

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



Senate
Office of the Secretary

'19 SEP 11 P 6:46

SENATE
S. No. 1045

RECEIVED BY:

Introduced by Senator Aquilino "Koko" Pimentel III

**AN ACT AMENDING SECTION 4 OF REPUBLIC ACT NO. 8186
OTHERWISE KNOWN AS 'AN ACT PRESCRIBING OFFICER
GRADE DISTRIBUTION IN THE ACTIVE FORCE OF THE
ARMED FORCES OF THE PHILIPPINES AND LIMITING THE
TENURE OF OFFICERS IN THE GRADE OF
COLONEL/CAPTAIN (PN) AND GENERAL/FLAG OFFICERS
IN THE AFP'**

EXPLANATORY NOTE

There is a rule found in Section 4 of Republic Act No. 8186 which states that "except for the Chief of Staff of the AFP, no officer shall be assigned/designated to the aforementioned key positions or promoted to the rank of Brigadier General/Commodore or higher if he has less than one (1) year of active service remaining prior to compulsory retirement."

Unfortunately, this rule has prevented the realization of the dreams of many military officers of capping off their military careers with the highest position or rank which would have been otherwise available to them if not for the said time limit. Which is unfair to them.

It is the opinion of the undersigned that one year is too long a period to "disable" an able military officer from achieving his dream which is

within his or her reach based on merit, track record, and achievements. Hence, it may be a good time to review the wisdom of the length of the prohibition, if not the imposition of the prohibition itself.

There is no lame duck military officer. The term "lame duck" refers to the period in office and the past legislature has determined this to be the period of one year for a military position or rank. But being a lame duck depends on the person holding the office and is not automatic just because of the remaining time in office. In today's world, our military officers are still relatively young, active, and productive even up to the compulsory retirement age. Military officers have shown to be just as motivated as they end their military service as they were when they were starting it.

The undersigned believes that we must allow the promotion of our military officers who are deserving of such because of their excellent performance and exceptional service to the country, for the longest time possible. Hence, we should be willing to relax and shorten the one (1) year period mentioned in the law above-cited.

Thus, this bill seeks to reduce the prohibition in the promotion of military officers in active service from less than one (1) year to less than nine (9) months prior to retirement in order to give what is due them for their hard work and excellent job performance. Nine (9) months should be a sufficiently long enough period of time for the beneficiaries of this new rule to show to the nation that their promotions are well-deserved and beneficial to the country.

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


AQUILINO "KOKO" PIMENTEL III

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

1 **SECTION 1.** Section 4 of Republic Act No. 8186 is hereby
2 amended to read as follows:

3

4 "Sec. 4. Maximum Tenure in Position. — Officers holding
5 the following key positions are hereby limited to a maximum
6 tenure in position of three (3) years unless otherwise earlier
7 relieved by competent authority or compulsorily retired under
8 existing laws:

9

Chief of Staff, AFP

10

Vice Chief of Staff, AFP

11

The Deputy Chief of Staff, AFP

12

Major Service Commanders

1 *Provided*, That except for the Chief of Staff of the AFP,
2 no officer shall be assigned/designated to the
3 aforementioned key positions or promoted to the rank
4 of Brigadier General/Commodore or higher if he has
5 less than [one (1) year] **NINE (9) MONTHS** of active
6 service remaining prior to compulsory retirement, **AND**
7 **ANY APPOINTMENT IN VIOLATION OF THIS**
8 **SECTION SHALL BE NULL AND VOID FROM**
9 **THE BEGINNING.”**

10
11 **SEC. 2. *Repeal.*** – All laws, executive and administrative orders,
12 rules and regulations inconsistent with the foregoing provisions of this
13 Act are hereby repealed or modified accordingly.

14
15 **SEC. 3. *Effectivity.*** – This Act shall take effect fifteen (15) days
16 after its publication in the Official Gazette or in a newspaper of general
17 circulation.

Approved,