

9 JAN 15 P5:18

SENATE

S. NO. 2990

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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.

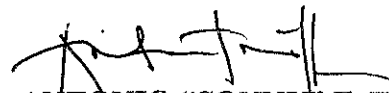
This bill repeals Republic Act No. 291, otherwise known as the "Armed Forces Personnel Act of 1948" and several other laws pertaining to military personnel which provisions have been found to be inadequate for the present and changing requirement of the AFP.

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 in order to conform 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

9 JAN 15 P5:17

SENATE

S. NO. 2990

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

**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

SECTION 1. This Act shall be known as the "*Armed Forces of the Philippines Personnel Management Act of 2009.*"

TITLE II. – APPLICABILITY

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

TITLE III. – DEFINITION OF TERMS

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

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

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

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

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

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

1 (PN); First Lieutenant/ Lieutenant Junior Grade (PN); Captain/ Lieutenant (PN);
2 Major Lieutenant Commander (PN); Lieutenant Colonel/Commander (PN);
3 Colonel/Captain (PN); Brigadier General/Commodore AFP; Major General/Rear
4 Admiral AFP; Lieutenant General/ Vice Admiral AFP; and General/Admiral AFP.
5 For enlisted personnel, from lowest to highest, they are: Private, Private First Class,
6 Corporal, Sergeant, Staff Sergeant, Technical Sergeant, Master Sergeant, Senior
7 Master Sergeant, and Chief Master Sergeant or their equivalent in the Philippine
8 Navy and Philippine Air Force.

9 (e) Initial Appointment Grade – The lowest rank(s) in a major or support service to
10 which an officer or an enlisted person can be appointed or enlisted.

11 (f) Major, Technical or Administrative – A branch of service of the Armed Forces of the
12 Philippines to which an officer and an enlisted person is commissioned/appointed or
13 enlisted.

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

15 (h) Seniority and Lineal List – A document reflecting the names of all officers on active
16 military service arranged in accordance with their relative seniority, grade,
17 component, and major or support service to which appointed. Such list likewise
18 reflects the officer grades, from the highest to the lowest, authorized for a specific
19 major or support service.

20 (i) Specialty – Area or field of military occupation where a military person specializes
21 in.

22 (j) Table of Organization – A document which reflects, among others the positions in the
23 military organization which are to be occupied by officers, their grades and major or
24 support service. For purposes of this Act, Tables of Organization shall include the

1 military positions authorized for the Office of the Secretary of National Defense,
2 Office of the President and Congress.

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

5 **TITLE IV. - THE ARMED FORCES OF THE PHILIPPINES**

6 **AND ITS MAJOR, TECHNICAL, AND ADMINISTRATIVE SERVICES**

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

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

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

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

15
16 **TITLE V. – COMPOSITION, STRENGTH, AND GRADE DISTRIBUTION**

17 **OF THE ACTIVE FORCE OF AFP**

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

20 (a) Commissioned Officers who are either:

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

23 (2) Reserve officers who were commissioned under Commonwealth Act No. 1, as
24 amended, and who are called to active duty under Republic Act No. 2334 or

1 Executive Order No. 79 dated 2 December 1986 and, those who will be called
2 to active duty under this Act;

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

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

6 (d) Enlisted Personnel;

7 (e) Officer Candidates and Soldier Candidates.

8 **SEC. 6.** The grades of officers, from the lowest to highest, shall be: Second
9 Lieutenant/Ensign (PN) 0-1; First Lieutenant/Lieutenant Junior Grade (PN) 0-2;
10 Captain/Lieutenant (PN) 0-3; Major/ Lieutenant Commander (PN) 0-4; Lieutenant
11 Colonel/Commander (PN) 0-5; Colonel/Captain (PN) 0-6; Brigadier General/Commodore (PN)
12 0-7; Major General/Rear Admiral (PN) 0-8; Lieutenant General/Vice Admiral (PN) 0-9; and
13 General/Admiral (PN) 0-10.

14
15 **SEC. 7.** The term “officer” as used in this Act shall mean commissioned officer.

16
17 **SEC. 8.** The grades of enlisted personnel, from lowest to highest, shall be: Private (E-1),
18 Private First Class (E-2), Corporal (E-3), Sergeant (E-7), Senior Master Sergeant (E-8) and Chief
19 Master Sergeant (E-9) or their equivalent in the Philippine Navy and Philippine Air Force.

20
21 **SEC. 9.** Whenever a rank or grade is used in this Act, the equivalent rank or grade in the
22 Philippine Navy or Philippine Air Force are deemed included.

23
24 **SEC. 10.** The Secretary of National Defense shall prescribe the authorized number of
25 officers in the active force in each grade and in each major, technical, or administrative service:

1 *Provided*, That effective one (1) year after the approval of this Act, such number shall not exceed
2 the number in each grade authorized in Table of Organization of Units of the active force
3 distributed as follows: point seventy-five (0.75%) percentum in the General/Flag officer grades,
4 six percentum (6%) in the grade of Colonel/Captain (PN), twelve percentum (12%) in the grade
5 of Lieutenant Colonel/Commander (PN), eighteen percentum (18%) in the grade of
6 Major/Lieutenant (PN), twenty percentum (20%) in the grade of Captain/Lieutenant (PN), and
7 forty-three point twenty-five percentum (43.25%) in the grades of First and Second
8 Lieutenant/Ensign (PN): *Provided*, That such distribution is based on the total officer strength
9 authorized for the AFP: *Provided, further*, That the Table of Organization of units of the active
10 force shall be adjusted in accordance with their respective missions and officer requirements, and
11 shall be gradually decreased pursuant to this Section and such rules and regulations as the
12 Secretary of National Defense shall prescribe, subject to the condition that the schedule of
13 percentage for each grade as herein prescribed shall not be exceeded: *Provided, further*, That the
14 number of general/flag officers herein authorized shall be distributed to the various general/flag
15 officer grades in accordance with the schedule of percentage as follows: 1 percentum in the
16 grade of General/Admiral (0-10), 7 percentum in the grade of Lieutenant General/Vice Admiral
17 (0-9), 26 percentum in the grade of Major General/Rear Admiral (0-8), 66 percentum in the
18 grade of Brigadier General/Commodore (0-7); *Provided, further*, That there shall only be one
19 officer with a grade of General/Admiral at any one time, *Provided, further*, That the number
20 corresponding to the schedule of percentage prescribed for the grades of Major General/Rear
21 Admiral, Lieutenant General/Vice Admiral and General/Admiral shall be the maximum:
22 *Provided, still further*, That any vacancy in any of these grades which is unfilled may be
23 absorbed in the next lower grade: and *Provided, finally*, That whenever the number of officers in
24 the grade of Captain/Lieutenant (PN) in the Armed Forces of the Philippines exceeds at least ten
25 percent (10%) the number authorized by existing law, the President of the Philippines, upon the

1 recommendation of the Secretary of National Defense, may declare as additional promotional
2 vacancies to the grade of Major/Lieutenant Commander (PN) a number not to exceed thirty-three
3 percent (33%) of the excess number of officers in the said grade of Captain/Lieutenant (PN).

