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**SENATE**

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**S. No. 2376**

RECEIVED



(In Substitution of Senate Bill Nos. 1045, 1370 and 1785)

Prepared and submitted jointly by the Committees on National Defense and Security, Peace, Unification, and Reconciliation; Government Corporations and Public Enterprises; Ways and Means; *and* Finance, with Senators Pimentel, Pacquiao, Gordon, Lacson, *and* Angara as authors thereof

**AN ACT**  
**STRENGTHENING PROFESSIONALISM AND CONTINUITY OF**  
**POLICIES AND MODERNIZATION INITIATIVES OF THE ARMED**  
**FORCES OF THE PHILIPPINES, PROVIDING FUNDS THEREFOR, AND**  
**FOR OTHER PURPOSES**

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

**TITLE I**  
**DECLARATION OF POLICY**

**SECTION. 1.** *Declaration of Policy.* — In pursuit of modernization of the Armed Forces of the Philippines (AFP), it is hereby declared the policy of the State to:

- (a) Enhance professionalization in the organization by strengthening the merit system, allow the new leadership a longer period to implement reforms, and institutionalize sound policies that will redound to the improvement of the AFP;
- (b) Promote the most qualified officers to higher ranks;
- (c) Obviate revolving door accommodation promotions to successfully create a new culture of excellence in leadership and accountability in the AFP; and,

(d) Refine and improve the rules on retirement and commissionship.

Towards this end, the State shall:

(a) Fix the tour of duty of the Chief of Staff and other officers holding key positions;

(b) Adjust the mandatory retirement age of Officers of the AFP;

(c) Raise the age of commission of officers of the AFP;

(d) Ensure implementation of merit-based promotion and attrition system that will assure the Armed Forces of a continuous pool of qualified and effective leaders; and,

(e) Modify the Grade Distribution of Officers.

## **TITLE II TOUR OF DUTY**

**SEC. 2. *Tour of Duty of Key Officers.*** –The following officers holding key positions in the AFP, upon appointment, shall have a fixed tour of duty of three (3) years:

(a) Chief of Staff;

(b) Vice Chief of Staff;

(c) The Deputy Chief of Staff;

(d) Commanding General, Philippine Army;

(e) Commanding General, Philippine Air Force;

(f) Flag Officer in Command, Philippine Navy;

(g) Unified Command Commanders; and

(h) Inspector General

The tour of duty of the aforementioned officers shall commence on the date the appointment is signed and shall be for three (3) consecutive years unless sooner terminated by the President; *Provided, That* those mentioned in Section 2(b) to 2(h) shall not be eligible for any other position in the AFP unless promoted to the Chief of Staff.

1       **SEC. 3. *Tour of Duty of the Superintendent of the Philippine Military***  
2       *Academy (PMA).* – A General/Flag Officer of proven competence and  
3       academic excellence shall be appointed as Superintendent, Philippine Military  
4       Academy (PMA) and shall be exempt from the application of the maximum  
5       tenure-in-grade defined under this Act. The PMA Superintendent shall have  
6       the rank of Lieutenant General/Vice Admiral and be given a tour of duty of  
7       four (4) years unless sooner terminated by higher authority; *Provided, That*  
8       the PMA Superintendent shall not be eligible for any other position in the AFP  
9       and shall be compulsorily retired after completion of the fixed tour of duty or  
10      upon relief from office. *Provided, Further, That* no General/Flag Officer shall  
11      be appointed as PMA Superintendent if he/she is more than fifty-eight (58)  
12      years of age.

13      **SEC. 4. *Prohibition on the Extension of Tour of Duty.*** – Except as  
14      provided for under Section 5 of this Act, no extension of tour of duty of the  
15      Key Officers mentioned in Sections 2 and 3 shall be allowed.

16      **SEC. 5. *Tour of Duty of the Chief of Staff.*** – The tour of duty of the  
17      Chief of Staff shall not exceed three (3) years. However, in times of war or  
18      other national emergency declared by Congress, the President may extend  
19      such tour of duty.

