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SENATE

S. No. 1830

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

Article II Section 3 of the Constitution states that the Armed Forces of the Philippines is the protector of the people and the State; and whose goal is to secure the sovereignty of the State and the integrity of the national territory.

The acquisition of military status by a recruit involves a commitment to the Armed Forces of the Philippines (AFP), the country, and the Filipino people one has sworn to protect. Thus, it is but proper that stringent guidelines be put in place to ensure that military personnel possess the necessary competence, integrity and character required by their lofty calling.

In cognizance of the aforementioned declaration of policy, this measure sets standards and procedures to guarantee the competence of those who are recruited into the AFP through the establishment of a new procurement process for enlisted military personnel while providing for their orderly administrative promotion and separation.

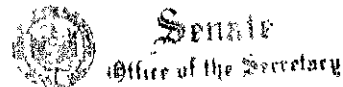
Specifically, this bill seeks to accomplish the following objectives:

1. Selectively recruit and retain the best qualified soldiers in the force through evaluation of their performance and potential for continued service;
2. Rationalize the pension system for all enlisted personnel through compulsory membership to the Government Service Insurance System (GSIS); and
3. Ease the transition of personnel denied retention in the force from military to civilian life through the provision of education, training and scholarships and a commensurate separation pay, as a way of thanking them for their military service. Although a substantial number of the provisional enlisted personnel may not be selected to stay in the regular force, five (5) years of training, experience and practice of military discipline and values can prove relevant in the outside world, and the government must see to it that those years will not go to waste.

It is hoped that the passage of this bill will redound to the following benefits: reduce the ballooning costs in terms of pay and retirement benefits, and provide for a long term solution to the looming military pension crisis; and, boost the morale of members of the Armed Forces thereby inspiring dedicated soldiers to consistently meet the AFP's high standards of duty, performance, honor and discipline.

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


ANTONIO "SONNY" F. TRILLANES IV
Senator



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

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AN ACT

PROVIDING FOR AN INCREASE IN THE STANDING FORCE OF THE ARMED FORCES OF THE PHILIPPINES THROUGH THE RECRUITMENT AND SPECIAL ENLISTMENT OF PROVISIONAL ENLISTED PERSONNEL

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

1 **SECTION 1. Short Title.** This act shall be known as the "*Provisional Enlisted Personnel*
2 *Act of 2013*".

3
4
5 **SEC. 2. Declaration of State Policy.** The Armed Forces of the Philippines is the protector
6 of the people and the State. Its goal is to secure the sovereignty of the State and the integrity of
7 the national territory. It shall keep a regular force necessary for the security of the State.

8
9 The State duly recognizes the vital role of the military in traditional security matters, such
10 as providing internal and external defense; and, their ever expanding role in non-traditional
11 security matters, such as humanitarian assistance and disaster response.

12
13 It shall, therefore, be the prime concern of the State to ensure that the Armed Forces of
14 the Philippines is equipped with a standing force necessary to adequately and effectively address
15 present and future security threats to the State.

16
17 **SEC. 3. Definition of Terms.** – For the purposes of this Act, the following definition of
18 terms shall apply:

19 a. *Regular Enlisted Personnel* – those currently belonging to the following grades:
20 Private (E-1), Private First Class (E-2), Corporal (E-3), Sergeant (E-4), Staff

1 Sergeant (E-5), Technical Sergeant (E-6), Master Sergeant (E-7), and its
2 equivalent in the Air Force, Navy and Marines, *Provided*, That the same are not
3 covered by this Act.

4 b. *Provisional Enlisted Personnel* – An enlisted personnel who, upon entry, has
5 undergone similar training required of regular EP, and is serving in active tour of
6 duty for a term of five (5) years.

7
8 **SEC. 4. *Provisional Enlisted Personnel.*** An increase in the standing force of the Armed
9 Forces of the Philippines (AFP) shall be undertaken through the recruitment and special
10 enlistment of twenty thousand (20,000) provisional Enlisted Personnel (EP).