4
5 **TITLE VI. – APPOINTMENT OF REGULAR OFFICERS**

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

11
12 **SEC. 12.** When any Filipino cadet in a foreign service academy or the Philippine Air
13 Force Flying School has completed the prescribed course of instruction, he shall be appointed as
14 a regular officer in the grade of Second Lieutenant upon graduation, irrespective of age:
15 *Provided,* That any cadet who completed the prescribed course of instruction of at least the first
16 year at the Philippine Military Academy or Philippine Air Force Flying School who is thereafter
17 sent to a Foreign Service Academy shall be appointed as a regular officer after graduation
18 therefrom under such rules and regulations as the Secretary of National Defense shall prescribe:
19 *Provided,* That whenever such appointment would exceed the authorized officer strength, such
20 strength shall be temporarily increased to accommodate such appointment.

21
22 **SEC. 13.** Regular officers shall, upon the recommendation of the Chief of Staff, Armed
23 Forces of the Philippines, and the Secretary of National Defense, be appointed by the President
24 in a specific Major or Technical or Administrative Service and in the initial grade as prescribed
25 in Sections 15, 16, 17, and 18 of this Act.

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

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

12
13 **SEC. 16.** The initial appointment of a regular officer in the Dental Corps (DC) or
14 Veterinary Corps (VC) shall be in the grade of First Lieutenant, subject to such rules and
15 regulations as may be prescribed by the Secretary of National Defense: and, *Provided, further,*
16 That the applicant shall have been admitted to the practice of dental medicine or veterinary
17 medicine if appointment is to be made in the Dental Corps (DC) or Veterinary Corps (VC),
18 respectively.

19
20 **SEC. 17.** The initial appointment of a regular officer in the Medical Corps (MC), Judge
21 Advocate General Corps (JAGC) or Chaplain Corps (CHC) shall be in the grade of Captain:
22 *Provided,* That at the time of his appointment is to be made in the Medical Corps (MC) or Judge
23 Advocate General Corps (JAGC), respectively, or shall have been endorsed by his church for
24 chaplaincy if appointment is to be made in the Chaplain Corps (CHC): *Provided, still further,*

1 That he satisfies the age requirement for this grade under Section 20 of this Act: and *Provided*,
2 *finally*, That the Secretary of National Defense shall prescribe such rules and regulations
3 necessary for the purpose of this Section.

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

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

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

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

16 3) A regular officer with a doctorate degree from an accredited school shall be
17 appointed in the grade of LIEUTENANT COLONEL or the grade he holds at the
18 time of his appointment, whichever is higher, and in the academic rank of
19 Associate Professor One (I);

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

22 1) An applicant with a baccalaureate degree from an accredited school shall be
23 appointed in the initial grade of CAPTAIN and in the academic rank of Assistant
24 Professor One (I);

1 2) An applicant with a masteral degree from an accredited school shall be appointed
2 in the grade of MAJOR and in the rank of Assistant Professor Two (II); and

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

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

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

11
12 **SEC. 19.** Subject to the approval of the President, a regular officer commissioned in any
13 Major Service may change his Service with another Major, Technical or Administrative:
14 *Provided*, That such change of service shall be effected without loss of grade and relative
15 seniority: *Provided, further*, That such regular officer meets the qualifications for such service:
16 *Provided, still further*, That such option may be exercised only once and only during the first
17 three (3) years of his active commissioned service: *Provided, likewise*, That regular officers of
18 the Women's Auxiliary seniority upon the approval of this Act: and, *Provided, finally*, That the
19 Secretary of National Defense shall issue the implementing rules and regulations.

20
21 **SEC. 20.** The minimum and maximum age limits for the appointment of individuals as
22 regular officers in the various major, technical, and administrative services and in specified
23 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,	25 years	40 years
	MAJ	28 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

1 Congressional District is equitably represented in the Cadet Corps; *Provided, further,* That in
2 case no candidates from a given Congressional District attain the required minimum ratings, the
3 vacancies in the Congressional quota shall be filled by the President from successful candidates
4 at large with the highest ratings: *Provided, still further,* That a quota of not more than five
5 percent of the authorized strength of the Cadet Corps shall be filled by the President from
6 qualified candidates with the highest ratings who are enlisted men of the Regular Force who
7 have completed at least one year of active military service and are in active status at the time of
8 admission: *Provided, still further,* That a quota of not more than five percent of the authorized
9 strength of the Cadet Corps shall be filled by the president from qualified candidates with the
10 highest ratings who are sons of enlisted men who are serving or who have honorably served for a
11 period of at least six months in the Armed Forces of the Republic of the Philippines or of the
12 Commonwealth of the Philippines, or of duly recognized guerilla units or of the United States
13 Armed Forces prior to July fourth, nineteen hundred and forty-six: *Provided, still further,* That
14 physically qualified sons of military personnel who have been cited for and awarded the medal
15 of valor may be appointed as cadets by the President directly without Congressional nomination
16 and mental examination, on the condition that the number of such cadets shall not be included in
17 the Cadet Corps authorized strength as herein provided: and *Provided, finally,* That a quota of
18 one foreign cadet per class may be allotted to each foreign country maintaining diplomatic
19 relations with the Republic of the Philippines on the condition that the pay and allowances, per
20 diems and traveling expenses of such cadet be borne by his country. Foreign cadets shall pass a
21 qualifying mental examination and the number thereof authorized to train at the Military
22 Academy shall not be included in the authorized Cadet Corps strength.

23

24 **SEC. 23.** Upon satisfactory completion of the course instruction at the PMA, candidates
25 except foreign cadets, shall be appointed as regular officers in the grade of Second Lieutenants

1 notwithstanding the age limit for appointment in the regular force as prescribed in Section 20 of
2 this Act. The relative seniority in the order of final general standing is determined by the
3 Academic Board and approved by the Chief of Staff, AFP: *Provided*, That any cadet who is
4 discharged from the Academy prior to the completion of the prescribed course of instruction
5 shall not be commissioned in the Regular or Reserve forces until after the members of his class
6 have been graduated from the Military Academy and duly commissioned: *Provided, further*,
7 That any cadet dismissed from the Academy for hazing shall not thereafter be eligible for
8 appointments as commissioned officer in the Regular or Reserve Forces.

9

10 **TITLE VIII. – ACTIVE DUTY OF RESERVE OFFICERS AND THEIR**
11 **SUBSEQUENT APPOINTMENT AS REGULAR OFFICERS**

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

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

22 (b) An enlisted person with a reserve commission under Republic Act No. 718 or by
23 virtue of his having graduated from a prescribed officer candidate course and who is
24 not more than thirty-four (34) years of age may be called to active duty in the grade
25 of Second Lieutenant for a period of three (3) years: *Provided*, That he shall qualify

1 for appointment as a regular officer not later than the end of the period of his call to
2 active duty: and, *Provided, further*, That if he fails to qualify for such appointment, he
3 shall be reverted into inactive status; *Provided, still further*, That he may be reenlisted
4 in the Active Force subject to the rules and regulations prescribed by the Secretary of
5 National Defense.

6
7 **SEC. 25.** A reserve officer on active commissioned service for a period of less than seven
8 (7) years at the time of the approval of this Act may be allowed to remain in the active military
9 service: *Provided*, That within the period covered by current AFP orders for his call to active
10 duty or extension of tour of active duty he qualifies for appointment as a regular officer in the
11 grade he holds at the time of such appointment, irrespective of age: *Provided, further*, That if he
12 fails to qualify for such appointment, he shall be reverted into inactive status: and, *Provided*,
13 *finally*, That the rules and regulations necessary thereof shall be prescribed by the Secretary of
14 National Defense.

