

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

THIRTEENTH CONGRESS  
Third Regular Session

House Bill 5766

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Introduced by Honorable Jose G. Solis, Ernesto S. Gidaya, Amado T. Espino, Jr., Danton Q. Bueser, Hermilando I. Mandanas, Loretta Ann P. Rosales, Abraham Kahlil B. Mitra, Ana Theresia Hontiveros-Baraquel, Rene M. Velarde, Narciso R. Bravo Jr., Eduardo C. Firmalo

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EXPLANATORY NOTE

The Charter of the defense and military establishment can be traced back to **Commonwealth Act No. 1** enacted on December 21, 1935, otherwise known as the "National Defense Act". After the enactment of the National Defense Act more than seventy (70) years ago, there have been various legislation, ranging from Commonwealth Acts, Republic Acts, Presidential Decrees and Executive Orders, all relating to different aspects of the defense and military establishment.

The proposed "**National Defense Act of 2007**," is an attempt to codify these laws into a single piece of legislation, while at the same time institutionalizing improvements and reform measures currently being undertaken by the Department of National Defense (DND) and the Armed Forces of the Philippines (AFP) under the Philippine Defense Reform Program. These reform measures serve as a framework for a comprehensive, institutional, structural and systemic transformation of the defense and military establishment. Moreover, institutionalizing these reforms into the "**National Defense Act of 2007**" will ensure the continuity and stability in the transformation process of the DND and the AFP.

The major reforms introduced in the proposed "**National Defense Act of 2007**" may be categorized into three (3) main concepts: (1) provisions that will institutionalize the current reform measures being undertaken by the DND and the AFP under the Philippine Defense Reform Program; (2) measures intended to strengthen professionalism in the military; and (3) provisions intended to improve the morale and welfare of the men and women in the military service.

In view of the foregoing, passage of this bill is earnestly requested.

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B. Mitra, Ana Theresia Hontiveros-Baraquel, Rene M. Velarde, Narciso R. Bravo, Jr.,  
Eduardo C. Firmalo

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AN ACT TO ESTABLISH REFORMS IN THE DEPARTMENT OF NATIONAL  
DEFENSE AND THE ARMED FORCES OF THE PHILIPPINES,  
RESTATING, AMENDING AND REPEALING FOR THE PURPOSE  
CERTAIN LAWS, APPROPRIATING FUNDS THEREFOR, AND FOR  
OTHER PURPOSES

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

**PRELIMINARY PROVISIONS**

Section 1. *Short Title.* – This Act shall be known as the “**National Defense Act of  
2007.**”

Section 2. *Declaration of Principles.* –

a. Civilian authority is, at all times, supreme over the military. The President of  
the Philippines shall be the Commander-in-Chief of the Armed Forces of the Philippines  
and whenever it becomes necessary, the President may call out such armed forces to  
prevent or suppress lawless violence, invasion or rebellion.

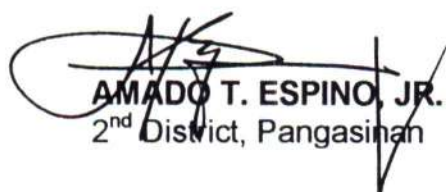
b. The prime duty of the Government is to serve and protect the people. The  
Government may call upon the people to defend the State and, in the fulfillment thereof, all  
citizens may be required, under conditions provided by law, to render personal, military or  
civil service.



**JOSE G. SOLIS**  
2<sup>nd</sup> District, Sorsogon



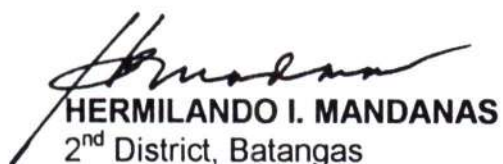
**ERNESTO S. GIDAYA**  
Party-List, Veteran's Freedom  
Party



**AMADO T. ESPINO, JR.**  
2<sup>nd</sup> District, Pangasinan



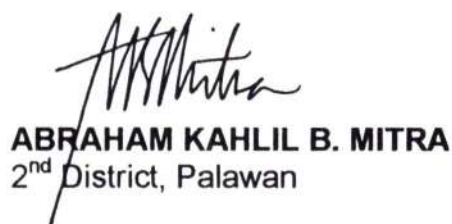
**DANTON Q. BUESER,**  
3<sup>rd</sup> District, Laguna



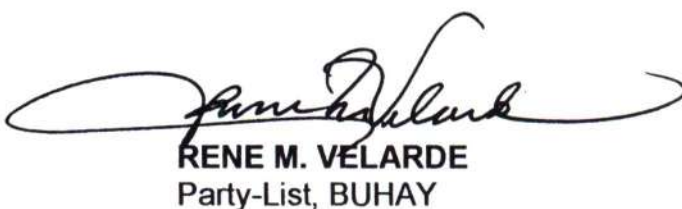
**HERMILANDO I. MANDANAS**  
2<sup>nd</sup> District, Batangas



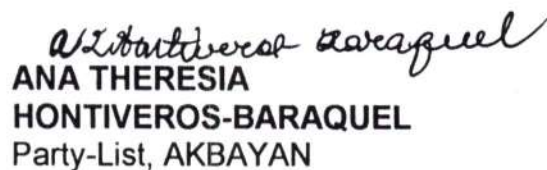
**LORETTA ANN P. ROSALES**  
Party-List, AKBAYAN



**ABRAHAM KAHLIL B. MITRA**  
2<sup>nd</sup> District, Palawan



**RENE M. VELARDE**  
Party-List, BUHAY



**ANA THERESIA**  
**HONTIVEROS-BARAQUEL**  
Party-List, AKBAYAN



**NARCISO R. BRAVO JR.**  
1<sup>st</sup> District, Masbate



**EDUARDO C. FIRMALO**  
Lone District, Romblon

1           c.     The maintenance of peace and order, the protection of life, liberty, and  
2 property, and the promotion of the general welfare are essential for the enjoyment by  
3 all the people of the blessings of democracy.

4

5           Section 3. *Declaration of National Defense Policies.* – The national defense  
6 policy of the Philippines shall be as follows:

7

8           a.     *Obligation of Every Citizen.* – The preservation of the State is the  
9 obligation of every citizen. The security of the Republic of the Philippines and the  
10 integrity of the National Territory shall be guaranteed by the employment of all  
11 citizens, without distinction of age or sex, and all resources through a national  
12 mobilization. The national mobilization shall include the execution of all measures  
13 necessary to transform the country from a peacetime to a wartime condition or state.  
14 The President of the Philippines shall ensure that mobilization measures are  
15 prepared at all times. [cf. Section 2(a), (b), (c), (d), (e), CA 1]

16

17           b.     *Mobilization.* – A national mobilization shall be utilized in the event of  
18 war, invasion or rebellion. The mobilization plans of financial, industrial, economic,  
19 social, political, intellectual and moral forces and resources of the Philippines shall  
20 conform to the provisions of the Constitution and shall be prepared by the executive  
21 departments concerned as prescribed by the President.

