the President shall have the authority to fix the rate  
8 of pay and allowances of the military personnel subject to the limitations provided in the Annual  
9 General Appropriations Act.

10

11           **SEC. 86.** Military personnel shall be entitled to receive the following pay and  
12 allowances:

13           (a) Base Pay;

14           (b) Longevity Pay- Military personnel of the Regular Force shall receive, in addition to  
15 his base pay, a longevity pay equivalent to 10% of his current monthly base pay  
16 authorized for his grade for each five (5) years of active service, such additional pay  
17 to be compounded every five (5) years: *Provided*, That the total amount of longevity  
18 pay shall not exceed fifty percent (50%) of his monthly basic pay;

19           (c) Mandatory Allowance which shall include the following; subsistence allowance,  
20 clothing allowance, quarters allowance, cost of living allowance, personnel economic  
21 relief allowance, and hazardous allowance. Mandatory allowances may be given in  
22 cash or in kind and shall not be included in the taxable income of military personnel.

23

24           **SEC. 87.** Military personnel shall also be entitled to collateral pay and allowances  
25 depending on the type of duty he performs which shall include but not limited to the following:

26           (a) Specialists Pay – Enlisted men and women of any grade in the AFP are entitled to  
27 receive this pay except those with flying pay, sea duty pay, air mechanic's pay,



1 hazardous duty pay or combat pay for having demonstrated skills, aptitudes, training  
2 and experience, and knowledge of specific duties of specialties;

3 (b) Combat Pay.— Military personnel, except those receiving flying pay, air mechanic's  
4 pay, hazardous pay, sea duty pay, or specialist's pay when actually engaged in  
5 combat, COIN, and security and law enforcement operations shall receive additional  
6 monthly pay equivalent to twenty five percentum of the base pay prescribed for their  
7 respective grades;

8 (c) Flying Pay — Military personnel, except those receiving air mechanics pay, hazardous  
9 duty pay, combat pay or specialist pay when participating in regular and frequent  
10 aerial flights pursuant to orders by competent authority, shall receive additional pay  
11 equivalent to fifty per centum of the base pay prescribed for their respective grades;

12 (d) Air Mechanics Pay — Military personnel who are technically trained to properly  
13 maintain flying equipment who are qualified first, second, and third class air  
14 mechanics of the Air Force, except those receiving flying pay, hazardous duty pay,  
15 combat pay or specialists pay, and not exceeding fifty per centum of enlisted strength  
16 of the Air Force, when required to properly maintain flying equipment by competent  
17 authority;

18 (e) Sea Duty Pay- Military personnel of the Navy, except those receiving hazardous pay  
19 or combat pay, when performing sea duty pursuant to orders by competent authority,  
20 shall receive additional pay equivalent to twenty-five per centum of the base pay  
21 prescribed for their respective grades;

22 (f) Hazardous Duty Pay — Military personnel, except those receiving flying pay, combat  
23 pay or specialists pay shall receive additional pay equivalent to fifty per centum of the  
24 base pay prescribed for their respective grades while actually engaged in hazardous  
25 duty as defined in regulations prescribed by the Secretary of National Defense;

26 (g) Instructor's Duty Pay — For military personnel of AFP training units who are  
27 performing instructor's duty, except those receiving flying, parachutist, hazardous,  
28 sea duty, air mechanic, combat, and specialist pay;

- 1 (h) Parachutist Pay – For military personnel, except those receiving flying, hazardous  
2 duty, sea duty, air mechanic, combat and specialist pay, assigned to or placed on  
3 detached service (DS) with any unit designated as Airborne Unit for training or  
4 employment in tactical operations;
- 5 (i) Radiation Hazard Pay – For personnel of AFP hospitals and dispensaries working  
6 directly with x-ray units, cobalt, cassium, or radio-active radiation except those  
7 receiving overseas, combat, specialist, or hazardous duty pay;
- 8 (j) Hazardous Pay – For military personnel, except those receiving overseas combat,  
9 specialist, or hazardous duty pay, who are assigned to or on detached service (DS)  
10 with units, stations, sites isolated and inaccessible by normal air, water, or land  
11 transportation where there is little or no opportunity for such military personnel to  
12 join their families during tour of duty, and where facilities within the station and  
13 locality are inadequate to provide for even the basic necessities.
- 14 (k) Special Clothing Allowance- For military personnel performing special duties as  
15 aides, escorts, board members, military police, and those in flying status;
- 16 (l) Cold Weather Clothing Allowance and Annual Cold Weather Clothing Maintenance  
17 Allowance are granted to AFP officers, filler officers, probationary 2Lt/Ensigns,  
18 enlisted personnel, trainees and draftees, and civilian employees whether temporary,  
19 emergency, or casual in status, who are assigned or on detached service or  
20 undergoing training at any of the stations/units/sites in the Philippines as defined in  
21 regulation prescribed by the Secretary of National Defense, where cold weather  
22 clothing is required or necessary;
- 23 (m) Winter Clothing Allowance – For military personnel detailed abroad for schooling;
- 24 (n) Initial Enlistment and Re-enlistment Clothing Allowance – The initial clothing  
25 allowance for enlistment and every re-enlistment shall be in cash equivalent of the  
26 current cost of prescribed clothing items;
- 27 (o) Laundry Allowance- For military personnel assigned, detailed or on detached service  
28 with units/activities for which payment of laundry allowance is expressly provided.