15
16 **SEC. 26.** A reserve officer on active commissioned service for a period of at least seven
17 (7) years at the time of the approval of this Act shall continue to remain in the active military
18 service: *Provided*, That when he is promoted to the next higher grade, he shall be appointed sa a
19 regular officer, irrespective of age: and, *Provided, further*, That the relative seniority of a regular
20 officer appointed under this Section shall be established in accordance with Title IX of this Act.

21
22 **SEC. 27.** A reserve officer of the Women's Auxiliary Corps shall, upon her call to active
23 duty under Section 24 of this Act, be appointed in any Major Service in the same component. A
24 reserve officer who is in the active military service at the time of approval of this Act shall, upon

1 qualifying for appointment as a regular officer under Section 25 of this Act, be commissioned in
2 any of the Major Services.

3

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

6

7

TITLE IX- SENIORITY OF OFFICERS

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

12

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

22

23 **SEC. 31.** Among officers of the same grade, component, and major or support service to
24 which appointed, names shall be listed in the order as provided for in this Act and relative
25 seniority among such officers shall be established thereby. The officer whose name appears first

1 on such list shall be the most senior; the officer whose name appears second shall be the next
2 most senior and so on throughout the list. Once established, such relative seniority shall not be
3 altered except by operation of law.

4 **SEC. 32.** The names of graduates of PMA and the PAFFS shall be placed in the
5 appropriate seniority and lineal lists in their order of merit upon graduation. Graduates of foreign
6 service academies shall be integrated with the graduates of PMA of the same year by
7 interpolation in accordance with their merit standing in their respective classes except for those
8 cadets who completed the prescribed course of instruction of at least the first year at the PMA or
9 PAFFS and are thereafter sent to Foreign Service Academies who shall be integrated in the
10 appropriate seniority and lineal lists upon graduation therefrom, under such rules and regulations
11 as the Secretary of National Defense shall prescribe.

12 Other individuals appointed as officers in the initial grades prescribed in Sections 15, 16,
13 17, and 18 of this Act shall be placed in the appropriate seniority and lineal lists as follows:

- 14 (a) By date of entry to military service based on their oath of office;
15 (b) When the date of entry to service is the same, by date of appointment;
16 (c) When the date of appointment is the same, by length of active commissioned
17 service; and
18 (d) When the length of active commissioned service is the same, by age.

19
20 **SEC. 33.** Officers promoted to the same grade on the same date in the same component
21 of Major, Technical, or Administrative Service shall be placed at the bottom of the appropriate
22 seniority and lineal lists in the order of their relative seniority, except as otherwise provided.

23

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

4 (a) By length of active commissioned service in grade;

5 (b) When length of active commissioned service in grade is the same, by length of active
6 commissioned service in the lower grade, taken successively;

7 (c) When length of active commissioned service in the lowest grade is the same, by date
8 of entry to the service;

9 (d) When date of entry to the service is the same, by date of appointment; and

10 (e) When date of appointment is the same, by age.

11
12 **TITLE X. – PROFESSIONAL DEVELOPMENT AND UTILIZATION OF OFFICERS**

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

18
19 **SEC. 36.** All officers of the active force in a grade, branch, or service and specialty shall
20 be afforded equal opportunity for assignment and education and training on a fair and equitable
21 basis to prepare them for the duties and responsibilities associated with the next higher grades.

22
23 **SEC. 37.** Officer Professional Development shall be the responsibility of the Command
24 and the individual officer concerned. No officer shall be allowed to have no duty assignment for
25 any one (1) period exceeding six (6) months.

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

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

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

18
19 **SEC. 39.** An officer's performance and his indicated potential shall be evaluated
20 periodically and shall be primarily considered with respect to assignments, military and civilian
21 education and training, promotion, command and staff designations, and elimination. The
22 Secretary of National Defense shall promulgate rules and regulations necessary for the objective
23 and impartial evaluation of an officer's performance.

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

1 of promotional vacancies sufficiently in advance in order that such promotion can be effected in
2 accordance with the succeeding section.

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

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

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

18 (c) When officers in the grades of Second Lieutenant and First Lieutenant are to be
19 considered by the Selection Boards for promotion to the grades of First Lieutenant
20 and Captain, respectively, to fill vacancies in those grades, existing or anticipated, the
21 Selection Board shall consider all officers who satisfy such active commissioned
22 service requirement in the order of their seniority as their names appear in the
23 seniority and lineal list, recommended those who are fully qualified for promotions to
24 the next higher grade, and continue such procedure until such officers are considered:

1 *Provided*, That no officer in any list submitted by any Selection Board shall be
2 promoted to the grade for which recommended ahead of any other officer whose
3 name appears above his own in such list: *Provided, still further*, That the Secretary of
4 National Defense shall prescribe the qualifications for promotion.

5
6 **SEC. 46.** Promotion to the grades of Major and Lieutenant Colonel:

7 (a) Based upon the number of declared promotional vacancies in any promotion list in
8 the grade of Major or Lieutenant Colonel, Selection Boards shall consider and
9 recommend for promotion to such grade officers of that list in permanent grades of
10 Captain and Major, respectively, who are in the zone of consideration for promotion.

11 The number to be recommended shall not exceed the number of vacancies;

12 (b) The zone of consideration for promotion shall comprise the upper portion of the
13 promotion list equivalent to twice the declared promotion vacancy. The primary zone
14 shall be composed of officers who are on promotable status in the uppermost portion
15 of the promotion list equivalent to the number of declared vacancies. The rest of the
16 officers in the zone of consideration shall compose the secondary zone;

17 (c) When officers in the grade of Captain and Major are to be considered for promotion
18 to the grade of Major or Lieutenant Colonel, respectively, to fill vacancies in these
19 grades, Selection Boards shall consider officers in the grades of Captain or Major as
20 the case may be in the order of their seniority as their names appear on the promotion
21 list, recommend those who are fully qualified for promotion to such grade, pass over
22 those who are not fully qualified for promotion to such grade, and continue such
23 procedure until a specified number of recommended officers is obtained: *Provided,*
24 *further*, That an officer who is in the primary zone of consideration and who is not
25 recommended for promotion shall not be separated from the military service if he has

1 attained the age and serve-in-grade limits prescribed in Section 98 hereunder.
2 *Provided, still further,* That any officer who is passed over by virtue of not having
3 been selected for promotion to fill third vacancy positions pursuant to the preceding
4 provision, shall not be considered as a “deferred officer”;

5 (d) No officer in any list submitted by any Selection Board shall be promoted to the
6 grade for which recommended ahead of any other officer whose name appears above
7 his on such list, except if such promotion is to fill a third vacancy position as a
8 consequence of the action of the President under Section 50 of this Act;

9 (e) The phrase “deferred officer” as used in this section means any officer considered and
10 not recommend by any Selection Board for the grade of Major or Lieutenant Colonel
11 under the provisions of this section. For promotion purposes, each “deferred officer”
12 shall suffer loss in precedence to those officers who were recommended by the same
13 Selection Board who failed to recommend him. Such loss in precedence shall not
14 result in any loss in seniority by such deferred officer until the officers below him in
15 the promotion list are promoted to the next higher grade;

16 (f) A “deferred officer” in any grade shall be considered a second time by the next
17 Selection Board designated to consider the promotion of officers of his grade in the
18 same promotion list. If a deferred officer is recommended by the next consecutive
19 Selection Board and is promoted to the next higher grade, his previous deferment of
20 promotion shall not in any sense be counted as a failure of selection when he is
21 subsequently considered for further promotion. If a “deferred officer” is not
22 recommended by the next consecutive Selection Board, he shall be considered as
23 “twice-deferred” officer and shall be eliminated from the active list of the Regular
24 Force and separated under the provisions of Section 100 of this Act.