22

23           c.     *Maintenance of Adequate Regular Force.* – The State shall maintain  
24 a standing or regular military force in times of peace consonant to its adequate and  
25 actual needs for the security of the State, but which can be rapidly expanded by the  
26 Citizen Armed Force in the event of war, invasion or rebellion. [cf. Section 2, RA  
27 7077]

28

29           d.     *Organization and Development of Citizen Armed Force.* – The Citizen  
30 Armed Force shall be so organized, trained, developed and maintained as to ensure  
31 their readiness to immediately respond to the call of service. The State shall  
32 promote and develop public support to, and awareness of, the important role of the  
33 Citizen Armed Force in national defense and security. [cf. Sections 4&5, RA 7077]

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1           Section 4. *Definitions.* – For purposes of and as used in this Act, the terms  
2 hereunder shall be construed as follows:

3  
4           a.     “*Active Service*” of a military person means any active duty rendered by  
5 him as a commissioned officer or enlisted man in the AFP, including any period of  
6 military training as cadet, probationary officer, trainee or draftee and active duty tour  
7 for training of Reservist officers referred to in Section 161 of this Act;

8  
9           b.     “*AFP*” refers to the Armed Forces of the Philippines;

10  
11          c.     “*Chief of Staff*” refers to the Chief of Staff of the AFP;

12  
13          d.     “*Citizen Military Training Centers*” refers to the training centers  
14 established in every province for the conduct of citizen military and Reservist training  
15 referred to in Section 133 of this Act;

16  
17          e.     “*Civil Defense*” refers to all activities undertaken for the preservation of  
18 life or property in times of war, disasters, or other national emergencies;

19  
20          f.     “*College*” refers to the National Defense College of the Philippines;

21  
22          g.     “*Company Grade Officer*” refers to a commissioned officer in any of the  
23 grades of O-1 (Second Lieutenant/Ensign), O-2 (First Lieutenant/Lieutenant Junior  
24 Grade) or O-3 (Captain/Lieutenant);

25  
26          h.     “*Defense Real Properties*” refer to real properties, property rights and  
27 interests belonging to the Republic of the Philippines and controlled, used and  
28 operated by: (a) the AFP as military camps, installations and facilities pursuant to  
29 existing laws, proclamations, issuances, rules and regulations; or (b) any bureau,  
30 office or agency under the supervision and control of the Department;

31  
32          i.     “*Department*” or “*DND*” refers to the Department of National Defense;

- 1           j.     *"Defense Planning Guidance"* refers to the annual policy guidance  
2 issued by the Secretary of National Defense to the AFP, which shall contain national  
3 defense objectives, policies, strategies and the required resources to implement the  
4 same;  
5
- 6           k.     *"Doctrine"* refers to the fundamental principles by which the AFP or  
7 elements thereof guide their actions in pursuit of military objectives;  
8
- 9           l.     *"Enlisted Personnel"* or *"Enlisted Man"* shall mean any person regularly  
10 enlisted in the AFP, or an enlisted Reservist;  
11
- 12          m.     *"Enlistment"* refers to a contract entered into by a citizen of the  
13 Philippines with the Government of the Republic of the Philippines, to render  
14 personal military service in the Regular Force of the Armed Forces of the Philippines,  
15 for a definite period as prescribed in Section 49 of this Act;  
16
- 17          n.     *"Field Grade Officer"* refers to a commissioned officer in any of the  
18 grades of O-4 (Major/Lieutenant Commander); O-5 (Lieutenant Colonel/Commander)  
19 or O-6 (Colonel/Captain);  
20
- 21          o.     *"Force Structure"* refers to the number, size, and composition of the  
22 units that comprise the AFP;  
23
- 24          p.     *"General/Flag Officer"* refers to a commissioned officer in any of the  
25 grades of O-7 (Brigadier General/First Admiral), O-8 (Major General/Rear Admiral),  
26 O-9 (Lieutenant General/Vice Admiral) or O-10 (General/Admiral);  
27
- 28          q.     *"Key Position"* refers to a post or station of strategic importance which  
29 requires a substantially high degree of command, authority, responsibility,  
30 accountability, and rank of at least Brigadier General/First Admiral (O-7);  
31
- 32          r.     *"Major Services"* refers to the Philippine Army, the Philippine Navy and  
33 the Philippine Air Force;  
34  
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- 1           s.    "*Military Personnel*" refers to commissioned officers and enlisted  
2 personnel in the active service or active duty training in the AFP;  
3
- 4           t.    "*Mobilization*" refers to the utilization of the Reserve Force in times of  
5 emergency referred to in Section 149 of this Act, to meet threats to national security;  
6 [cf. Section 59, RA 7077]  
7
- 8           u.    "*National Territory*" refers to the territory of the Republic of the  
9 Philippines as defined under Article I of the 1987 Constitution and as may be  
10 provided by law;  
11
- 12          v.    "*Non-Commissioned Officer*" shall refer to enlisted personnel in any of  
13 the grades of E-4 (Sergeant/Petty Officer 3<sup>rd</sup> Class) or higher;  
14
- 15          w.    "*Officer*" shall mean any commissioned officer of the AFP;  
16
- 17          x.    "*Officer Grade*" refers to a particular level of ranking of officers in the  
18 AFP arranged from highest to lowest;  
19
- 20          y.    "*Officer Rank*" refers to the official title of an officer occupying a certain  
21 grade in the respective service, in which the officer is commonly and officially  
22 addressed;  
23
- 24          z.    "*Officer Grade Distribution*" refers to the allocation of percentage in the  
25 authorized number of officers in the Regular Force in each grade and in each Major  
26 and Technical and Administrative Service, ranked from the highest to the lowest,  
27 based on the total officer strength authorized for the AFP;  
28
- 29          aa.   "*President*" refers to the President of the Republic of the Philippines;  
30
- 31          bb.   "*Promotion*" refers to the advancement of an officer or enlisted  
32 personnel to the next higher rank/grade, with an increase of duties and  
33 responsibilities;  
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1 cc. "*Promotion List*" refers to a document containing the names of officers  
2 in the active military service in a particular grade, of a particular Service, for each of  
3 the Regular and Reserve component, and arranged in accordance with their relative  
4 seniority;