1                                   **TITLE XVII. – RETIREMENT AND SEPARATION**

2           **SEC. 88.** Except as otherwise specifically provided under this Act, for purpose of  
3 retirement and separation, active service of a military person shall mean active service actually  
4 rendered by him as commissioned officer, enlisted person, cadet, or in any other capacity for  
5 which he received pay and allowances for his services in the Armed Forces of the Philippines  
6 and service rendered by him as a civilian official or employee in the Philippine Government  
7 prior to the date of his entry into the active service of the Armed Forces of the Philippines:  
8 *Provided, That, for the purpose of retirement, he shall have rendered at least ten (10) years of*  
9 *active service as such officer, enlisted person or draftee: Provided, That, no period of such*  
10 *civilian government service longer than this active military service shall be credited for the*  
11 *purpose of retirement or separation.*

12  
13           **SEC. 89.** An officer or enlisted person, upon accumulation of at least twenty (20) years  
14 of active service, may, at his option, be retired from the active military service in the grade next  
15 higher than the grade he holds: *Provided, That enlisted personnel with ranks of Master Sergeant,*  
16 *Senior Master Sergeant, and Chief Master Sergeant shall be eligible to retire in the grade of*  
17 *Second Lieutenant: Provided, further, That separation or retirement under this Section shall be*  
18 *subject to the approval of the President.*

19  
20           **SEC. 90.** An officer or enlisted person, upon attaining fifty-six (56) years of age or upon  
21 accumulation of thirty (30) years of satisfactory active service, whichever is later, shall be  
22 compulsorily retired in the grade next higher than the grade he holds: *Provided, That such officer*  
23 *or enlisted person who shall have attained fifty-six (56) years of age with at least twenty (20)*  
24 *years of active service shall be allowed to complete thirty (30) years of active service but not*  
25 *beyond his sixtieth (60) birthday: Provided, however, That such military person compulsorily*  
26 *retiring by age shall have at least twenty (20) years of active service: Provided, further, That*  
27 *enlisted personnel who attain the ranks of Master Sergeant, Senior Master Sergeant, and Chief*  
28 *Master Sergeant when they compulsorily retire shall be eligible to retire in the grade of Second*

1 Lieutenant: *Provided, further,* That the maximum tenure of tenure officers in the grades of  
2 Colonel/Captain (PN) and General/Flag Officers in the Armed Forces of the Philippines are  
3 hereby prescribed as follows: ten (10) years for Colonel/Captain (PN); five (5) years for Brigadier  
4 General/Commodore; three (3) years for Major General/Rear Admiral: *Provided, further,* That,  
5 unless earlier separated, retired or promoted to the next higher grade, Colonels/Captains (PN)  
6 and General/Flag officers shall be compulsorily retired upon their completion of the maximum  
7 tenure-in-grade, or at age 56, as herein provided, whichever is earlier, except for the Chief of  
8 Staff, Armed forces of the Philippines who may be allowed by the President of the Philippines to  
9 finish his tenure in position as provided for in the Constitution: *Provided, further,* That Officers  
10 holding following key positions are hereby limited to a maximum tenure in position of three (3)  
11 years unless otherwise earlier relieved by component authority or compulsorily retired as herein  
12 provided, except for the Chief of Staff, AFP no officer shall be assigned/designated to the said  
13 key position if he has less than one year of remaining active service prior to compulsory  
14 retirement: *Provided, further,* That officers already in the grades of Colonel/Captain (PN) or  
15 higher upon approval of this Act shall be allowed two (2) years or more of tenure in grade before  
16 the tenure provision of this Act shall be applied to them, unless they shall have already reached  
17 the compulsory retirement age as herein provided, in which case the compulsory retirement age  
18 shall prevail: *Provided, further,* That if an officer is designated Chief of Staff, AFP his tenure in  
19 position shall be as prescribed by the Constitution.