25

1 **SEC. 47.** Promotion to the grade of Colonel:

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

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

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

12 (d) The promotion to the rank of COLONEL shall be subject to the confirmation of the
13 Commission on Appointments.

14
15 **SEC. 48.** Officers shall, before promotion to any grade up to Colonel, pass the
16 appropriate military career education and training which shall be prescribed by the Secretary of
17 National Defense.

18
19 **SEC. 49.** Until such time that the reserve officers in the active service are completely
20 integrated as regular officers in accordance with Sections 25 and 26, the allocation of the
21 promotion vacancies declared in the grades up to Colonel in each Major, Technical, or
22 Administrative Service shall be proportionate to the relative strength of the promotable regular
23 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 considered a twice-deferred officer and shall be separated from the service in
17 accordance with the provisions of Section 100 of this Act.

18 3) Should this succeeding Selection Board, however, not recommend the promotion
19 of such officer and the President approve the deferment of his promotion, he shall
20 be considered a twice-deferred officer and shall be separated from the service in
21 accordance with the provisions of Section 100 of this Act.

22

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

24 (a) The President shall appoint from among the officers in the permanent grade of
25 *Colonel and Brigadier General, respectively, by the Board of Generals and the*

1 Secretary of National Defense, whose who, in his judgment, can best effectively
2 discharge the responsibilities associated with such grades;

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

6 (c) The grade of General shall be conferred to the officer designated by the President as
7 Chief of Staff, AFP. The tour of duty of the Chief of Staff, AFP shall not exceed three
8 (3) years from the date of appointment. However, in times of war or other national
9 emergency declared by Congress, the President may extend such tour of duty;

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

12
13 **SEC. 52.** Any officer of the active force who dies in line of duty or on account of any
14 wound, injury, or illness contracted in line of duty may be promoted by the President to the next
15 higher grade: *Provided*, That prior to the time of his death, such officer had already been selected
16 and recommended for promotion by the appropriate Selection Board or by the Secretary of
17 National Defense, as appropriate.

18
19 **SEC. 53.** Promotion in academic ranks of members of the Corps of Professors shall be
20 made in accordance with the following rules:

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

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

6 (c) Recommendations of the Board for promotion of officers in academic rank shall be
7 submitted to the Chief of Staff, AFP for dispositive action.
8

9 **SEC. 54.** Any commissioned officer of the regular force may be promoted to a temporary
10 grade, excepting First Lieutenant and Brigadier General, not higher than one grade his permanent
11 grade, without vacating his permanent appointment: *Provided*, That such temporary promotion
12 must be based in unfilled vacancies, must not exceed 5% of number of officers in permanent
13 grade, must be to fill up a TOE position in a field unit, must be passed upon by a Temporary
14 Promotion Board and must be for one year: *Provided, further*, That the recommendee must be
15 within the zone of consideration for promotion.
16

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

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

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

21	Chief of Staff, AFP	-	Chairman
22	Vice Chief of Staff, AFP	-	Member
23	The Deputy Chief of Staff, AFP	-	-do-
24	Commanding General, PA	-	-do-
25	Commanding General, PAF	-	-do-

- 1 Flag-Officer-in-Command, PN - -do-
- 2 Deputy Chief of Staff for Personnel, J1 - -do-
- 3 - Non-voting Member/Secretary

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

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

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

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

21

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

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

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

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

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

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

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

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

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

12
13 **SEC. 64.** Each Selection Board convened to consider the promotion of officers to the
14 grade of First Lieutenant or Captain shall submit a written report to the President signed by all
15 members thereof, containing the following:

- 16 (a) Names of officers recommended for promotion;
- 17 (b) Names of officers who have unsatisfactorily performance of duty and perceived to be
18 incapable of performing satisfactorily the duties attached to the next higher grade and
19 thus are deferred for promotion for the first or second time, as the case may be;
- 20 (c) A certification that the Board carefully considered the individual records of all
21 officers who have met the service-in-grade for promotion to the next higher grade;
22 and
- 23 (d) A certification that the inclusion of each officer either in Subsection (a) or (b) hereof
24 is by virtue of the judgment of at least the majority of the members of the Board.

1 (a) In the event that such officer is cleared of the impediment, the Chief of Staff, AFP,
2 shall implement his promotion in accordance with the date of promotion and
3 placement in the promotion list based on the approval of the President;

4 (b) Should, after due process, such officer is not cleared of the impediment, the Chief of
5 Staff, AFP shall recommend to the President, through the Secretary of National
6 Defense, the removal of his name in accordance with the provisions of Section 50 of
7 this Act. Nothing in this Subsection shall be constructed to prevent the separation of
8 an officer if his elimination from the active military service is a necessary
9 consequence of a judgment on his case by a civilian court or, as approved by the
10 President, on a similar adverse judgment by a military court or the Efficiency and
11 Separation Board.

12
13 **SEC. 69.** Before the implementation of an approved promotion of an officer is held in
14 abeyance such officer shall be given written notice or such a contemplated action citing therein
15 the reason thereof and shall be afforded the opportunity to present his case in accordance with
16 due process.

17 18 **TITLE XIV. – EFFICIENCY AND SEPARATION BOARD**

19 **SEC. 70. (a)** The Secretary of National Defense shall create in each of the Major Service
20 Headquarters and in the General Headquarters, AFP such number of Efficiency and Separation
21 Boards as may be necessary to pass upon the elimination, by administrative action, or officers of
22 the active force;

23 (b) Each efficiency and Separation Board shall have six (6) voting members composed of
24 regular officers and reserve officers on active duty in equal number: *Provided*, That
25 reserve officers on active duty may be replaced by those of them who are integrated as

1 as regular officers under this Act: *Provided, further,* That one (1) member shall come
2 from the Judge Advocate General Corps (JAGC): *Provided, further,* That, as far as
3 practicable, the members shall be senior in grade to any officer being considered for
4 discharge or separation by the Board: *Provided, further,* That they shall not be below
5 the grade of Colonel: *And Provided, finally,* That they shall serve for a term not
6 exceeding two (2) years and shall be appointed by the Secretary of National Defense.
7

8 **SEC. 71.** The Chief of Staff, AFP or the Commanders of the Major Services shall refer
9 to the appropriate Efficiency and Separation Board any officer in the active force who commits
10 any act of misconduct of such nature and gravity as may warrant his separation from the service
11 for the determination by the said Board of his fitness or suitability for retention in the active
12 military service.
13

14 **SEC. 72.** Subordinate commanders shall, from time to time or as the need arises, cause
15 the review of the personal records of officers under their command and refer, through channels,
16 to the appropriate Efficiency and Separation Board those whose qualifications or efficiency are
17 unsatisfactory.
18

19 **SEC. 73.** A subordinate commander shall, through channels, refer to the appropriate
20 Efficiency and Separation Board, an officer:

- 21 (a) With substandard performance of duty;
22 (b) Occupying a position the Table of Organization rank for which is lower than his
23 grade;
24 (c) Who committed moral or professional dereliction of duty; or

1 (d) Whose retention on active military duty is clearly inconsistent with the best interests
2 of the AFP.