5  
6 dd. "*Regular Force*" refers to the force largely or wholly composed of  
7 regular officers and enlisted personnel, Reservists called to active duty; draftees;  
8 trainees and government-sponsored Filipino cadets enrolled in local or foreign  
9 military schools;

10  
11 ee. "*Reserve Force*" or "*Citizen Armed Force*" refers to the force composed  
12 of all Reservists, both officers and enlisted personnel on inactive status;

13  
14 ff. "*Reservists*" refer to the citizen soldiers who compose the Reserve  
15 Force of the AFP who are incorporated into the Reserve Force, as follows:

16  
17 (1) Graduates of the Reserve Officers' Training Corps (ROTC) basic and  
18 advance courses who were issued orders as enlisted Reservists or  
19 reserve officers of the AFP;

20 (2) Graduates of authorized basic military training institutions who, as a  
21 result thereof, were issued orders as enlisted Reservists or reserve  
22 officers;

23 (3) Ex-servicemen and retired officers of the AFP and other armed forces  
24 that have diplomatic relations with the Philippines who were honorably  
25 discharged or retired from the service and who are Filipino citizens  
26 upon their applications; and

27 (4) Commissioned, noncommissioned officers and privates under the  
28 existing laws and included in the present AFP roster before the  
29 enactment of this Act and those to be commissioned or enlisted after  
30 the enactment of this Act.

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32 gg. "*Rule of Law*" refers to the principle that governmental authority is  
33 legitimately exercised only in accordance with written, publicly disclosed laws  
34 adopted and enforced in accordance with established procedure;

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hh. "*Selection Board*" refers to the selection boards referred to in Section 67 hereof, convened from time to time by the Secretary of National Defense, tasked to evaluate and pass upon the qualifications and fitness of officers, and recommend the promotion of those qualified officers to the next higher grade;

ii. "*Secretary*" refers to the Secretary of National Defense;

jj. "*Seniority and Lineal List*" or "*SLL*" refers to a document containing the names of all commissioned officers in the active military service from the grade of O-3 to O-10, arranged by grade and in accordance with their relative seniority in each grade, for each Regular and Reserve component, and by Service to which they are appointed;

kk. "*Table of Organization and Equipment*" or "*TO & E*" refers to a document that prescribes the normal mission, organization structure, personnel and equipment requirements of each military unit of the AFP, including those military personnel assigned to the Department and the bureaus under it, as approved by the Secretary of National Defense upon the recommendation of the Chief of Staff, AFP;

ll. "*Time-in-Grade*" refers to a period of active commissioned or enlisted service rendered by an officer or enlisted man in a certain grade or rank. Time-in-Grade is synonymous with service-in-grade;

mm. "*Tour of Duty*" refers to a definite period of time during which an incumbent shall hold office, perform its functions and enjoy its privileges and emoluments, until the expiration of the said period, or unless otherwise removed or relieved from said position by competent authorities.

1 TITLE I  
2 DEPARTMENT OF NATIONAL DEFENSE  
3

4 ARTICLE I – GENERAL PROVISIONS  
5

6 Section 5. *Mandate.* – The Department of National Defense is the primary  
7 government agency charged with the duty of executing the national defense program  
8 of the country.  
9

10 Section 6. *Declaration of Policy.* – It is hereby declared the policy of the  
11 State to develop, maintain and sustain a strong, reliable and mission-capable  
12 defense and military establishment.  
13

14 Section 7. *Powers and Functions of the Department.* – To carry out the  
15 above-declared policy, the Department shall exercise and perform the following  
16 powers and functions:  
17

- 18 a. Formulate and prepare national defense policies, plans and programs;  
19  
20 b. Formulate, develop and update the national defense plan of the country,  
21 including the mobilization plan for the employment of the country's  
22 citizens and resources for national defense;  
23  
24 c. Control, monitor, coordinate, supervise and evaluate the implementation  
25 of national defense policies, plans, programs and activities;  
26  
27 d. Exercise supervision and control over the AFP, and the other bureaus,  
28 offices, agencies and instrumentalities attached to or under its  
29 supervision and control;  
30  
31 e. Coordinate and encourage National Government Agencies (NGAs), local  
32 government units (LGUs), government-owned or controlled corporations  
33 (GOCCs), non-government organizations (NGOs), and other  
34  
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1 organizations in implementing Civil Defense policies, plans and  
2 programs;

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4 f. Promote and advance the national aims, goals, interests and policies  
5 and support programs and projects for social and economic  
6 development, including resource and environmental protection and  
7 preservation, soldiers and veterans welfare and benefits, and other  
8 similar concerns;

9

10 g. Establish, promote and maintain bilateral and multilateral linkages for  
11 defense and military cooperation with its international counterparts;

12

13 h. Implement the country's international defense and security commitments  
14 based on defense and security treaties, cooperation agreements,  
15 international covenants, protocols and other similar arrangements;

16

17 i. Perform such other duties and functions as may be provided by law or  
18 directed by the President of the Philippines.

19

20 Section 8. *Contracts*. – The Department is hereby authorized to enter into,  
21 make, perform and carry out contracts of every class, kind and description which are  
22 necessary or incidental to the performance of its mandate as provided herein, with  
23 any person, firm or corporation, public or private, and with foreign government  
24 entities, subject to the provisions of existing laws, rules and regulations.

25

26 Section 9. *Management and Control of Defense Real Properties*. – (a) The  
27 Department is hereby authorized to administer, operate, manage, control, maintain  
28 and develop Defense Real Properties; and to acquire, hold, purchase, or lease any  
29 personal or real property, right of way, or easement which may be proper or  
30 necessary for the accomplishment of its mandate as provided in this Act:

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32 (b) The sale, lease or development of Defense Real Properties, by joint  
33 venture or otherwise, shall be allowed, upon prior approval by the President of the  
34 Philippines, upon the recommendation of the Secretary of National Defense.

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(c) Any and all income derived from the lease or disposition of such Defense Real Estate shall be remitted to the Modernization Act Trust Fund created pursuant to Republic Act No. 7898, and disbursed in accordance with existing laws, rules and regulations.