20                                   **TITLE III**  
21                                   **RETIREMENT**

22      **SEC. 6. *Compulsory Retirement for Military Personnel.***

23      (a) The following Officers of the AFP shall be compulsorily retired:

24          (1) Those in the grades of Second Lieutenant/Ensign (O-1) to  
25          Colonel/Captain (O-6), upon reaching the age of fifty-nine (59) or  
26          accumulation of thirty (30) years of satisfactory active duty,  
27          whichever comes earlier;

28          (2) Those in the grades of Brigadier General/Commodore (O-7) to  
29          Lieutenant General/Vice Admiral (O-9), upon reaching the age of  
30          fifty-nine (59) or the maximum tenure-in-grade as defined in this  
31          Act, whichever comes earlier;

32          (3) Those occupying a key position, as defined in Sec. 2 of this Act,  
33          upon completion of the fixed tour of duty regardless of age, unless  
34          promoted to Chief of Staff or who is relieved from post and is not

1 designated to or occupying any position in the AFP Table of  
2 Organization; and,

- 3 (4) Those commissioned under Presidential Decree No. 1908, and those  
4 appointed in the Corps of Professors upon reaching the age of sixty  
5 (60) or completion of twenty (20) years of satisfactory active duty,  
6 whichever comes later.

7 (b) An enlisted personnel shall be compulsorily retired upon accumulation of  
8 at least thirty (30) years of satisfactory active duty or upon reaching the age  
9 of fifty-six (56) years old, whichever comes later.

10 **SEC. 7. *Optional Retirement.*** – Upon accumulation of at least twenty  
11 (20) years of satisfactory active duty, an officer or enlisted personnel may at  
12 his/her own request be retired from military service, subject to the approval  
13 of either the President, the Secretary of National Defense, or the AFP Chief of  
14 Staff, or Major Service Commander as appropriate, as provided for in the  
15 Implementing Rules and Regulations of this Act.

16 **SEC. 8. *Retirement Grade.*** – Officers and enlisted personnel covered  
17 by this Act shall be retired in the permanent grade last held and received the  
18 benefits appurtenant thereto.

#### 19 **TITLE IV**

#### 20 **ATTRITION SYSTEM FOR THE PERSONNEL OF THE AFP**

21 **SEC. 9. *Definition of Terms.*** – As used in this Act, the following terms  
22 shall mean:

23 (a) *Active Duty* - the service or duty as a commissioned officer or  
24 enlisted personnel in the regular force of the AFP.

25 (b) *Enlisted Personnel* – refer to members of the AFP with the rank  
26 of Private up to First Chief Master Sergeant or their equivalent in  
27 the other services.

28 (c) *Forced Attrition* – is a mode of attrition wherein an officer or  
29 enlisted personnel, who after having been considered for  
30 promotion to the next higher grade, failed to qualify on account  
31 of his/her own fault, failure or negligence or lack of individual  
32 merit, or who has completed the maximum tenure-in-grade  
33 without being promoted, is subsequently separated or retired  
34 from military service.

1 (d) *Grade* – the military rank of a commissioned officer and enlisted  
2 personnel. Commissioned officers, from the lowest to highest,  
3 are:

4 (1) Second Lieutenant/Ensign (PN);

5 (2) First Lieutenant/ Lieutenant Junior Grade (PN);

6 (3) Captain;/Lieutenant (PN);

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

8 (5) Lieutenant Colonel/Commander (PN);

9 (6) Colonel/Captain (PN);

10 (7) Brigadier General/Commodore (PN);

11 (8) Major General/Rear Admiral (PN);

12 (9) Lieutenant General/Vice Admiral (PN); and

13 (10) General/Admiral (PN).

14 For enlisted personnel, from lowest to highest, are:

15 (1) Private;

16 (2) Private First Class;

17 (3) Corporal;

18 (4) Sergeant;

19 (5) Staff Sergeant;

20 (6) Technical Sergeant;

21 (7) Master Sergeant;

22 (8) Senior Master Sergeant;

23 (9) Chief Master Sergeant; and

24 (10) First Chief Master Sergeant

25 or their equivalent in the Philippine Navy and Philippine Air Force.