3
4 **SEC. 74.** A Selection Board shall refer to the appropriate Efficiency and Separation
5 Board any officer in the active force:

6 (a) Deferred once for promotion to the grade of First Lieutenant;

7 (b) Deferred once for promotion to the grade of Captain, Major, Lieutenant Colonel, or
8 Colonel;

9 (c) Deferred twice for promotion to the grade of Captain, Major, Lieutenant Colonel or
10 Colonel;

11
12 **SEC. 75.** The Efficiency and Separation Board shall, for any officer failing under sub-
13 section (a) or (c) of Section 74 of this Act, convene solely for the purpose of determining the
14 benefits of separating such officer from the service.

15
16 **SEC. 76.** The Efficiency and Separation Board shall, for any officer failing under Section
17 73 and 74 of this Act, convene for the purpose of determining the fitness of such officer for
18 retention, the Board shall further determine if his separation is with or without benefits.

19
20 **SEC. 77.** Any officer under consideration by an Efficiency and Separation Board shall:

21 (a) Be notified in writing of such fact and the circumstances surrounding his case;

22 (b) Be permitted to have a counsel of his own selection;

23 (c) Have a fair and impartial hearing;

24 (d) Have the right to appear before the Board personally or through counsel;

25 (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. 78.** *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. 79.** *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. 80.** *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.*

1 **SEC. 84.** Based on the troop strength authorized by the General Appropriations Act or
2 the Table Organization, whichever is applicable, the Chief of Staff, AFP shall declare annually
3 the promotion vacancies for all enlistment personnel ranks.

4
5 **SEC. 85.** Promotion of enlisted personnel shall be in recognition of their potential to
6 perform the duties and responsibilities of the next higher rank.

7
8 **SEC. 86.** The Chief of Staff, AFP shall establish an enlisted personnel promotion system
9 which will ensure that promotions are only for those who are best qualified. The system shall
10 prescribe among other, the time-in-grade, promotional examination and training requirements for
11 promotion.

12
13 **TITLE XVI. – PAY AND ALLOWANCES OF MILITARY PERSONNEL**

14 **SEC. 87.** Except as herein specified the President shall have the authority to fix the rate
15 of pay and allowances of the military personnel subject to the limitations provided in the Annual
16 General Appropriations Act.

17
18 **SEC. 88.** Military personnel shall be entitled to receive the following pay and
19 allowances:

20 (a) Base Pay;

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

1 (c) Mandatory Allowance which shall include the following; subsistence allowance,
2 clothing allowance, quarters allowance, cost of living allowance, personnel economic
3 relief allowance, and hazardous allowance. Mandatory allowances may be given in
4 cash or in kind and shall not be included in the taxable income of military personnel.
5

6 **SEC. 89.** Military personnel shall also be entitled to collateral pay and allowances
7 depending on the type of duty he performs which shall include but not limited to the following:

8 (a) Specialists Pay – Enlisted men and women of any grade in the AFP are entitled to
9 receive this pay except those with flying pay, sea duty pay, air mechanic's pay,
10 hazardous duty pay or combat pay for having demonstrated skills, aptitudes, training
11 and experience, and knowledge of specific duties of specialties;

12 (b) Combat Pay – Military personnel, except those receiving flying pay, air mechanic's
13 pay, hazardous pay, sea duty pay, or specialist's pay shall receive additional monthly
14 pays defined in regulations prescribed by the Secretary of National Defense which
15 actually engaged in combat, COIN, and security and law enforcement operations;

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

20 (d) Air Mechanics Pay – Military personnel who are technically trained to properly
21 maintain flying equipment who are qualified first, second, and third class air
22 mechanics of the Air Force, except those receiving flying pay, hazardous duty pay,
23 combat pay or specialists pay, and not exceeding fifty per centum of enlisted strength
24 of the Air Force, when required to properly maintain flying equipment by competent
25 authority;

- 1 (e) Sea Duty Pay- Military personnel of the Navy, except those receiving hazardous pay
2 or combat pay, when performing sea duty pursuant to orders by competent authority,
3 shall receive additional pay equivalent to twenty-five per centum of the base pay
4 prescribed for their respective grades;
- 5 (f) Hazardous Duty Pay – Military personnel, except those receiving flying pay, combat
6 pay or specialists pay shall receive additional pay equivalent to fifty per centum of the
7 base pay prescribed for their respective grades while actually engaged in hazardous
8 duty as defined in regulations prescribed by the Secretary of National Defense;
- 9 (g) Instructor’s Duty Pay – For military personnel of AFP training units who are
10 performing instructor’s duty, except those receiving flying, parachutist, hazardous,
11 sea duty, air mechanic, combat, and specialist pay;
- 12 (h) Parachutist Pay – For military personnel, except those receiving flying, hazardous
13 duty, sea duty, air mechanic, combat and specialist pay, assigned to or placed on
14 detached service (DS) with any unit designated as Airborne Unit for training or
15 employment in tactical operations;
- 16 (i) Radiation Hazard Pay – For personnel of AFP hospitals and dispensaries working
17 directly with x-ray units, cobalt, cassium, or radio-active radiation except those
18 receiving overseas, combat, specialist, or hazardous duty pay;
- 19 (j) Hazardous Pay – For military personnel, except those receiving overseas combat,
20 specialist, or hazardous duty pay, who are assigned to or on detached service (DS)
21 with units, stations, sites isolated and inaccessible by normal air, water, or land
22 transportation where there is little or no opportunity for such military personnel to
23 join their families during tour of duty, and where facilities within the station and
24 locality are inadequate to provide for even the basic necessities.

1 (k) *Special Clothing Allowance-* For military personnel performing special duties as
2 aides, escorts, board members, military police, and those in flying status;

3 (l) *Cold Weather Clothing Allowance and Annual Cold Weather Clothing Maintenance*
4 *Allowance* are granted to AFP officers, filler officers, probationary 2Lt/Ensigns,
5 enlisted personnel, trainees and draftees, and civilian employees whether temporary,
6 emergency, or casual in status, who are assigned or on detached service or
7 undergoing training at any of the stations/units/sites in the Philippines as defined in
8 regulation prescribed by the Secretary of National Defense, where cold weather
9 clothing is required or necessary;

10 (m) *Winter Clothing Allowance* – For military personnel detailed abroad for schooling;

11 (n) *Initial Enlistment and Re-enlistment Clothing Allowance* – The initial clothing
12 allowance for enlistment and every re-enlistment shall be in cash equivalent of the
13 current cost of prescribed clothing items;

14 (o) *Laundry Allowance-* For military personnel assigned, detailed or on detached service
15 with units/activities for which payment of laundry allowance is expressly provided.