20  
21 **SEC. 91.** An officer or enlisted person with at least twenty (20) years of satisfactory  
22 active service who dies in line of duty shall be considered retired in the grade next higher than the  
23 grade last held for survivorship benefits under this Act: *Provided,* That enlisted personnel who  
24 attain the rank of Master Sergeant, Senior Master Sergeant and Chief Master Sergeant shall be  
25 considered retired in the grade of Second Lieutenant.

26  
27 **SEC. 92.** An officer or enlisted person with at least twenty (20) years of satisfactory  
28 active service who incurs total permanent physical disability in line of duty shall be retired in the

1 grade next higher than the grade he holds: *Provided*, That an enlisted personnel who attain the  
2 ranks of Master Sergeant, Senior Master Sergeant and Chief Master Sergeant shall be retired in  
3 the grade of Second Lieutenant.

4  
5 **SEC. 93.** An officer or enlisted person with at least twenty (20) years of satisfactory  
6 active service who incurs physical disability in line of duty other than total permanent may, at his  
7 option, be retired in the grade next higher than the grade he holds: *Provided*, That an enlisted  
8 personnel who attain the ranks Master Sergeant, Senior Master Sergeant, and Chief Master  
9 Sergeant, may at his option, be retired in the grade of Second Lieutenant.

10  
11 **SEC. 94.** An officer in the grade of Captain; Major or Lieutenant Colonel shall be  
12 separated from the service, under such rules and regulations as the Secretary of National Defense  
13 shall prescribe, upon completing five (5), six (6), or seven (7) years service-in-grade,  
14 respectively, or upon attaining thirty-three (33), thirty-nine (39), or forty-six (46) years of age,  
15 respectively, whichever is later, for failure of promotion due to his own lack of individual merits  
16 as determined by the Selection Board. The separation of such officer shall be effected on the first  
17 officer shall be effected on the first day of the third month after the President shall have  
18 approved the promotion of officers of the same grade as recommended by the Selection Board.

19  
20 **SEC. 95.** A military person who is retired under this Act shall be entitled to the use of or  
21 be addressed by his retirement or separation grade, except for an officer of the grade of  
22 Colonel/Captain (PN) or higher, or an enlisted person of the grade of Master Sergeant, Senior  
23 Master Sergeant and Chief Master Sergeant or equivalent rank in the other Services who shall  
24 continue to hold and be addressed by his grade at the time of his retirement or separation.

25  
26 **SEC. 96.** An officer in the grade of Captain, Major, or Lieutenant Colonel who is subject  
27 to lateral attrition for failure of promotion, as defined in Section 97 of this Act, shall be retired, if  
28 he has at least twenty (20) years of active service in the grade next higher than the grade he holds

1 or if he has less than twenty (20) years of active service, separated in the permanent grade he  
2 holds on the first day of the third month after the President shall have approved the promotion of  
3 the officers recommended by the Selection Board which did not recommend his promotion.

4  
5 **SEC. 97.** An officer referred to and found by the AFP Efficiency and Separation Board  
6 not fit for retention in the active military service because of substandard performance, low  
7 potentials, doubtful integrity and/or acts committed inconsistent with the best interest of the  
8 service shall be retired, if he has at least twenty (20) years of active service, in the permanent  
9 grade he holds effective on the day the President has approved the recommendation of the Board.

10  
11 **SEC. 98.** An officer in the grade of Second Lieutenant/Ensign (PN) who is deferred once  
12 or an officer in the grade above that of Second Lieutenant/Ensign (PN) who is deferred twice  
13 consecutively for promotion to the same next higher grade, as defined by law or regulation, shall  
14 be retired, if he has at least twenty (20) years of active service, or separated, if he has less than  
15 twenty (20) years of active service, in the permanent grade he holds on the first day of the third  
16 month after the President shall have approved the promotion of the officers recommended by the  
17 Selection Board which recommend the deferment of promotion of such an officer for the first or  
18 second time, as the case may be.