26 (e) *Officers* – refer to commissioned personnel in the regular force of  
27 the AFP.

1 (f) *Primary Zone* – composed of officers who are on promotable  
2 status in the uppermost portion of the promotion list equivalent  
3 to the number of declared vacancies.

4 (g) *Procurement* – the process of obtaining personnel through  
5 recruitment, selection, and appointment.

6 (h) *Tenure-In-Grade* – the allowable/maximum year given to an  
7 Officer/Enlisted Personnel in a certain grade/rank.

8 **SEC. 10. *Forced Attrition of Officers.*** – Officers who are subjected to  
9 forced attrition as defined in Sec. 9(c) of this Act shall be subsequently  
10 separated or retired from military service. In addition, officers with  
11 contractual service obligations who are recommended for separation on  
12 account of their own fault, failure or negligence, shall be required to refund  
13 the government the amount equivalent to the cost of training proportionate  
14 to the remaining period to be served as stipulated in the training contract.  
15 The following are the instances of forced attrition of officers:

16 (a) *Attrition by Non-Promotion.* –

17 (1) *Deferment of Promotion.* – An officer in the grade of  
18 Second Lieutenant/Ensign (PN) who is deferred once  
19 shall be separated in the permanent grade he/she  
20 holds on the first day of the third month after the  
21 President shall have approved the promotion of  
22 officers recommended by the Selection Board which  
23 recommended the deferment of such an officer for the  
24 first time.

25 (2) *Twice deferment of Promotion.* – An officer in the  
26 grade of First Lieutenant/Lieutenant Junior Grade (PN)  
27 to Lieutenant Colonel/Commander (PN) who is  
28 deferred twice for promotion to the next higher grade  
29 shall be separated in the permanent grade he/she  
30 holds on the first day of the third month after the  
31 President shall have approved the promotion of  
32 officers recommended by the Selection Board which  
33 recommended the deferment of such officer for the  
34 second time. This subsection applies only to officers in  
35 the primary zone of consideration because they were  
36 considered or deliberated upon by the Selection Board

but failed to qualify for promotion to the next higher grade.

(b) Maximum Tenure-in-Grade for Officers. –

(1) *General/Flag Officers.* – The maximum tenure of officers in the grades of General/Flag Officer in the AFP are hereby prescribed as follows:

<b>Grade</b>	<b>Maximum Tenure-in-Grade</b>
General/Admiral (O-10)	Three (3) years
Lieutenant General/Vice Admiral (O-9)	Three (3) years
Major General/Rear Admiral (O-8)	Three (3) years
Brigadier General/Commodore (O-7)	Three (3) years

(2) *Officers.* – The maximum tenure of officers in the grades of Colonel, Lieutenant Colonel, Major, and Captain, or their equivalent in the other services in the AFP are hereby prescribed as follows:

<b>Grade</b>	<b>Maximum Tenure-in-Grade</b>
Colonel/Captain (PN) (O-6)	Nine (9) years
Lieutenant Colonel/ Commander (PN) (O-5)	Seven (7) years
Major/ Lieutenant Commander (PN) (O-4)	Six (6) years
Captain/ Lieutenant (PN) (O-3)	Six (6) years

(b) *Low-Potentiality.* – An officer referred to and found by the AFP Efficiency and Separation Board not fit for retention, lacking leadership skills, of doubtful integrity, or fails to demonstrate satisfactory performance may be separated from the military service subject to the approval of the President.

**SEC. 11. Forced Attrition of Enlisted Personnel. –**

(a) *Failure of Promotion.* – An Enlisted Personnel who fails to qualify or fails to satisfy any of the conditions for promotion to the next higher grade as determined by the appropriate Enlisted Personnel Promotion Board shall be referred to the concerned Review and Evaluation Board for evaluation and subsequent recommendation to the Major Service Commanders for attrition or retention. The grounds for referral shall be provided in the Implementing Rules and Regulations of this Act.