16
17 **TITLE XVII. – RETIREMENT AND SEPARATION**

18 **SEC. 90.** Except as otherwise specifically provided under this Act, for purpose of
19 retirement and separation, active service of a military person shall mean active service actually
20 rendered by him as commissioned officer, enlisted person, cadet, or in any other capacity for
21 which he received pay and allowances for his services in the Armed Forces of the Philippines
22 and service rendered by him as a civilian official or employee in the Philippine Government
23 prior to the date of his entry into the active service of the Armed Forces of the Philippines:
24 *Provided, That, for the purpose of retirement, he shall have rendered at least ten (10) years of*
25 *active service as such officer, enlisted person or draftee: Provided, That, no period of such*

1 civilian government service longer than this active military service shall be credited for the
2 purpose of retirement or separation.

3
4 **SEC. 91.** An officer or enlisted person, upon accumulation of at least twenty (20) years
5 of active service, may, at his option, be retired from the active military service in the grade next
6 higher than the grade he holds: *Provided*, That enlisted personnel with ranks of Master Sergeant,
7 Senior Master Sergeant, and Chief Master Sergeant shall be eligible to retire in the grade of
8 Second Lieutenant: *Provided, further*, That separation or retirement under this Section shall be
9 subject to the approval of the President.

10
11 **SEC. 92.** An officer or enlisted person, upon attaining fifty-six (56) years of age or upon
12 accumulation of thirty (30) years of satisfactory active service, whichever is later, shall be
13 compulsorily retired in the grade next higher than the grade he holds: *Provided*, That such officer
14 or enlisted person who shall have attained fifty-six (56) years of age with at least twenty (20)
15 years of active service shall be allowed to complete thirty (30) years of active service but not
16 beyond his sixtieth (60) birthday: *Provided, however*, That such military person compulsorily
17 retiring by age shall have at least twenty (20) years of active service: *Provided, further*, That
18 enlisted personnel who attain the ranks of Master Sergeant, Senior Master Sergeant, and Chief
19 Master Sergeant when they compulsorily retire shall be eligible to retire in the grade of Second
20 Lieutenant: *Provided, further*, That the maximum tenure of tenure officers in the grades of
21 Colonel/Captain (PN) and General/Flag Officers in the Armed Forces of the Philippines are
22 hereby prescribed as follows: ten (10) years for Colonel/Captain (PN); five (5) years for Brigadier
23 General/Commodore; three (3) years for Major General/Rear Admiral: *Provided, further*, That,
24 unless earlier separated, retired or promoted to the next higher grade, Colonels/Captains (PN)
25 and General/Flag officers shall be compulsorily retired upon their completion of the maximum

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

14

15 **SEC. 93.** An officer or enlisted person with at least twenty (20) years of satisfactory
16 active serve who dies in line of duty shall be considered retired in the grade next higher than the
17 grade last held for survivorship benefits under this Act: *Provided,* That enlisted personnel who
18 attain the rank of Master Sergeant, Senior Master Sergeant and Chief Master Sergeant shall be
19 considered retired in the grade of Second Lieutenant.

20

21 **SEC. 94.** An officer or enlisted person with at least twenty (20) years of satisfactory
22 active service who incurs total permanent physical disability in line of duty shall be retired in the
23 grade next higher than the grade he holds: *Provided,* That an enlisted personnel who attain the
24 ranks of Master Sergeant, Senior Master Sergeant and Chief Master Sergeant shall be retired in
25 the grade of Second Lieutenant.

1 **SEC. 95.** An officer or enlisted person with at least twenty (20) years of satisfactory
2 active service who incurs physical disability in line of duty other than total permanent may, at his
3 option, be retired in the grade next higher than the grade he holds: *Provided*, That an enlisted
4 personnel who attain the ranks Master Sergeant, Senior Master Sergeant, and Chief Master
5 Sergeant, may at his option, be retired in the grade of Second Lieutenant.

6
7 **SEC. 96.** An officer in the grade of Captain; Major or Lieutenant Colonel shall be
8 separated from the service, under such rules and regulations as the Secretary of National Defense
9 shall prescribe, upon completing five (5), six (6), or seven (7) years service-in-grade,
10 respectively, or upon attaining thirty-three (33), thirty-nine (39), or forty-six (46) years of age,
11 respectively, whichever is later, for failure of promotion due to his own lack of individual merits
12 as determined by the Selection Board. The separation of such officer shall be effected on the first
13 officer shall be effected on the first day of the third month after the President shall have
14 approved the promotion of officers of the same grade as recommended by the Selection Board.

15
16 **SEC. 97.** A military person who is retired under this Act shall be entitled to the use of or
17 be addressed by his retirement or separation grade, except for an officer of the grade of
18 Colonel/Captain (PN) or higher, or an enlisted person of the grade of Master Sergeant, Senior
19 Master Sergeant and Chief Master Sergeant or equivalent rank in the other Services who shall
20 continue to hold and be addressed by his grade at the time of his retirement or separation.

1 **SEC. 98.** An officer in the grade of Captain, Major, or Lieutenant Colonel who is subject
2 to lateral attrition for failure of promotion, as defined in Section 97 of this Act, shall be retired, if
3 he has at least twenty (20) years of active service in the grade next higher than the grade he holds
4 or if he has less than twenty (20) years of active service, separated in the permanent grade he
5 holds on the first day of the third month after the President shall have approved the promotion of
6 the officers recommended by the Selection Board which did not recommend his promotion.

7
8 **SEC. 99.** An officer referred to and found by the AFP Efficiency and Separation Board
9 not fit for retention in the active military service because of substandard performance, low
10 potentials, doubtful integrity and/or acts committed inconsistent with the best interest of the
11 service shall be retired, if he has at least twenty (20) years of active service, in the permanent
12 grade he holds effective on the day the President has approved the recommendation of the Board.

13
14 **SEC. 100.** An officer in the grade of Second Lieutenant/Ensign (PN) who is deferred
15 once or an officer in the grade above that of Second Lieutenant/Ensign (PN) who is deferred
16 twice consecutively for promotion to the same next higher grade, as defined by law or regulation,
17 shall be retired, if he has at least twenty (20) years of active service, or separated, if he has less
18 than twenty (20) years of active service, in the permanent grade he holds on the first day of the
19 third month after the President shall have approved the promotion of the officers recommended
20 by the Selection Board which recommend the deferment of promotion of such an officer for the
21 first or second time, as the case may be.

22
23 **SEC. 101.** An officer, probationary officer, cadet, enlisted person, or officer or soldier
24 candidate with less than twenty (20) years of active service who dies in line of duty or on
25 account of any wound, injury, or illness contracted in line of duty or as approximate result of

1 operational or enemy act or in the performance of a hazardous duty shall be considered retired
2 from the active military service in the grade next higher than the grade last held for survivorship
3 benefits under this Act.

4
5 **SEC. 102.** An officer cadet, probationary officer, trainee, or enlisted person with less
6 than twenty (20) years of active service who incurs total permanent physical disability on
7 account of any wound, injury, or illness contracted in line of duty or as a proximate result of an
8 operational or enemy act in the performance of a hazardous duty shall be retired in the next
9 higher than the grade he holds.

10
11 **SEC. 103.** An officer, cadet, probationary officer, trainee, or enlisted person with less
12 than twenty (20) years of active service who incurs physical disability other than total permanent
13 on account of any wound, injury or illness contracted in line of duty or as a proximate result of
14 an operational or enemy act or in the performance of a hazardous duty may, at his option, be
15 retired from the active military service in the grade next higher than the grade he holds.