19  
20 **SEC. 99.** An officer, probationary officer, cadet, enlisted person, or officer or soldier  
21 candidate with less than twenty (20) years of active service who dies in line of duty or on  
22 account of any wound, injury, or illness contracted in line of duty or as approximate result of  
23 operational or enemy act or in the performance of a hazardous duty shall be considered retired  
24 from the active military service in the grade next higher than the grade last held for survivorship  
25 benefits under this Act.

26  
27 **SEC. 100.** An officer cadet, probationary officer, trainee, or enlisted person with less  
28 than twenty (20) years of active service who incurs total permanent physical disability on

1 account of any wound, injury, or illness contracted in line of duty or as a proximate result of an  
2 operational or enemy act in the performance of a hazardous duty shall be retired in the next  
3 higher than the grade he holds.

4  
5 **SEC. 101.** An officer, cadet, probationary officer, trainee, or enlisted person with less  
6 than twenty (20) years of active service who incurs physical disability other than total permanent  
7 on account of any wound, injury or illness contracted in line of duty or as a proximate result of  
8 an operational or enemy act or in the performance of a hazardous duty may, at his option, be  
9 retired from the active military service in the grade next higher than the grade he holds.

10  
11 **SEC. 102.** The following military personnel with less than twenty (20) years of active  
12 service shall likewise be separated from the active military service for the purpose of this Act:

13 (a) A regular officer whose resignation as a commissioned officer is accepted by the  
14 President;

15 (b) An enlisted person whose current enlistment term is earlier terminated<sup>1</sup> or who is not  
16 re-enlisted by appropriate enlisting authorities.

17  
18 **SEC. 103.** The retirement or separation under Sections 93, 94, 95, 96 and 101 of  
19 officers, cadets and probationary officers shall be subject to the approval of the Secretary of  
20 National Defense, while those enlisted personnel and trainees shall be subject to the approval of  
21 the Major Service Commanders if they are assigned with the Major Services and the approval of  
22 the Deputy Chief of Staff, AFP if they are assigned with GHQ and AFPWSSUs at the time of  
23 retirement or separation.

24  
25 **TITLE XVII – RETIREMENT AND SEPARATION BENEFITS**

26 **SEC. 104.** When an officer or enlisted person is retired from the Armed Forces of the  
27 Philippines under Sections 92, 93, 94, 95, 96 or 99 of this Act, he, at his option, shall receive a  
28 gratuity equivalent to one (1) month of base pay and longevity pay of grade next higher than the

1 permanent grade last held for every year of service payable in one (1) lump sum or a monthly  
2 retirement pay equivalent to three and three fourth (3.75%) percent for each year of active  
3 service rendered but not exceeding one hundred percent (100%) of the monthly base and  
4 longevity pay of the grade next higher than the permanent grade last held; *Provided*, That an  
5 officer retired under Section 99 or 100 of this Act shall be entitled to benefits computed on the  
6 basis of the base longevity pay of military personnel in the active service: *Provided, further*,  
7 That, when he retires, he shall be entitled at his option, to receive in advance and lump sum his  
8 annual retirement pay for the first three installment as they accrue: *Provided, further*, That if he  
9 dies within the three year period following his retirement and is survived by beneficiaries as  
10 defined in this Act, the latter shall only receive the derivative benefits thereunder starting the first  
11 month after the aforecite three-year period: *And provided, finally*, That, the monthly retirement  
12 or separation pay being received by military personnel retired or separated before the Approval  
13 of this Act, to include those of their survivors, shall likewise be subject to adjustment on the  
14 prevailing scale of base and longevity pay of military personnel on active service.

15  
16 **SEC. 105.** The survivors of an officer or enlisted person retired under Section 91, 92,  
17 93, or 94 or of an officer with at least twenty years of service retired under Section 92, 100, or  
18 101 under this Act shall be entitled to a monthly retirement pay the amount of which shall be one  
19 hundred percent (100%) of the amount which he was receiving to be divided among them in  
20 equal shares and with right accretion.

21  
22 **SEC. 106.** An officer, cadet, probationary officer, trainee, or enlisted person retired  
23 under Section 102 of this Act shall be entitled to a monthly life annuity the amount of which  
24 shall be one hundred percent (100%) of the base pay and longevity pay computed on the basis of  
25 his separation grade.

26  
27 **SEC. 107.** An officer enlisted person with less than twenty (20) years of active  
28 service separated under Section 98, 99, 100 or 104 under this Act shall be entitled to a separation



1 pay equivalent to one (1) month base and longevity pay of the permanent grade he holds for  
2 every year of active service rendered.