(b) *Maximum Tenure-In-Grade for Enlisted Personnel.* – An Enlisted Personnel shall be separated or retired in accordance with the provisions of existing laws for failure to be promoted after having attained the maximum allowable tenure for the present grade except if occupying a position calling for a higher grade in the AFP Table of Organization:

<b>GRADE</b>	<b>MAXIMUM TENURE- IN-GRADE</b>
First Chief Master Sergeant (E-10)	Three (3) years
Chief Master Sergeant (E-9)	Three (3) years
Senior Master Sergeant (E-8)	Three (3) years
Master Sergeant (E-7)	Three (3) years
Technical Sergeant (E-6)	Five (5) years



Staff Sergeant (E-5)	Five (5) years
Sergeant (E-4)	Four (4) years
Corporal (E-3)	Four (4) years
Private First Class (E-2)	Four (4) years
Private (E-1)	Four (4) years

(c) *Low Potentiality.* – An enlisted personnel who is referred to and found by the Enlisted Personnel Reenlistment Board not fit for retention, complacent, lacking leadership skills, of doubtful integrity, or fails to demonstrate outstanding performance may be separated from the military service.

**SEC. 12.** *Separation or Retirement from the AFP.* — Any officer or enlisted personnel who is removed from the AFP pursuant to this Title shall be:

- (a) *separated*, if one has rendered less than twenty (20) years of satisfactory active duty and shall receive separation benefits pursuant to law, or
- (b) *retired*, if one has rendered at least twenty (20) years of satisfactory active duty and shall receive retirement benefits pursuant to law, unless the concerned service member is disqualified by law to receive such benefits.

## TITLE V

### PROCUREMENT OF OFFICERS/ENLISTED PERSONNEL AND GRADE DISTRIBUTION

**SEC. 13.** *Age Requirement for Commissionship.* – Unless otherwise provided herein, all officers appointed to the Regular Force shall have an initial appointment in the grade of Second Lieutenant (O-1) and shall not be less than twenty-one (21) but not more than twenty-eight (28) years old; *Provided, That,* The original appointment in the Nurse Corps and Medical

1 Administrative Corps, and in the Dental Service and Veterinary Corps shall be  
2 in the grade of Second Lieutenant (O-1) and First Lieutenant (O-2),  
3 respectively, from among applicants who at the time of appointment shall be  
4 at least twenty-one (21) but not more than thirty (30) years old; *Provided,*  
5 *Further, That* those commissioned under Presidential Decree No. 1908,  
6 namely, the original appointments in the Judge Advocate General's Service,  
7 Medical Corps, and the Chaplain Service, and those appointed in the Corps of  
8 Professors shall be not less than twenty-five (25) but not more than forty (40)  
9 years old at the time of appointment and shall be in the grade of Captain (O-  
10 3).

11 In accordance with this Act and other pertinent laws, rules and  
12 regulations, non-commissioned officers of the Regular Force of the Armed  
13 Forces of the Philippines, who have shown outstanding ability and have  
14 rendered exceptional service may be appointed in the grade of Second  
15 Lieutenant (O-1) in the Regular Force by the President upon recommendation  
16 of the Secretary of National Defense.

17 **SEC. 14. Age Requirement for Enlistment.** - Enlisted personnel shall  
18 not be less than eighteen (18) nor more than twenty-six (26) years old at the  
19 time of enlistment. *Provided, That* the AFP may offer special enlistment to an  
20 individual whose technical/skills qualification is highly desirable to the  
21 organization and who at the time of enlistment is not less than eighteen (18)  
22 nor more than thirty-five (35) years old.