Section 10. *Grants and Donations.* – The Department, or any of the bureaus, agencies or offices under it, may accept donations, contributions, grants, bequests or gifts, in cash or in kind, from various sources, domestic or foreign, for purposes relevant to its functions: *Provided,* That in cases of donations from foreign governments, acceptance thereof shall be subject to the prior clearance and approval of the President of the Philippines, upon the recommendation of the Secretary of the Department of Foreign Affairs.

Receipts from donations shall be accounted for in the books of the Department in accordance with the pertinent accounting and auditing rules and regulations. Such donations, whether in cash or in kind, shall be deemed automatically appropriated for purposes specified by the donor. Unless otherwise provided by the donor, the receipts from cash donations and proceeds from the sale of donated commodities shall be remitted to the National Treasury and recorded as a Special Account in the General Fund and shall be available to the implementing agency concerned through a Special Budget pursuant to Section 35, Chapter 5, Book VI of the Administrative Code of 1987.

**ARTICLE II – ORGANIZATION**

Section 11. *Organizational Structure.* – The Department of National Defense shall be composed of the Department Proper, the AFP, and the other bureaus, offices, agencies and instrumentalities under the supervision and control of the Department or the Secretary of National Defense as provided for in this Act and under existing laws.

1           Section 12. *Composition.* – The Department Proper shall be composed of  
2 the Office of the Secretary of National Defense and the Offices of the  
3 Undersecretaries and Assistant Secretaries, and the Department Services.

4

5           Section 13. *Office of the Secretary.* – The Office of the Secretary shall  
6 consist of the Secretary of National Defense and his immediate staff as determined  
7 by him.

8

9           Section 14. *The Secretary of National Defense.* – The Secretary of  
10 National Defense shall be appointed by the President, subject to confirmation by the  
11 Commission on Appointments. No retired or resigned military officer may be  
12 appointed as Secretary of National Defense within one (1) year from the date of his  
13 retirement or separation from the military service.

14

15           Section 15. *Powers and Functions of the Secretary.* – The authority and  
16 responsibility for the exercise of the mandate of the Department and for the  
17 discharge of its powers and functions shall be vested in the Secretary of National  
18 Defense, who shall have supervision and control of the Department. The Secretary  
19 shall:

20

21           a. Advise the President in issuing executive orders, regulations,  
22 proclamations and other issuances, the promulgation of which is  
23 expressly vested by law in the President, relative to matters under the  
24 jurisdiction of the Department;

25

26           b. Issue the annual Defense Planning Guidance to the AFP, which shall  
27 contain national defense objectives, policies, strategies and the  
28 required resources to implement the same;

29

30           c. Establish the policies and standards for the efficient, effective and  
31 economical operation of the Department in accordance with the  
32 programs of government;

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- 1       d.    Promulgate rules and regulations necessary to carry out department  
2           objectives, policies, functions, plans, programs and projects;  
3
- 4       e.    Promulgate administrative issuances necessary for the efficient  
5           administration of the offices under the supervision and control of the  
6           Department or the Secretary and for proper execution of the laws  
7           relative thereto;  
8
- 9       f.    Establish a professional core staff within the Department, to be known  
10           as the *National Defense Service Officer Corps* that shall institutionalize  
11           and strengthen the Department's capability to perform its mandate and  
12           ensure continuity in the performance of its critical functions, subject to  
13           existing civil service laws, rules and regulations;  
14
- 15      g.    Appoint all officers and employees of the Department except those  
16           whose appointments are vested in the President or in some other  
17           appointing authority;  
18
- 19      h.    Exercise disciplinary powers over officers and employees under the  
20           Department or the Secretary in accordance with law, including their  
21           investigation and the designation of a committee or officer to conduct  
22           such investigation;  
23
- 24      i.    Exercise direct supervision and control over all functions and activities  
25           of the Department, as well as over all bureaus, offices, agencies and  
26           corporations under the Department as are provided by law, as well as  
27           all its officers and personnel;  
28
- 29      j.    Delegate authority to exercise any substantive or administrative  
30           function to his Undersecretaries, Assistant Secretaries, and other  
31           officers and employees of the Department; and
- 32      k.    Perform such other functions as may be necessary or proper to attain  
33           the objectives of this Act or as may be provided by law or directed by  
34           the President.  
35

1           Section 16. *The Undersecretaries and Assistant Secretaries.* – The  
2 Secretary of National Defense shall be assisted by five (5) Undersecretaries and six  
3 (6) Assistant Secretaries, all of whom shall be appointed by the President upon the  
4 recommendation of the Secretary and shall perform such duties and functions as  
5 may be provided by law or assigned to them by the Secretary of National Defense.  
6 The Offices of the Undersecretaries and Assistant Secretaries shall consist of the  
7 Undersecretaries and Assistant Secretaries and their respective immediate staff.

8  
9           The Undersecretaries of the Department shall have the following key  
10 functional areas of responsibility: (a) *Operations*; (b) *Policy*; (c) *Finance*; (d)  
11 *Defense Acquisition*; and (e) *Strategic Communications*. In order to give full  
12 attention to the key reform areas of the Philippine Defense Reform Program as  
13 provided in Section 187 of this Act, the President may appoint an additional  
14 Undersecretary and Assistant Secretary for *Philippine Defense Reform*, *coterminous*  
15 with the appointing authority.

16  
17           Section 17. *Department Services.* – Subject to the power of the Secretary  
18 to reorganize, restructure and redefine the functions of the organizational units of the  
19 Department for the effective discharge of its powers and functions under this Act,  
20 with the approval of the President, the Department shall have the following Services:

21  
22           (a) *Operations Monitoring and Evaluation Service*, which shall provide the  
23 Department with administrative, technical and staff support services to monitor,  
24 coordinate and evaluate the progress of specific plans, programs, projects and  
25 activities of the Department, particularly those relating to internal security, territorial  
26 defense and the defense component of the national peace process; utilization of  
27 resources by the AFP and the civilian bureaus and support to social and economic  
28 development.

29  
30           (b) *Systems and Information Management Service*, charged with the  
31 development, implementation and maintenance of computer-based application  
32 systems, databases and web-based applications, and to administer, maintain and  
33 secure the Department's information and communications technology network  
34 infrastructure and resources.

35

1           (c)    *Strategic Planning Service*, which shall be charged with the formulation  
2 of policies and plans for institutional and strategic improvements in the defense and  
3 military establishment aimed at promoting cost-effectiveness and efficiency.

4

5           (d)    *Program Analysis and Evaluation Service*, charged with the review and  
6 formulation of capability requirements in accordance with the long-term capability  
7 development plan and the Defense Planning Guidance; and integration of all  
8 program and budget planning activities into one calendar-driven process.