16
17 **SEC. 104.** The following military personnel with less than twenty (20) years of active
18 service shall likewise be separated from the active military service for the purpose of this Act:

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

21 (b) An enlisted person whose current enlistment term is earlier terminated or who is not
22 re-enlisted by appropriate enlisting authorities.

23
24 **SEC. 105.** The retirement or separation under Sections 93, 94, 95, 96 and 101 of
25 officers, cadets and probationary officers shall be subject to the approval of the Secretary of

1 National Defense, while those enlisted personnel and trainees shall be subject to the approval of
2 the Major Service Commanders if they are assigned with the Major Services and the approval of
3 the Deputy Chief of Staff, AFP if they are assigned with GHQ and AFPWSSUs at the time of
4 retirement or separation.

5

6 **TITLE XVII – RETIREMENT AND SEPARATION BENEFITS**

7 **SEC. 106.** When an officer or enlisted person is retired from the Armed Forces of the
8 Philippines under Sections 92, 93, 94, 95, 96 or 99 of this Act, he, at his option, shall receive a
9 gratuity equivalent to one (1) month of base pay and longevity pay of grade next higher than the
10 permanent grade last held for every year of service payable in one (1) lump sum or a monthly
11 retirement pay equivalent to three and three fourth (3.75%) percent for each year of active
12 service rendered but not exceeding one hundred percent (100%) of the monthly base and
13 longevity pay of the grade next higher than the permanent grade last held; *Provided*, That an
14 officer retired under Section 99 or 100 of this Act shall be entitled to benefits computed on the
15 basis of the base longevity pay of military personnel in the active service: *Provided, further*,
16 That, when he retires, he shall be entitled at his option, to receive in advance and lump sum his
17 annual retirement pay for the first three installment as they accrue: *Provided, further*, That if he
18 dies within the three year period following his retirement and is survived by beneficiaries as
19 defined in this Act, the latter shall only receive the derivative benefits thereunder starting the first
20 month after the aforecite three-year period: *And provided, finally*, That, the monthly retirement
21 or separation pay being received by military personnel retired or separated before the Approval
22 of this Act, to include those of their survivors, shall likewise be subject to adjustment on the
23 prevailing scale of base and longevity pay of military personnel on active service.

1 **SEC. 107.** The survivors of an officer or enlisted person retired under Section 91, 92,
2 93, or 94 or of an officer with at least twenty years of service retired under Section 92, 100, or
3 101 under this Act shall be entitled to a monthly retirement pay the amount of which shall be one
4 hundred percent (100%) of the amount which he was receiving to be divided among them in
5 equal shares and with right accretion.

6
7 **SEC. 108.** An officer, cadet, probationary officer, trainee, or enlisted person retired
8 under Section 102 of this Act shall be entitled to a monthly life annuity the amount of which
9 shall be one hundred percent (100%) of the base pay and longevity pay compute on the basis of
10 his separation grade.

11
12 **SEC. 109.** An officer enlisted person with less than twenty (20) years of active
13 service separated under Section 98, 99, 100 or 104 under this Act shall be entitled to a separation
14 pay equivalent to one (1) month base and longevity pay of the permanent grade he holds for
15 every year of active service rendered.

16
17 **SEC. 110.** An officer, cadet, probationary officer, trainee or enlisted person with less
18 than twenty (20) years of active service retired under Sections 102 and 103 of this Act shall be
19 entitled to a retirement gratuity equivalent to one month base and longevity pay of his separation
20 grade for every year of active service.

21
22 **SEC. 111.** (a) The survivors of an officer or enlisted person considered retired
23 under Section 93 of this Act shall be entitled to a monthly annuity equivalent to one hundred
24 percent (100%) of the retirement pay he would have received had he retired to be divided among
25 them in equal shares and with the right accretion;

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

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

9
10 **TITLE XIX – DISABILITY BENEFITS**

11 **SEC. 112.** (a) An officer, cadet, probationary officer, or enlisted person retired under
12 Section 94 of this Act shall, in addition to the benefits under Section 106 of this Act, receive a
13 monthly disability pension of seven hundred fifty pesos (Php750.00).

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

- 17 1) If and while the disability is rated anywhere from ten (10) to thirty (30)
18 percent, the monthly pension shall be four hundred pesos (Php400.00);
19 2) If and while the disability is rated forty (40) percent, the monthly pension
20 shall be four hundred fifty pesos (Php450.00);
21 3) If and while the disability is rated fifty (50) percent, the monthly pension shall
22 be five hundred pesos (Php500.00);
23 4) If and while the disability is rated sixty (60) percent, the monthly pension
24 shall be five hundred fifty pesos (Php550.00);

1 addition to the benefits authorized under this Act, shall continue to receive for the first four (4)
2 months the monthly pay and allowance he was receiving prior to his retirement;

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

8

9 **SEC. 116.** Subject to such terms and conditions as may be mutually acceptable to the
10 AFP Mutual Benefit Association Incorporated as the insurer and the Chief of Staff, Armed
11 Forces of the Philippines, including the rates of insurance premiums fifty percent of which shall
12 be paid by each members of the Armed Forces of the Philippines and the remaining fifty percent
13 by the Government as its counterpart premium contribution, and approved by the Secretary of
14 National Defense, each member of the Armed Forces of the Philippines in active service, to
15 include cadets of Philippine Military Academy, the Philippine Air Force Flying School,
16 probationary officers, candidate officers, and the candidate soldiers shall be insured under an
17 annual Special Group Term Insurance program, renewable annually thereafter, for not less than
18 Fifty Thousand Pesos (Php50,000.00) per member, in addition to such compulsory insurance for
19 members of the Armed Forces of the Philippines and by the Government Service Insurance
20 System as provided for by existing laws: *Provided*, That payment one-half of the benefits,
21 corresponding to the government counterpart premium shall be made to the surviving legal heirs
22 as defined in the Civil Code and the other half to the designated beneficiaries: *And provided*,
23 *further*, That benefits granted herein shall be denied to those engaged in crimes against the state,
24 except one-half thereof, corresponding to the premium paid by the insured, which shall be paid
25 to the designated beneficiaries.

1 **SEC. 117.** The additional government counterpart premium contribution required to
2 carry out the purpose of the preceding Section is hereby authorized to be appropriated out of any
3 funds in the National Treasury not otherwise appropriated to be such sums shall be thereafter
4 included in the annual General Appropriations Act of the Department of National Defense.

5
6 **SEC. 118.** The sick or injured military personnel in the active service and their
7 dependents shall be entitled to civilian medical assistance at government expense: *Provided,*
8 *That the illness or injury is emergency in nature where there are no military hospitals within*
9 *reasonable distance or where AFP hospitals are inadequate to manage such emergency case:*
10 *Provided, further,* That the illness or injury is not self-inflicted or results of personal abuse,
11 misconduct, willful failure, gross negligence, use of drugs or liquor, or immoral acts or habits.

12
13 **SEC. 119.** The term medical assistance as used in this Act shall refer to the medical
14 and dental service rendered to a patient, including consultation, treatment, nursing, and hospital
15 care, x-ray, laboratory and other diagnostics procedures, and furnishing of medicines.