23 **SEC. 15. Officer Grade Distribution.** - The Secretary of National  
24 Defense shall prescribe the authorized number of officers in the active force  
25 in each grade and in each major, technical or administrative service and shall  
26 implement the gradual decrease in the number of officers in each officer rank  
27 as part of, and in line with, the Modernization Program of the Armed Forces:  
28 *Provided, That* one (1) year after the approval of this Act, such number shall  
29 not exceed the number in each grade authorized in the Table of Organization  
30 of units of the active force distributed as follows:

31 (1) One percent (1%) in the General/Flag Officer grade based on the  
32 total officer strength authorized for the AFP or zero point one per  
33 centum (0.1%) of the total troop strength authorized for the AFP,  
34 whichever is lower;

35 (2) Six percent (6%) in the grade of Colonel/Captain (PN) based on the  
36 total officer strength authorized for the AFP;

1 (3) Twelve percent (12%) in the grade of Lieutenant  
2 Colonel/Commander (PN) based on the total officer strength  
3 authorized for the AFP;

4 (4) Eighteen percent (18%) in the grade of Major/Lieutenant  
5 Commander (PN) based on the total officer strength authorized for  
6 the AFP;

7 (5) Twenty percent (20%) in the grade of Captain/Lieutenant (PN)  
8 based on the total officer strength authorized for the AFP; and,

9 (6) Forty-three percent (43%) in the grades of First  
10 Lieutenant/Lieutenant Junior Grade (PN) and Second  
11 Lieutenant/Ensign (PN) based on the total officer strength  
12 authorized for the AFP.

13 *Provided, Further, That* the Table of Organization of units of the active  
14 force shall be adjusted in accordance with their respective missions and  
15 officer requirements, and shall be gradually decreased pursuant to this  
16 section and such rules and regulations as the Secretary of National Defense  
17 shall prescribe, subject to the condition that the schedule of percentage for  
18 each grade as herein prescribed shall not be exceeded: *Provided,*  
19 *furthermore, That* in the determination of the officer to enlisted personnel  
20 ratio, the mission requirement, capabilities, scope of responsibility, technical  
21 nature of the position and task, and equipment inventory of units shall be  
22 taken into consideration: *Provided furthermore, That* considering the  
23 highly technical nature of the Air Force and the Navy, they shall be allocated a  
24 higher officer to enlisted personnel ratio which shall not exceed fifteen  
25 percent (15%) of the officer to enlisted personnel ratio allocated in the  
26 Philippine Army: *Provided furthermore, That* as far as practicable, officers in  
27 the technical or administrative services such as, but not limited to, surgeon  
28 general, chief dental service and chief nurse may be eligible for promotion to  
29 general/flag officer grade: *Provided, furthermore, That* the quota limitation  
30 provided herein shall not apply in the promotion to General/Flag rank of  
31 reserve officers in the inactive service: *Provided finally, That* if the actual  
32 number in a grade is less than the number prescribed, the difference may be  
33 applied as an increase to the number prescribed in a lower grade.

34 **TITLE VI**  
35 **GENERAL PROVISIONS**

36 **SEC. 16. Competitive Categories for Promotion.** - Under regulations  
37 prescribed by the Secretary of National Defense, the AFP shall establish

1 competitive categories for promotion. Each officer whose name appears on an  
2 active-duty list shall be carried in a competitive category of officers. Officers  
3 in the same competitive category shall compete among themselves for  
4 promotion.

5 **SEC. 17. *Officer Lineal List.*** – There shall be only one seniority lineal  
6 list for the officers of the Major Services and each of the Technical Services.

7 **SEC. 18. *Prohibited Appointment.*** – No retired or resigned military  
8 officer may be appointed as Secretary of National Defense within one (1) year  
9 from the date of his retirement or resignation.

10 **SEC. 19. *Annual Personnel Management Report.*** – The AFP Chief of  
11 Staff shall submit to the Department of National Defense an accurate,  
12 comprehensive, and up-to-date Personnel Management Report, which shall  
13 include information on the number of military personnel, rank, place of  
14 designation, and list of attrited personnel, on an annual basis on or before the  
15 end of April of every year. *Provided, That* the Secretary of National Defense  
16 shall furnish a copy of the report to the Committee on National Defense and  
17 Security, Peace, Unification, and Reconciliation of the Senate of the  
18 Philippines and the Committee on National Defense and Security of the House  
19 of Representatives. The Personnel Management Report and any information  
20 contained therein shall be confidential in nature.