9

10          (e)    *International Defense and Security Relations Service*, charged with the  
11 formulation and preparation of national defense policies and strategies on issues  
12 relating to foreign regions and nations, their governments and their defense  
13 establishment; developing, coordinating and overseeing the implementation of  
14 defense security policies and managing defense and military cooperative  
15 engagements with foreign countries; and designing, coordinating, managing and  
16 implementing international defense workshops, symposia, meetings and other  
17 activities.

18

19          (f)    *Budget Development Service*, charged with the preparation,  
20 formulation, review, integration and submission of the Department's budget proposal  
21 to the Department of Budget and Management and to Congress, under a single-  
22 budget system for the Department Proper, the AFP, and the bureaus and agencies  
23 under its supervision and control.

24

25          (g)    *Comptrollership Service*, charged with the over-all execution of the  
26 Department's budget and preparation of policy guidance on the Department's  
27 financial transactions and its overall utilization of funds and assets, fiscal and cash  
28 management and accounting.

29

30          (h)    *Acquisition and Resource Planning Service*, charged with the  
31 formulation and preparation of policies, plans and programs, and the corresponding  
32 standards to ensure the effective planning and implementation of defense  
33 acquisition, the efficient use of resources to support defense acquisition, and monitor  
34 their implementation.

35

1           (i) *Defense Procurement Service*, charged with the formulation and  
2 implementation of strategies and procedures to effectively implement all policies,  
3 plans and programs pertaining to the acquisition of defense equipment and services  
4 by the Department.

5  
6           (j) *Strategic Communications Service*, charged with the formulation and  
7 implementation of strategic communication plans that convey coordinated and  
8 integrated themes and messages to the general public, including the formulation,  
9 coordination and dissemination of strategic-level public affairs guidance to all officers  
10 and employees of the Department, including the AFP and the bureaus and offices  
11 under its supervision and control.

12  
13           (k) *Legal Service*, charged with providing technical and staff support  
14 services on all legal matters concerning the Department, the AFP and the bureaus  
15 and offices under its supervision and control.

16  
17           (l) *Administrative Service*, charged with the preparation, development and  
18 implementation of all policies, plans and programs on general administration and  
19 records management of the Department.

20  
21           (m) *Human Resource Management Service*, charged with preparation,  
22 development and implementation of all policies, plans and programs on human  
23 resource management and career development of the officers and employees of the  
24 Department.

25  
26           (n) *Internal Audit Service*, charged with the evaluation of existing financial  
27 and management systems within the Department and to institute, where necessary,  
28 financial and management systems and controls and other improvement programs  
29 within the Department, the AFP, and the bureaus and offices under its supervision  
30 and control.

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1 TITLE II  
2 THE ARMED FORCES OF THE PHILIPPINES  
3

4 ARTICLE I – GENERAL PROVISIONS  
5

6 Section 18. *Declaration of Policies.* – (a) The AFP shall uphold the  
7 sovereignty of the State and defend the territory of the Republic of the Philippines  
8 against all enemies, foreign and domestic. It shall be the protector of the people and  
9 the State.  
10

11 (b) The AFP shall defend the Constitution at all times by ensuring that  
12 Constitutional processes are observed and the Rule of Law is upheld.  
13

14 (c) Professionalism in the AFP shall be a prime concern of the State. The  
15 AFP, as an institution, shall be insulated from partisan politics. No member of the  
16 military shall engage, directly or indirectly, in any partisan political activity, except to  
17 vote.  
18

19 (d) The State shall ensure that adequate remuneration and benefits are  
20 provided to all the members of the AFP.  
21

22 Section 19. *Mission and Functions.* – The mission of the AFP shall be to  
23 secure the sovereignty of the State and the integrity of the National Territory. It shall  
24 have the duty to:  
25

26 (a) Guard against internal and external threats to national peace and  
27 security, including the suppression of insurgency and other serious  
28 threats to national peace and security;  
29

30 (b) Plan, organize, maintain, develop and deploy its Regular and Citizen  
31 Armed Force for national defense and security;  
32

33 (c) Provide support for social and economic development programs,  
34 projects and activities of the Government, including resource and  
35

1 environmental protection and preservation, disaster and emergency  
2 relief and rescue operations and other similar concerns; and  
3

- 4 (d) Perform such other functions as may be provided by law or assigned  
5 by competent authority.  
6

7 Section 20. *Chain of Command.* – The exercise of authority, direction  
8 and control over the AFP shall be carried out through the Chain of Command, which  
9 is the line of authority and responsibility along which orders are passed, beginning  
10 from the President as the Commander-in-Chief, through the Secretary of National  
11 Defense, to the Chief of Staff who shall be responsible for the development and  
12 execution of the missions and programs of the AFP.  
13

14 Section 21. *Organization and Composition.* – The AFP shall be composed  
15 of two major components: (a) a Regular Force adequate for the security of the  
16 State; and (b) a Citizen Armed Force, alternately referred to as the Reserve Force.  
17

18  
19 **ARTICLE II – THE REGULAR FORCE**  
20 **A. ORGANIZATION AND COMPOSITION**  
21

22 **Chapter 1 – General Provisions**  
23

24 Section 22. *Size and Composition.* – The Regular Force, alternately  
25 referred to as the Standing Force, shall be composed of the following:

- 26 (a) Regular officers and Enlisted Personnel;  
27 (b) Reservists called to active duty pursuant to Section 149 hereof, or on  
28 active duty tour for training pursuant to Section 161 of this Act; and  
29 (c) Draftees, trainees and government-sponsored Filipino cadets enrolled  
30 in local or foreign military schools.  
31

32 The size and composition of the Regular Force shall be prescribed by the  
33 Secretary of National Defense, upon the recommendation of the Chief of Staff.  
34  
35

1           Section 23. *Organizational Structure.* – The Regular Force of the AFP  
2 shall consist of the General Headquarters; the Major Services namely: the Philippine  
3 Army, the Philippine Navy and the Philippine Air Force; the Unified or Specified  
4 Commands; and the other existing units, services and commands of the AFP. The  
5 Secretary of National Defense may, in accordance with the policies or directives of  
6 the President, create additional units, services and commands, or reorganize the  
7 AFP in response to any situation or in pursuance of operational or contingency  
8 plans: *Provided, That*, no Major Service may be unfilled, deactivated or merged with  
9 another service, without the approval of Congress.