11
12 **SEC. 5. *Tour of Duty.*** The tour of duty of provisional EP shall be limited to a continuous
13 term of five (5) years, without further reenlistment. *Provided, however*, that the Secretary of
14 National Defense (SND), upon the recommendation of the Chief of Staff of the Armed Forces of
15 the Philippines (CSAFP), may authorize the retention of a maximum of thirty percent (30%) of
16 the provisional EP for reenlistment as regular EP, in accordance with and subject to Section 13
17 hereof.
18

19
20 **SEC. 6. *Qualifications and Disqualifications.*** The provisional EP must possess the
21 required qualifications and none of the disqualifications for recruitment and enlistment as regular
22 EP to the AFP.
23

24
25 The provisional EP who are eligible, selected, and authorized to be reenlisted as regular
26 EP must possess the required qualifications and none of the disqualifications required for the
27 reenlistment of regular EP to the AFP.
28

29 **SEC. 7. *Training.*** The provisional EP shall undergo the same training required of regular
30 EP. *Provided*, that upon graduation from training, the provisional EP shall attain the rank of
31 Private, Airman, Apprentice Seaman/Fireman or Marine. *Provided further*, that all provisional

1 EP who attain the rank of Private, Airman, Apprentice Seaman/Fireman or Marine shall acquire
2 the rights, benefits, obligations, and duties accorded to similarly ranked regular EP, subject to
3 Sections 10 and 11 hereof.

4
5 **SEC. 8. Promotion.** The rules and regulations applicable to regular EP for promotion
6 shall apply to provisional EP. *Provided*, the highest rank attainable by the provisional EP shall be
7 that of Private 1st Class, Airman 2nd Class, Seaman/Fireman 2nd Class, or Marine 2nd Class.
8 *Provided further*, that provisional EP who attain the rank of Private 1st Class, Airman 2nd Class,
9 Seaman/Fireman 2nd Class, or Marine 2nd Class shall acquire the rights, benefits, obligations,
10 and duties accorded to similarly ranked regular EP, subject to Sections 10 and 11 hereof.

11
12 **SEC. 9. Salary.** The amount of salary paid to provisional EP, regardless of rank, shall be
13 based on the current pay grades of similarly ranked regular EP; and, shall be scaled accordingly
14 to accommodate any increase thereto.

15
16 **SEC. 10. Termination and Separation.** All provisional EP shall be immediately
17 terminated from their service at the end of their tour of duty, except for those who are reenlisted
18 as regular EP under Section 13 hereof. *Provided*, the provisional EP, prior to the end of their tour
19 of duty, may be separated from their service on the same grounds as regular EP. *Provided*
20 *further*, the provisional EP, whether terminated or separated from their service, shall not be
21 entitled to receive the retirement and separation pay or benefits provided for in Presidential
22 Decree 1638, as amended by Presidential Decree 1650. *Provided, furthermore*, that provisional
23 EPs who fail to meet the qualifications for retention as regular EPs, shall receive a separation
24 gratuity pay equivalent to one month of his base and longevity pay on the date of separation for
25 every year of service.

26
27
28 **SEC. 11. Training and Educational Benefits.** A provisional EP who fail to meet the
29 qualifications for retention as a regular EP shall be entitled to receive training and educational
30 benefits in accordance with the rules and regulations to be promulgated by the Technical

1 Education and Skills Development Authority (TESDA) and Commission on Higher Education
2 (CHED).

3
4 **SEC. 12. *Preference and Priority in Hiring.*** – In recognition of their contribution to the
5 safety and security of the State, enlisted personnel released from active duty in accordance with
6 Section 10 shall be given preference and priority in hiring in the Civil Service, particularly in the
7 law enforcement services and related agencies (i.e., Philippine National Police, Bureau of Fire
8 Protection, Bureau of Jail Management and Penology, Philippine Drug Enforcement Agency,
9 National Bureau of Investigation, Philippine Coast Guard, the intelligence and law enforcement
10 services of the Bureau of Customs, Commission on Immigration, etc.) and the field operations
11 offices of National Government Agencies (NGA) and Government Owned and Controlled
12 Corporations (GOCC) , as well as in the private sector, particularly in the security and services
13 sectors, where the training, skills and discipline they acquired as former members of the AFP are
14 relevant and/or appropriate.