3  
4 **SEC. 108.** An officer, cadet, probationary officer, trainee or enlisted person with less  
5 than twenty (20) years of active service retired under Sections 102 and 103 of this Act shall be  
6 entitled to a retirement gratuity equivalent to one month base and longevity pay of his separation  
7 grade for every year of active service.

8  
9 **SEC. 109.** (a) The survivors of an officer or enlisted person considered retired  
10 under Section 93 of this Act shall be entitled to a monthly annuity equivalent to one hundred  
11 percent (100%) of the retirement pay he would have received had he retired to be divided among  
12 them in equal shares and with the right accretion;

13 (b) The survivors of an officer, cadet, probationary officer, trainee or enlisted person  
14 considered retired under Section 94 & 95 of this Act shall be entitled to a monthly annuity  
15 equivalent to sixty percent (60%) of his base pay and longevity pay based on his separation grade  
16 to be divided among them in equal shares and with the right accretion;

17 (c) The survivors of an officer, cadet, probationary officer, trainee, or enlisted person  
18 considered retired under Section 94 & 95 of this Act shall be entitled to a monthly annuity the  
19 amount of which shall be one hundred percent (100%) of the amount which he was receiving to  
20 be divided among them in equal shares and with the right of accretion.

21

22 **TITLE XIX -- DISABILITY BENEFITS**

23 **SEC. 110.** (a) An officer, cadet, probationary officer, or enlisted person retired under  
24 Section 94 of this Act shall, in addition to the benefits under Section 106 of this Act, receive a  
25 monthly disability pension of two thousand pesos (Php2,000.00).

26 (b) An officer, cadet probationary officer, trainee or enlisted person retired under  
27 Section 95 of this Act, in addition to the benefits under Section 106 of this Act, as the case may  
28 be, shall receive a monthly disability pension fixed as follows:

- 1           1) If and while the disability is rated anywhere from ten (10) to thirty (30) percent,  
2           the monthly pension shall be four hundred pesos (Php400.00);
- 3           2) If and while the disability is rated forty (40) percent, the monthly pension shall be  
4           four hundred fifty pesos (Php450.00);
- 5           3) If and while the disability is rated fifty (50) percent, the monthly pension shall be  
6           five hundred pesos (Php500.00);
- 7           4) If and while the disability is rated sixty (60) percent, the monthly pension shall be  
8           five hundred fifty pesos (Php550.00);
- 9           5) If and while the disability is rated seventy (70) percent, the monthly pension shall  
10          be six hundred pesos (Php600.00);
- 11          6) If and while the disability is rated eighty (80) percent, the monthly pension shall  
12          be six hundred fifty pesos (Php650.00);
- 13          7) If and while the disability is rated ninety (90) percent, the monthly pension shall  
14          be seven hundred pesos (Php700.00)

15  
16           **SEC. 111.** The disability benefits authorized under Section 112 of this Act shall be  
17 adjusted once every three (3) years consistent with the average annual movement of consumer  
18 price index for the Philippines as established by the National Statistics Office.

#### 19 20                                   **TITLE XX – ADDITIONAL BENEFITS**

21           **SEC. 112.** Any officer whose application for optional retirement on a date which is at  
22 least two (2) years before his compulsory retirement date is approved by the President, in  
23 addition to the benefits authorized under this Act, shall be entitled to a lump sum gratuity  
24 equivalent to twelve (12) months base and longevity pay based on the grade he holds: *Provided,*  
25 That the optional retirement of such an officer is not mandated by Section 95, 98, 99, or 100 of  
26 this Act.

1           **SEC. 113.**    (a) Survivors of an officer, cadet, probationary officer, trainee, or enlisted  
2 person who dies in line of duty, in addition to the benefits authorized under this Act, shall  
3 receive for the first six (6) months the monthly pay and allowance being received by him prior to  
4 his death;

5           (b)     An officer, cadet, probationary officer, trainee or enlisted person retired from  
6 active military service by reason of total permanent physical disability incurred in line of duty, in  
7 addition to the benefits authorized under this Act, shall continue to receive for the first four (4)  
8 months the monthly pay and allowance he was receiving prior to his retirement;

9           (c)     An officer, cadet, probationary officer, trainee or enlisted person, retired from  
10 active military service by reason of physical disability incurred in line of duty other than total  
11 permanent shall, in addition to the benefits authorized under this Act, continue to receive for the  
12 first two (2) months pay and allowances he was receiving prior to his retirement: Provided, that,  
13 such an officer is not entitled to additional benefits under Section 115 of this Act.