10  
11           Section 24. *Operational and Territorial Organization.* – Unless otherwise  
12 directed by the President, the Major Services and other units of the AFP may be  
13 organized into such commands, forces and organizations as may be prescribed by  
14 the Secretary of National Defense. For this purpose, the National Territory may be  
15 divided into such geographic operational areas as the Secretary of National Defense  
16 may direct.

17  
18           Section 25. *Organizational Principles.* – The organizational structure of the  
19 AFP shall provide for:

- 20
- 21           a. Centralized direction and control of the General Headquarters to insure  
22               unity and coordination of efforts throughout the military establishment;  
23
  - 24           b. Decentralized execution of operations to the Major Services, the  
25               Unified or Specified Commands and other separate units to achieve  
26               maximum operational efficiency within the military establishment;  
27
  - 28           c. Common doctrine, standardized procedures and techniques throughout  
29               the military establishment to assure common understanding among all  
30               its forces and elements, facilitating thereby the attainment of maximum  
31               operational efficiency and effectiveness;  
32
- 33  
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- d. Development of self-reliance concepts for each Major Service to insure national defense and security and maximum utilization of resources; and
- e. Development of the capability to participate in the infrastructure projects of the government.

## Chapter 2 – The General Headquarters

Section 26. *Mandate.* – The General Headquarters, which shall be headed by the Chief of Staff, shall be the command and control element of the AFP and shall constitute the immediate military staff of the Secretary of National Defense.

Section 27. *Functions and Responsibilities.* – The General Headquarters shall exercise the following functions and duties:

- a. To advise and assist the Secretary of National Defense in the preparation of the Defense Planning Guidance for the AFP, and recommend programs and budget proposals for the Major Services, the Unified or Specified Commands and other component units of the AFP pursuant to such policy guidance;
- b. To prepare strategic plans and provide for the strategic direction of the AFP, including the direction of operations of the Major Services and the Unified or Specified Commands of the AFP, in accordance with the directions or guidance from the Secretary of National Defense;
- c. To prepare integrated logistic and mobility plans to support those strategic plans and recommend the assignment of headquarters support, logistics and mobility responsibilities to the Major Services, in accordance with those logistic and mobility plans;

- 1       d.    To prepare military strategy to support national objectives and net  
2           assessments to determine the capabilities of the AFP and its  
3           component services and units;  
4
- 5       e.    To formulate policies and guidelines on the organization of the Major  
6           Services, the Unified or Specified Commands and other component  
7           units of the AFP, the training of military forces, the employment of  
8           forces in the prosecution of tasks required by law, and the employment  
9           of forces to assist government agencies in the implementation of laws  
10          and regulations when so directed by higher authorities;  
11
- 12       f.    To establish and maintain a uniform system of evaluating the  
13           organization and preparedness of the Major Services, the Unified or  
14           Specified Commands and other existing units, services and  
15           commands of the AFP and to review the plans and programs thereof to  
16           determine their adequacy, feasibility and suitability for the performance  
17           of their respective detailed plans and missions;  
18
- 19       g.    To advise the Secretary of National Defense on the establishment of  
20           such commands, forces and organizations within the AFP as provided  
21           in Section 24 hereof, particularly on Force Structure and capabilities,  
22           including manpower, logistic and mobility support;  
23
- 24       h.    To assess military requirements for defense acquisition programs of  
25           the Major Services, the Unified or Specified Commands and other  
26           existing units, services and commands of the AFP;  
27
- 28       i.    To develop and establish the Doctrine for the AFP and to formulate  
29           policies for coordinating the military education and training of members  
30           of the AFP, including the periodic review and revision of the curriculum  
31           of professional military schools and training institutions to enhance the  
32           education and training of military personnel;  
33  
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- 1 j. To prepare and submit to the Secretary of National Defense,  
2 recommendations to appropriate agencies concerning general strategic  
3 guidance for the development of industrial and manpower mobilization  
4 programs in cases of national emergencies as provided by law;  
5  
6 k. To provide the Department with adequate, timely and reliable  
7 intelligence information and assessment of threat groups and other  
8 risks;  
9  
10 l. To participate in the preparation and execution of combined plans for  
11 military action in conjunction with the armed forces of other nations;  
12  
13 m. Advise and assist the Secretary of National Defense on research and  
14 engineering matters by submitting periodic reports on broad strategic  
15 guidance, overall military requirements, and relative military importance  
16 of development activities to meet the needs of the AFP; and  
17  
18 n. Perform such other functions as may be provided by law or assigned  
19 by higher authorities.  
20

21 Section 28. *Organization; Key Positions.* – The General Headquarters shall  
22 be composed of the Office of the Chief of Staff, Office of the Vice-Chief of Staff, the  
23 AFP Joint Staff and the other key positions and staff offices and units necessary for  
24 effective command and control of the AFP as determined by the Secretary of  
25 National Defense, upon the recommendation of the Chief of Staff.  
26

27 Section 29. *The Chief of Staff; Powers and Functions.* – (1) The Chief of  
28 Staff shall serve as principal military advisor to the President, the National Security  
29 Council and the Secretary of National Defense. The Chief of Staff shall be  
30 responsible for the development and execution of the missions and programs of the  
31 AFP and shall prescribe, in accordance with policies of the Secretary of National  
32 Defense, the organization, powers, functions and duties of the various staff, services,  
33 installations and other units of the AFP.  
34  
35

1           (2)     The President shall nominate and, with the consent of the Commission  
2 on Appointments, appoint the Chief of Staff from among the general and flag officers  
3 of the AFP. He shall hold the grade of O-10 with the corresponding rank of  
4 General/Admiral (Four-Star) and shall, if eligible, be retired in such grade.

5  
6           (3)     The Tour of Duty of the Chief of Staff shall be three (3) years, unless  
7 earlier replaced by the President. Notwithstanding the provisions of Section 103 (a)  
8 hereof on compulsory retirement, the Chief of Staff shall be allowed to complete his  
9 tour of duty, but shall be deemed compulsorily retired upon completion of the same;  
10 *Provided*, That in times of war or other national emergency declared by Congress,  
11 the President may extend such tour of duty; *Provided, Further*, That in all cases, the  
12 Chief of Staff shall be deemed compulsorily retired upon the completion of his tour of  
13 duty.

14  
15           Section 30.   *The Vice-Chief of Staff.* – The Vice-Chief of Staff shall be the  
16 principal assistant of the Chief of Staff and shall perform the functions of the Chief of  
17 Staff during the latter's absence or incapacity. He shall be appointed in the same  
18 manner as the Chief of Staff and shall hold the grade of O-9 with the corresponding  
19 rank of *Lieutenant General/Vice Admiral* (Three-Star). The Vice-Chief of Staff shall  
20 have a Tour of Duty of three (3) years, and shall be compulsorily retired in that grade  
21 upon completion of such tour of duty, unless appointed as Chief of Staff.