15
16 **SEC. 13. *Reenlistment as Regular Enlisted Personnel.*** The requirements for the
17 eligibility and the process of selection of provisional EP for reenlistment as regular EP shall be in
18 accordance with the rules and regulations to be promulgated by the Department of National
19 Defense (DND) and AFP under Section 16 hereof. The actual number of provisional EP to be
20 reenlisted as regular EP shall be determined by the CSAFP based on the vacancies and
21 requirements of the AFP for recruitment and enlistment of regular EP during the year the tour of
22 duty of the provisional EP ends.

23
24 Provisional EP who are eligible, selected, and authorized to be reenlisted as regular EP
25 shall retain the highest rank they previously held at the end of their tour of duty as provisional
26 EP; and, they shall acquire the rights, benefits, obligations, and duties accorded to similarly
27 ranked regular EP, except the retirement and separation pay or benefits provided for in
28 Presidential Decree 1638, as amended by Presidential Decree 1650.

1 **SEC. 14. *Compulsory Membership in the GSIS.*** – Membership in the Government
2 Service Insurance System (GSIS) shall be compulsory for all provisional EP, and all reenlisted
3 regular EP of the AFP under Section 13 hereof. *Provided,* That it shall be mandatory for the
4 member and the AFP to pay the monthly contributions similar to the schedule of members of the
5 national government agencies. *Provided, further,* That it shall be mandatory and compulsory for
6 the AFP to include the payment of contributions in its annual appropriations.

7
8 **SEC. 15. *Special Trust Fund; Appropriations.*** – There is hereby created a Special Trust
9 Fund, which shall be managed by the GSIS, out of which the gratuity separation pay due to
10 separated military personnel under this Act shall be paid. Subject to actuarial studies, the DND
11 shall include in its annual budget such amounts as may be necessary to build up said Special
12 Trust Fund to ensure that there would be adequate funds to pay the separation gratuity pay of
13 military personnel separated under this Act as the same would fall due. Said amounts shall be
14 included in the annual General Appropriations Act.

15
16 **SEC. 16. *Implementing Rules and Regulations.*** – Within sixty (60) days from the
17 enactment of this Act, the DND and the AFP shall issue the specific Implementing Rules and
18 Regulations as may be necessary to ensure the efficient implementation of the provisions of this
19 Act.

20
21 Likewise within a period of sixty (60) days from the enactment of this Act, the Civil
22 Service Commission (CSC) and the Department of Labor and Employment (DOLE), in
23 coordination and consultation with the DND and the AFP and the Governance Commission for
24 Government Owned and Controlled Corporations (GCG), shall issue the appropriate
25 memorandum order(s) and/or circular(s) as may be necessary and appropriate to ensure the
26 proper enforcement and effective implementation of the priority and preference in the hiring of
27 separated military personnel as mandated in Section 10 hereof.

1 **SEC. 17. Separability Clause.** If any provision of this Act is declared invalid by a
2 competent court, the other provisions not affected by such declaration of invalidity shall continue
3 to be in force and effect.

4
5 **SEC. 18. Repealing Clause.** All laws, decrees, orders, rules and regulations, or parts
6 thereof, specifically inconsistent with any provision of this Act shall be deemed repealed,
7 amended or modified accordingly.
8

9
10 **SEC. 19. Effectivity.** This act shall take effect fifteen (15) days after the date of its
11 publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,