14  
15           **SEC. 114.**    Subject to such terms and conditions as may be mutually acceptable to the  
16 AFP Mutual Benefit Association Incorporated as the insurer and the Chief of Staff, Armed  
17 Forces of the Philippines, including the rates of insurance premiums fifty percent of which shall  
18 be paid by each members of the Armed Forces of the Philippines and the remaining fifty percent  
19 by the Government as its counterpart premium contribution, and approved by the Secretary of  
20 National Defense, each member of the Armed Forces of the Philippines in active service, to  
21 include cadets of Philippine Military Academy, the Philippine Air Force Flying School,  
22 probationary officers, candidate officers, and the candidate soldiers shall be insured under an  
23 annual Special Group Term Insurance program, renewable annually thereafter, for not less than  
24 Fifty Thousand Pesos (Php50,000.00) per member, in addition to such compulsory insurance for  
25 members of the Armed Forces of the Philippines and by the Government Service Insurance  
26 System as provided for by existing laws: *Provided*, That payment one-half of the benefits,  
27 corresponding to the government counterpart premium shall be made to the surviving legal heirs  
28 as defined in the Civil Code and the other half to the designated beneficiaries: *And provided*,

1 *further*, That benefits granted herein shall be denied to those engaged in crimes against the state,  
2 except one-half thereof, corresponding to the premium paid by the insured, which shall be paid  
3 to the designated beneficiaries.

4  
5 **SEC. 115.** The additional government counterpart premium contribution required to  
6 carry out the purpose of the preceding Section is hereby authorized to be appropriated out of any  
7 funds in the National Treasury not otherwise appropriated to be such sums shall be thereafter  
8 included in the annual General Appropriations Act of the Department of National Defense.

9  
10 **SEC. 116.** The sick or injured military personnel in the active service and their  
11 dependents shall be entitled to civilian medical assistance at government expense: *Provided*,  
12 That the illness or injury is emergency in nature where there are no military hospitals within  
13 reasonable distance or where AFP hospitals are inadequate to manage such emergency case:  
14 *Provided, further*, That the illness or injury is not self-inflicted or results of personal abuse,  
15 misconduct, willful failure, gross negligence, use of drugs or liquor, or immoral acts or habits.

16  
17 **SEC. 117.** The term medical assistance as used in this Act shall refer to the medical  
18 and dental service rendered to a patient, including consultation, treatment, nursing, and hospital  
19 care, x-ray, laboratory and other diagnostics procedures, and furnishing of medicines.

20  
21 **SEC. 118.** The term "dependents of military personnel" include the spouse,  
22 unmarried children below 21 years of age, children 21 years of age or over but also suffering  
23 from congenital physical or mental disability acquired before the age of 21 years old, and parents  
24 who are living with, and/ or totally dependent to, for support.

25  
26 **SEC. 119.** Further amending PD 1519 as amended by adding a section therein which  
27 provides that "The members of the Armed Forces of the Philippines shall be excluded from the  
28 coverage of this decree since it has its own AFP Medical Care Benefit Program". The AFP

1 contribution (Agency & Employee) to the Medicare Program shall cease upon the approval of  
2 this Act and in lieu thereof, the AFP shall collect the military personnel's share and deposit same  
3 with the AFP Mutual Benefit Association Incorporated, who shall administer the AFP Medical  
4 Care Benefit Association Incorporated by the Department of Budget and Management. The  
5 Board of Trustees of the AFP Mutual Benefit Association Incorporation shall manage and  
6 administer funds received under this Act as a separate trust fund and oversee the affairs of the  
7 system. All transactions by them shall be n behalf of the AFP Medical Care Benefit Program.

8  
9 **TITLE XXI. – SOCIAL AND ECONOMIC WELL BEING**  
10 **OF RETIREES, VETERANS AND DEPENDENTS**

11 **SEC. 120.** It shall be the policy of the Government to look after the social and economic  
12 well being of retirees, veterans, and their dependents. For this purpose, an office in the  
13 Department of National Defense shall be created or designated to formulate programs geared  
14 towards the upliftment of the social and economic well-being of retirees, veterans, and their  
15 dependents. It shall also coordinate with other civilian government agencies and the private  
16 sector in order to assist retirees, veterans, and their dependents to gain employment.