22  
23           Section 31.   *The AFP Joint Staff.* – The AFP Joint Staff shall advise and  
24 assist the Chief of Staff in the performance and accomplishment of AFP mission and  
25 functions. It shall be headed by The Deputy Chief of Staff (TDCS) who shall hold  
26 the grade of O-9 (Lieutenant General/Vice Admiral) and shall be appointed or  
27 designated to said position by the President. The various Joint Staff Offices shall  
28 each be headed by a Deputy Chief of Staff, who shall be appointed or designated to  
29 said position by the President upon the recommendation of the Chief of Staff. The  
30 organization, powers, functions and duties of the Joint Staff shall be prescribed by  
31 the Chief of Staff, in accordance with the policies laid down by the Secretary of  
32 National Defense.

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1           Section 32. *Authority to Reorganize the General Headquarters.* – (1) In the  
2 interest of efficiency and effectiveness, the Secretary of National Defense, upon the  
3 recommendation of the Chief of Staff, may:

4

5           a. Establish and organize staffs, offices and units in the General  
6 Headquarters in addition to the AFP Joint Staff, and prescribe the titles,  
7 powers, functions and duties of their members;

8

9           b. Abolish existing staffs, offices and units in the General Headquarters  
10 not specifically provided in this Chapter or by any other provision of  
11 law, or transfer or consolidate their functions and duties with other  
12 staffs, offices or units; and

13

14           c. Abolish the position of any Deputy Chief of Staff or any joint staff office  
15 and transfer or consolidate its functions and duties with those of  
16 another Deputy Chief of Staff or Joint Staff office.

17

18           (2) Unless otherwise prescribed by the President, the organization,  
19 functions and duties of various staffs, offices and units in the General Headquarters  
20 shall continue as provided under this Act and existing laws and regulations.

21

### 22                                   **Chapter 3 – The Major Services**

23

24           Section 33. *Organization.* – The Major Services shall be organized by the  
25 Chief of Staff in accordance with the policies laid down by the Secretary of National  
26 Defense. The Commanders or Chiefs of the Major Services, who shall hold the  
27 grade of O-9 with the corresponding rank of *Lieutenant General/Vice Admiral*, shall  
28 be designated or assigned to the said position by the President for a Tour of Duty of  
29 three (3) years and shall be deemed compulsorily retired from the service upon  
30 completion of such tour of duty, unless appointed as Chief of Staff.

31

32           Section 34. *Assignment of Specific Functions.* – The Secretary of National  
33 Defense, in consultation with, or upon the recommendation of the Chief of Staff, shall

34

35

1 assign to the Major Services specific functions in support of the overall  
2 responsibilities of the AFP and the Department.

3

4       Section 35. *The Philippine Army.* – The Philippine Army (PA), which is the  
5 primary ground force component of the AFP, shall perform the following functions  
6 and duties:

7

- 8       a. Organize, train, equip and maintain such forces or units as may be  
9 necessary for the conduct of prompt and sustained operations on land;  
10  
11       b. Prepare such forces or units as may be necessary for the effective  
12 prosecution of the national defense plans and programs and armed  
13 forces missions, including mobilization of the Army reserve component  
14 of the Citizen Armed Force;  
15  
16       c. Formulate and develop, in coordination with the other Major Services,  
17 doctrines, systems, tactics, techniques and procedures peculiar to the  
18 Army;  
19  
20       d. Organize, administer, train, equip and maintain the army reserve  
21 component of the Citizen Armed Force, subject to the regulations  
22 prescribed by the Secretary of National Defense; and  
23       e. Perform such other functions and duties as may be provided by law or  
24 assigned by higher authorities.

25

26       Section 36. *The Philippine Navy.* – The Philippine Navy (PN), which is the  
27 primary naval force component of the AFP, shall perform the following functions and  
28 duties:

29

- 30       a. Organize, train, equip and maintain such forces or units as may be  
31 necessary for prompt and sustained naval operations;

32

33

34

35

- 1           b.     Prepare the necessary naval units for the prosecution of national  
2               defense plans and programs and armed forces missions, including the  
3               mobilization of the navy component of the Citizen Armed Force;  
4
- 5           c.     Formulate and develop, in coordination with the other Major Services,  
6               doctrines, systems, tactics, techniques and procedures for operations  
7               peculiar to the Navy;  
8
- 9           d.     Organize, administer, train, equip and maintain the naval reserve  
10            component of the Citizen Armed Force, subject to the regulations  
11            prescribed by the Secretary of National Defense; and  
12
- 13          e.     Perform such other functions and duties as may be provided by law or  
14               assigned by higher authorities.  
15

16           Section 37.   *The Philippine Air Force.* – The Philippine Air Force (PAF),  
17   which is the air force component of the AFP, shall perform the following functions  
18   and duties:  
19

- 20          a.     Organize, train, equip and maintain such forces or units as may be  
21               necessary for prompt and sustained air operations;  
22
- 23          b.     Organize, train, and equip for airlift, airborne and tactical air operations  
24               in coordination with the other Major Services;  
25
- 26          c.     Formulate and develop, in coordination with the other Major Services,  
27               doctrines, systems, tactics, techniques and procedures for operations  
28               peculiar to the Air Force;  
29
- 30          d.     Organize, administer, train, equip and maintain the air force reserve  
31               component of the Citizen Armed Force, subject to the regulations  
32               prescribed by the Secretary of National Defense; and  
33

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35

- 1 e. Perform such other functions as may be provided by law or assigned  
2 by higher authorities.  
3

#### 4 Chapter 4 – The Unified or Specified Commands 5

6 Section 38. *Organization, Functions and Duties.* – (a) The existing unified  
7 or specified commands and other forces and commands organized and established  
8 under existing laws or by the Secretary of National Defense pursuant to Section 24  
9 hereof, shall be under the command, control and operational direction of the Chief of  
10 Staff.  
11

12 (b) The functions, duties and responsibilities of the unified or specified  
13 commands shall be prescribed by the Secretary of National Defense, in consultation  
14 with, or upon the recommendation of the Chief of Staff.  
15

16 Section 39. *Determination and Allocation of Key Positions.* – The  
17 Secretary of National Defense, upon the recommendation of the Chief of Staff, shall  
18 determine and allocate the number of key positions among the existing unified or  
19 specified commands and other forces and commands established pursuant to  
20 Section 24 hereof, based on the technical nature of the organization, position, task,  
21 scope and area of responsibilities, equipage, prevailing internal and external threats  
22 and other considerations as the exigencies of the service may require.  
23