21 **TITLE VII**  
22 **MISCELLANEOUS PROVISIONS**

23 **SEC. 20. *Appropriations.*** – The amount necessary for the effective  
24 implementation of this Act shall be charged to the appropriations of the  
25 Department of National Defense under the current General Appropriations Act.  
26 Thereafter, such sum as may be necessary for its continued implementation  
27 shall be included in the annual General Appropriations Act.

28 **SEC. 21. *Construction and Interpretation.*** – To protect the state policy  
29 and public interest as stated in Section 1 of this Act, this Act shall be given a  
30 liberal construction in favor of its provisions so as to further the  
31 accomplishment of its declared policies.

32 **SEC. 22. *Implementing Rules and Regulations.*** – The Department of  
33 National Defense shall formulate the rules and regulations necessary to  
34 implement the provisions of this Act within ninety (90) days from its  
35 effectivity. *Provided, That* the IRR shall provide for a systematic, methodical,

1 and efficient transition to the new retirement and separation system provided  
2 for under this Act based on the following basic principles:

3 (a) The fixed tour of duty provided herein shall apply to  
4 General/Flag Officers appointed by the President after the  
5 effectivity of this Act; *Provided, That* incumbent officers  
6 occupying key positions shall be compulsorily retired pursuant  
7 to the provisions of Presidential Decree No. 1638, as amended  
8 unless said officer is appointed to the position of Chief of  
9 Staff;

10 (b) The maximum tenure-in-grade shall only apply to officers and  
11 enlisted personnel promoted after the effectivity of this Act;

12 (c) The transition system shall allow all officers and enlisted  
13 personnel an opportunity to compete for promotions and/or  
14 complete the requirements for retirement, as may be  
15 necessary; and,

16 (d) The rules and regulations shall give full respect to the services  
17 of the officers and enlisted personnel and provide for  
18 adequate separation and/or retirement benefits as may be  
19 allowed by existing laws, rules, and regulations.

20 **SEC. 23. *Separability Clause.*** – If any provision of this Act is declared  
21 unconstitutional, the same shall not affect the validity and effectivity of the  
22 other provisions thereof.

23 **SEC. 24. *Repealing Clause.*** – Subject to the provisions of Section 22 of  
24 this Act, the following laws or provisions of laws are hereby repealed or  
25 amended:

26 (a) Sections 3 and 4 of Republic Act No. 8186, as amended, which  
27 provides for the Maximum Tenure-In-Grade and Maximum Tenure  
28 in Position are hereby repealed;

29 (b) Section 4 of Presidential Decree No. 1638, which deals with  
30 optional retirement is hereby amended;

31 (c) Sections 5 (a) of Presidential Decree No. 1638, as amended by  
32 Presidential Decree No. 1650, which provides for the Compulsory  
33 Retirement for Military Personnel is hereby amended;

34 (d) Sections 10, 11, and 12 of Presidential Decree No. 1638 are hereby  
35 repealed;

- 1 (e) Section 9 of Presidential Decree No. 1638, which provides for  
2 retirement in the next higher grade is hereby repealed;
- 3 (f) Section 17 of Presidential Decree No. 1638, which provides for  
4 retirement benefits based on the next higher grade is hereby  
5 amended;
- 6 (g) Section 1 of Republic Act No. 9188, with respect to Officer Grade  
7 Distribution is hereby amended;
- 8 (h) Section 4(b) and (c) of Republic Act No. 291, as amended, which  
9 provides for the age of commissionship is hereby amended;
- 10 (i) Section 27 of Commonwealth Act No. 1, which provides for the age  
11 of enlistment is hereby amended; and,
- 12 (j) All laws, executive orders, or issuances, or any part thereof, which  
13 are inconsistent herewith, are hereby repealed, amended or  
14 modified accordingly.

15 **SEC. 25. Effectivity.** – This Act shall take effect fifteen (15) days after its  
16 publication in the Official Gazette and in at least two (2) newspapers of  
17 general circulation.

*Approved,*