17  
18 **SEC. 121.** (a) Retirees, veterans, and their dependents, possessed with the requisite merit  
19 and fitness, shall be given priority to civilian government positions. Upon appointment, they  
20 shall enjoy security of tenure and may be removed only for cause, resignation, disability, death,  
21 or mandatory retirement: *Provided*, That only one of the dependents of a retiree or veteran shall  
22 enjoy this privilege;

23 (b) Retirees, veterans, and their dependents who are already in the civilian government  
24 service shall be entitled to security of tenure;

25 (c) The Chairman of Civil Service Commission, in coordination with the Secretary of  
26 National Defense, shall within sixty (60) days upon approval of this Act, prescribe  
27 rules and regulations necessary to implement this Section

28

1 TITLE XXII. - GENERAL PROVISIONS

2 SEC. 122. For purposes of this Act:

3 (a) a draftee is considered an enlisted person and his retirement is Private or its  
4 equivalent rank in the other services;

5 (b) A cadet, probationary officer or trainee who dies in line of duty or retired from the  
6 active military service for physical disability incurred in line of duty shall have the  
7 retirement grade or its equivalent rank in the other services hereunder indicated;

8	Cadet	-	Second Lieutenant
9	Probationary Officer	-	Second Lieutenant
10	Trainee	-	Private

11 (c) Total permanent physical disability shall mean the anatomical loss or the permanent  
12 loss of use of both hands, of both feet, or both eyes, of both ears or any combination,  
13 or loss of mental faculties. The degree of physical disability shall be as determined by  
14 a medical board created for the purpose;

15 (d) Survivors shall mean:

16 1) Surviving spouse if married to the deceased prior to the latter's  
17 retirement/separation and not only legally separated by judicial decree from  
18 the deceased issued on grounds not attributable to said spouse: *Provided,*  
19 That entitlement to benefits shall terminate upon the remarriage of said  
20 spouse;

21 2) Surviving children of an officer or enlisted person born of his marriage or  
22 acknowledged, while the deceased parent was still on active military service:  
23 *Provided,* That entitlement to benefits shall terminate upon the remarriage of  
24 said spouse;

25 3) In default of those mentioned in paragraph d(1) and d(2) above, surviving  
26 parent, or in their absence, his surviving unmarried brothers or sisters until  
27 they reach the age of twenty-one (21) years;

1 (e) Line of duty shall mean that the death, illness or injury incurred was not due to  
2 misconduct, willful failure, the intemperate use of drugs or alcoholic liquor or vicious  
3 or immoral habits;

4 (f) A year of active service shall mean twelve (12) months: *Provided*, That for a cadet,  
5 probationary officer, or trainee retired under this Act, a period of service of less than  
6 one (1) year shall be considered as one (1) year.

7  
8 **SEC. 123.** Retired military personnel receiving monthly pension under this Act shall  
9 continue to contribute to the AFP Retirement Benefit System in the amount equivalent to four  
10 percent (4%) of the base and longevity pay of the last permanent grade he held before retirement  
11 for period equivalent to the length of service rendered as a civilian official or employee of the  
12 Philippine Government credited for purposes of retirement during which he did not contribute to  
13 the AFP Retirement and Separation Benefit System from the date Presidential Decree Three  
14 Hundred Sixty One (PD 361) took effect. Such contribution shall be held deducted from his  
15 monthly retirement pay.

16  
17 **SEC. 124.** Military personnel retired under this Act shall be carried in the retired list of  
18 the Armed Forces of the Philippines and shall be subject to the Articles of War for offenses  
19 committed while still in the active service. Benefits authorized under this Act shall not be  
20 terminated or suspended by reason of change in citizenship of the recipient or his immigration to  
21 other countries whether in permanent or temporary status. Military personnel or their survivors  
22 whose benefits have been terminated by reason of change of citizenship shall resume receiving  
23 such benefits upon approval of this Act.

24  
25 **SEC. 125.** Veterans and military personnel retired or separated under this Act and their  
26 dependents shall be entitled to certain privileges being enjoyed by military personnel on active  
27 duty and their dependents, except those privileges that are inherently intended for military  
28 personnel in the active military service.

1           **SEC. 126.** The benefits authorized under this Act, except as herein provided, shall not be  
2 subject to attachment, garnishment, levy, execution or any tax whatsoever neither shall they be  
3 assigned, ceded, or conveyed to any third person: *Provided*, That if a retiree or separated officer  
4 or enlisted person, to include a cadet, probationary officer, or trainee, who is entitled to any  
5 benefit under this Act, has unsettled money and/or property accountabilities to the Philippine  
6 Government incurred while in the active service, not more than fifty percent (50%) of the  
7 pension, gratuity, or any other payment due him or his survivors under this Act may be withheld  
8 and be applied to settled such accountabilities.