16
17 **SEC. 120.** The term “dependents of military personnel” include the spouse,
18 unmarried children below 21 years of age, children 21 years of age or over but also suffering
19 from congenital physical or mental disability acquired before the age of 21 years old, and parents
20 who are living with, and/ or totally dependent to, for support.

21
22 **SEC. 121.** Further amending PD 1519 as amended by adding a section therein which
23 provides that “The members of the Armed Forces of the Philippines shall be excluded from the
24 coverage of this decree since it has its own AFP Medical Care Benefit Program”. The AFP
25 contribution (Agency & Employee) to the Medicare Program shall cease upon the approval of

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

7
8 **TITLE XXI. – SOCIAL AND ECONOMIC WELL BEING**
9 **OF RETIREES, VETERANS AND DEPENDENTS**

10 **SEC. 122.** It shall be the policy of the Government to look after the social and economic
11 well being of retirees, veterans, and their dependents. For this purpose, an office in the
12 Department of National Defense shall be created or designated to formulate programs geared
13 towards the upliftment of the social and economic well-being of retirees, veterans, and their
14 dependents. It shall also coordinate with other civilian government agencies and the private
15 sector in order to assist retirees, veterans, and their dependents to gain employment.

16
17 **SEC. 123.** (a) Retirees, veterans, and their dependents, possessed with the requisite merit
18 and fitness, shall be given priority to civilian government positions. Upon appointment, they
19 shall enjoy security of tenure and may be removed only for cause, resignation, disability, death,
20 or mandatory retirement: *Provided*, That only one of the dependents of a retiree or veteran shall
21 enjoy this privilege;

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

1 (c) The Chairman of Civil Service Commission, in coordination with the Secretary of
2 National Defense, shall within sixty (60) days upon approval of this Act, prescribe
3 rules and regulations necessary to implement this Section
4

5 **TITLE XXII. – GENERAL PROVISIONS**

6 **SEC. 124.** For purposes of this Act:

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

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

12 Cadet - Second Lieutenant

13 Probationary Officer - Second Lieutenant

14 Trainee - Private

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

19 (d) Survivors shall mean:

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

1 2) Surviving children of an officer or enlisted person born of his marriage or
2 acknowledged, while the deceased parent was still on active military service:

3 *Provided*, That entitlement to benefits shall terminate upon the remarriage of
4 said spouse;

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

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

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

14
15 **SEC. 125.** Retired military personnel receiving monthly pension under this Act shall
16 continue to contribute to the AFP Retirement Benefit System in the amount equivalent to four
17 percent (4%) of the base and longevity pay of the last permanent grade he held before retirement
18 for period equivalent to the length of service rendered as a civilian official or employee of the
19 Philippine Government credited for purposes of retirement during which he did not contribute to
20 the AFP Retirement and Separation Benefit System from the date Presidential Decree Three
21 Hundred Sixty One (PD 361) took effect. Such contribution shall be held deducted from his
22 monthly retirement pay.

23
24 **SEC. 126.** Military personnel retired under this Act shall be carried in the retired list of
25 the Armed Forces of the Philippines and shall be subject to the Articles of War for offenses

1 committed while still in the active service. Benefits authorized under this Act shall not be
2 terminated or suspended by reason of change in citizenship of the recipient or his immigration to
3 other countries whether in permanent or temporary status. Military personnel or their survivors
4 whose benefits have been terminated by reason of change of citizenship shall resume receiving
5 such benefits upon approval of this Act.

6
7 **SEC. 127.** Veterans and military personnel retired or separated under this Act and their
8 dependents shall be entitled to certain privileges being enjoyed by military personnel on active
9 duty and their dependents, except those privileges that are inherently intended for military
10 personnel in the active military service.

11
12 **SEC. 128.** The benefits authorized under this Act, except as herein provided, shall not be
13 subject to attachment, garnishment, levy, execution or any tax whatsoever neither shall they be
14 assigned, ceded, or conveyed to any third person: *Provided*, That if a retiree or separated officer
15 or enlisted person, to include a cadet, probationary officer, or trainee, who is entitled to any
16 benefit under this Act, has unsettled money and/or property accountabilities to the Philippine
17 Government incurred while in the active service, not more than fifty percent (50%) of the
18 pension, gratuity, or any other payment due him or his survivors under this Act may be withheld
19 and be applied to settled such accountabilities.

20
21 **SEC. 129.** The benefits authorized under this Act shall not accrue to:

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

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

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

5 (d) Any officer or enlisted person convicted by a Civil Court for an offense which
6 carries with it the penalty of imprisonment for a period of six (6) years and above:
7 *Provided*, That such conviction or the filing of the case which led to such a conviction
8 must have occurred while the officer or enlisted person was still in the active military
9 service; or

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

11
12 **SEC. 130.** Nothing in this Act shall be construed to:

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

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

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

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

1 **SEC 131.** Any person found to have participated directly or indirectly in the commission
2 of fraud, falsification, misrepresentation of facts or any similar anomaly in the issuance of any
3 certificate or document for any purpose connected with this Act, upon conviction, shall be
4 punished by a fine of not less than the amount defrauded but not more than threefold such
5 amount and/or imprisonment of not less than six (6) months and one (1) day to six (6) years,
6 perpetual disqualification from holding public office and from practicing any profession or
7 calling licensed by the government and forfeiture of pay and allowances and other benefits due
8 him.

9

10 **SEC. 132.** In addition to Section 123(c) of this Act, Secretary of National Defense shall
11 prescribe rules and regulations necessary for the implementation of the other provisions of this
12 Act. The Secretary of National Defense may likewise prescribe an early retirement incentive
13 system as a measure to maintain the correct officer tank structure profile as provided by law and
14 accordingly to the availability of funds considering retirement and separation provisions of the
15 Act.

16

17 **SEC. 133.** The amount necessary for the added benefits under this Act is hereby
18 authorized to be paid out of savings from the appropriations of the Armed Forces of the
19 Philippines or be appropriated during the first year of the effectivity of this Act. Thereafter, fund
20 support therefor shall be included in the annual appropriations of the Department of National
21 Defense until such time as the AFP Retirement and Separation Benefits System can fully support
22 the same.

1 **TITLE XXIII. – FINAL PROVISIONS**

2 **SEC. 134.** The Secretary of National Defense shall prescribe the rules and regulations
3 necessary for the effective implementation of the other provisions of this Act in addition to those
4 he is expressly authorized to issue as provided in several Section of this Act.

5
6 **SEC. 135.** The provisions of this Act are hereby declared separable, and if any clause,
7 sentence, provision, or Section hereof, or its application to any person or circumstance should be
8 declared invalid, such invalidity shall not affect the other provisions of this Act which can be
9 given force and effect without the provisions which have been declared invalid.

10
11 **SEC. 136.** Except those necessary to give effect to the provisions of this Act and to
12 preserve the rights granted to officers and enlisted personnel, to include cadets, probationary
13 officers, or trainees, at the date of approval of this Act and to retired or separated military
14 personnel on their survivors, all laws, rules and regulations inconsistent with the provisions of
15 this Act are hereby repealed or modified accordingly.

16
17 **SEC. 137.** This Act shall take effect fifteen (15) days after its publication in the Official
18 Gazette or any two (2) newspapers of general circulation.

Approved,