

SENATE
S. No. 465

OFFICE OF THE SECRETARY

Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT
AMENDING SECTION 4(B) OF REPUBLIC ACT NO. 7898, OTHERWISE KNOWN
AS THE AFP MODERNIZATION ACT, AS AMENDED BY REPUBLIC ACT NO.
10349, ESTABLISHING THE "REVISED AFP MODERNIZATION PROGRAM",
AND FOR OTHER PURPOSES

EXPLANATORY NOTE

On December 2012, President Benigno Simeon Aquino III affixed his signature on the Revised Armed Forces Modernization Program to extend the measure, which aims to modernize all branches of the AFP, However, despite the laudable action, the law, as amended, is in need of at least one relevant and urgent amendment.

Among the major obstructions, which have thwarted the full implementation of the law, is the highly tedious and circuitous procurement process of the AFP. This has consequently resulted to the lengthy and protracted acquisition of the AFP's weaponry and artillery. Indeed, in the early years of the implementation of the extended AFP Modernization Program, AFP and defense officials cited lack of funds and the cumbersome procurement process as among the reasons for the AFP's failure to acquire equipment.

One of the possible roadblocks to the acquisition of necessary armament and equipment is the provision in the AFP modernization law that no major equipment and/or weapons system shall be purchased if the same are not being used by the armed forces in the country of origin or used by the armed forces of at least two countries.

This bill seeks to amend and relax the aforementioned provision by allowing the purchase of major equipment and/or weapons system so long as the same are being used by the armed forces in the country of origin or by the armed forces of another country.

It is hoped that by relaxing said requirement in the acquisition of quality and modern equipment and weapons system, the acquisition process of the AFP can be unclogged, thereby hastening the implementation of the law.


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


ANTONIO "SONNY" F. TRILLANES IV
Senator

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

1 **SECTION 1.** Section 4(b) of Republic Act No. 7898, otherwise known as the AFP
2 Modernization Act, as amended by Republic Act No. 10349, establishing the "Revised AFP
3 Modernization Program" is hereby further amended to read as follows:
4

5 **"(b) Capability, material and technology development.** - The AFP modernization
6 program entails the development and employment of certain capabilities that can
7 address the assessed threats: *Provided*, That the acquisition of air force, navy and
8 army equipment and material of such types and quantities shall be made in
9 accordance with the need to develop AFP capabilities pursuant to its modernization
10 objectives: *Provided, further*, That the acquisition of new equipment and weapons
11 system, shall be synchronized with the phase-out of uneconomical and obsolete major
12 equipment and weapons systems system in the AFP inventory: *Provided, even further*,
13 That no major equipment and weapons system shall be purchased if the same are not
14 being used by the armed forces **OF** [in] the country of origin or used by the armed
15 forces of [at least two countries] **ANOTHER COUNTRY**: *Provided, furthermore*,
16 That only offers from suppliers who are themselves the manufacturers shall be
17 entertained: *Provided, finally*, That no supply contract shall be entered into unless
18 such contract provides for, in clear and unambiguous terms, [an] after-sales services
19 and availability of spare parts.
20

21 **SEC. 2. Repealing Clause.** - All laws, executive orders, rules and regulations
22 inconsistent with or contrary to this Act are hereby deemed accordingly repealed or amended.
23

24 **SEC. 3. Effectivity Clause.** - This Act shall take effect fifteen (15) days after its
25 publication in at least two (2) newspapers of national circulation.

Approved,