9  
10           **SEC. 127.** The benefits authorized under this Act shall not accrue to:

11           (a) Any officer or enlisted person who is separated as a result of a court martial  
12 action where non-entitlement to such benefits is expressly adjudged by the military court  
13 and approved by competent authority;

14           (b) Any officer who is separated without benefits as a result of an action by the AFP  
15 Efficiency and Separation Board and approved by the President;

16           (c) Any enlisted person separated under conditions other than honorable as a result or  
17 duly authorized proceeding and approved by competent authority;

18           (d) Any officer or enlisted person convicted by a Civil Court for an offense which  
19 carries with it the penalty of imprisonment for a period of six (6) years and above:

20           *Provided*, That such conviction or the filing of the case which led to such a conviction  
21 must have occurred while the officer or enlisted person was still in the active military  
22 service; or

23           (e) Any officer or enlisted person dropped from the rolls.

24  
25           **SEC. 128.** Nothing in this Act shall be construed to:

26           (a) Reduce in any manner whatever retirement or separation pay or gratuity or other  
27 monetary benefits which any person is hereto receiving under the provisions of existing  
28 law;



1 (b) Reduce in any manner the monthly base and longevity pay being received by  
2 military personnel on active duty by virtue of the inclusion of cadet, probationary officer,  
3 or trainee service in the computation of longevity pay;

4 (c) Bar any officer or enlisted person in the active military service at the date  
5 approved of this Act from including cadet, probationary officer, or trainee service as  
6 active service; or

7 (d) Bar any individual who, at the date of approval of this Act, has undergone or is  
8 undergoing cadet, probationary officer, or trainee service from including the same as  
9 active service after he becomes an officer or enlisted person on active military service.  
10

11 **SEC 129.** Any person found to have participated directly or indirectly in the commission  
12 of fraud, falsification, misrepresentation of facts or any similar anomaly in the issuance of any  
13 certificate or document for any purpose connected with this Act, upon conviction, shall be  
14 punished by a fine of not less than the amount defrauded but not more than threefold such  
15 amount and/or imprisonment of not less than six (6) months and one (1) day to six (6) years,  
16 perpetual disqualification from holding public office and from practicing any profession or  
17 calling licensed by the government and forfeiture of pay and allowances and other benefits due  
18 him.  
19

20 **SEC. 130.** In addition to Section 123(c) of this Act, Secretary of National Defense shall  
21 prescribe rules and regulations necessary for the implementation of the other provisions of this  
22 Act. The Secretary of National Defense may likewise prescribe an early retirement incentive  
23 system as a measure to maintain the correct officer tank structure profile as provided by law and  
24 accordingly to the availability of funds considering retirement and separation provisions of the  
25 Act.

26 **SEC. 131.** The amount necessary for the added benefits under this Act is hereby  
27 authorized to be paid out of savings from the appropriations of the Armed Forces of the  
28 Philippines or be appropriated during the first year of the effectivity of this Act. Thereafter, fund

1 support therefor shall be included in the annual appropriations of the Department of National  
2 Defense until such time as the AFP Retirement and Separation Benefits System can fully support  
3 the same.

4

5

#### TITLE XXIII. – FINAL PROVISIONS

6 **SEC. 132.** The Secretary of National Defense shall prescribe the rules and regulations  
7 necessary for the effective implementation of the other provisions of this Act in addition to those  
8 he is expressly authorized to issue as provided in several Section of this Act.

9

10 **SEC. 133.** The provisions of this Act are hereby declared separable, and if any clause,  
11 sentence, provision, or Section hereof, or its application to any person or circumstance should be  
12 declared invalid, such invalidity shall not affect the other provisions of this Act which can be  
13 given force and effect without the provisions which have been declared invalid.

14

15 **SEC. 134.** Except those necessary to give effect to the provisions of this Act and to  
16 preserve the rights granted to officers and enlisted personnel, to include cadets, probationary  
17 officers, or trainees, at the date of approval of this Act and to retired or separated military  
18 personnel on their survivors, all laws, rules and regulations inconsistent with the provisions of  
19 this Act are hereby repealed or modified accordingly.

20

21 **SEC. 135.** This Act shall take effect fifteen (15) days after its publication in the Official  
22 Gazette or any two (2) newspapers of general circulation.

Approved,