24 Section 40. *Designation or Assignment of Commanders.* – The  
25 commanders of the existing unified or specified commands shall be designated or  
26 assigned to the said position by the President, upon the recommendation of the  
27 Secretary of National Defense and the Chief of Staff. The appointment or  
28 designation of officers to the forces or commands established pursuant to Section 24  
29 hereof shall be governed by the rules and regulations prescribed by the Secretary of  
30 National Defense. The Tour of Duty of the Commanders of the existing unified or  
31 specified commands shall be three (3) years.  
32  
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1                                   **Chapter 5 – The Technical and Administrative Services**

2  
3           Section 41. *The Technical and Administrative Services.* – (a) The  
4 Technical and Administrative Services shall be composed of the following:

5  
6           (1) *The Health Services*, which shall consist of the Medical Corps, the  
7 Dental Corps, the Nurse Corps, and such other corps as may be  
8 created by the Secretary of National Defense, upon the  
9 recommendation of the Chief of Staff. It shall be charged with all  
10 matters pertaining to the health and medical services for military  
11 personnel of the AFP.

12  
13          (2) *The Judge Advocate General's Service*, which shall provide legal  
14 services to the Armed Forces of the Philippines and the Department on  
15 military matters, and supervise the military justice system of the Armed  
16 Forces of the Philippines.

17  
18          (3) *The Adjutant General Service*, which shall be charged with providing  
19 general administrative services for the AFP on matters relating to  
20 personnel administration, records management, publications and  
21 correspondence.

22  
23          (4) *The Chaplain Service*, which shall be charged with all matters  
24 pertaining to the religious and spiritual welfare of the AFP personnel  
25 and their dependents.

26  
27          Section 42. *Other Services.* – Appropriate military occupational specialties  
28 may be prescribed by the Chief of Staff for each of the Technical and Administrative  
29 Services.

30  
31          Section 43. *Abolition and Transfer of Existing Corps.* – The *Veterinary*  
32 *Corps*, the *Women Auxiliary Corps (WAC)*, and the *Medical Administrative Corps*  
33 *(MAC)* are hereby abolished as separate units under the Technical and  
34 Administrative Services. Within six (6) months from the effectivity of this Act, all

1 officers and enlisted men and women affected by the abolition of these units shall  
2 hereafter be integrated into the Major Services, the other Services under the  
3 Technical and Administrative Services pursuant to guidelines to be issued by the  
4 Secretary of National Defense for the purpose.

5

6 The *Corps of Professors* shall, unless otherwise directed by the President,  
7 upon the recommendation of the Secretary of National Defense and the Chief of  
8 Staff, cease to be a separate unit under the Technical and Administrative Services  
9 and shall be a separate unit under the Philippine Military Academy.

10

11 Section 44. *Procurement, Promotion and Career Development in the*  
12 *Technical and Administrative Services.* – Subject to the provisions of Section 61 of  
13 this Act, the guidelines on the appointment, promotion, training, career development,  
14 retirement and separation of officers in the Technical and Administrative Services  
15 shall be governed by the rules and regulations prescribed by the Secretary of  
16 National Defense, upon the recommendation of the Chief of Staff.

17

## 18 Chapter 6 – Military Training Institutions

19

20 Section 45. *The Philippine Military Academy.* – (1) *Mandate.* The  
21 Philippine Military Academy is the primary training and educational institution of the  
22 AFP which shall be its principal source of regular officers. The Academy shall  
23 instruct, train and develop the cadets so that each graduate shall be imbued with the  
24 ideals of democracy and the spirit of nationalism and true public service, and shall  
25 possess the character, the broad and basic military skills and the education essential  
26 to the successful pursuit of a progressive military career.

27

28 (2) *Organization.* – The Academy shall be organized as prescribed by the  
29 Secretary of National Defense, upon the recommendation of the Chief of Staff, AFP.  
30 It shall be headed by a Superintendent, who shall be designated or assigned to the  
31 said position by the President, upon the recommendation of the Secretary of  
32 National Defense, and shall hold the grade of O-8 with the corresponding rank of  
33 *Major General/Rear Admiral.* The PMA Superintendent shall have a Tour of Duty of

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35

1 three (3) years and shall be deemed compulsorily retired from the service upon  
2 completion of such Tour of Duty, unless appointed as Chief of Staff.

3

4 (3) *Cadet Corps.* – The student body of the Academy shall be known as  
5 the Cadet Corps Armed Forces of the Philippines (CCAFP) and shall have such  
6 strength as the Secretary of National Defense shall determine, upon the  
7 recommendation of the Chief of Staff, and within the strength limited by the annual  
8 Appropriations Act.

9

10 (4) *Academic Board.* – There shall be an Academic Board organized by  
11 the Chief of Staff, which shall be composed of officers of the Academy, upon the  
12 recommendation of the Superintendent. The Board shall, in accordance with the  
13 rules and regulations prescribed by the Chief of Staff, have the power to confer  
14 baccalaureate degrees upon the cadets who satisfactorily complete the approved  
15 course of study.

16

17 (5) *Corps of Professors.* – Unless otherwise directed by the President,  
18 upon the recommendation of the Secretary of National Defense and the Chief of  
19 Staff, the Academy may maintain a *Corps of Professors* headed by its Dean, the  
20 members of which shall be appointed as regular officers in a separate promotion list.  
21 The Secretary of National Defense shall prescribe the guidelines which shall govern  
22 the recruitment, promotion, career development, discharge or separation of the  
23 members of the Corps of Professors.

24

25 (6) *Civilian Faculty.* -- (a) *Authority to Employ Civilian Faculty.* The  
26 Academy is hereby authorized to employ civilian faculty who shall be employed  
27 primarily as instructors of the cadets, but may be assigned other collateral duties  
28 such as researchers, academic advisers for the cadets, advisers of cadet  
29 organizations, administrative officers of the academic departments and other similar  
30 duties to meet the exigencies of the service.

31

32 (b) *Faculty Ranks.* The appointment of civilian faculty in the Academy  
33 shall be in the following ranks, sub-ranks and salary grades as herein indicated:

34

35

|    |                              |                 |                     |
|----|------------------------------|-----------------|---------------------|
| 1  | <i>Faculty Rank</i>          | <i>Sub-Rank</i> | <i>Salary Grade</i> |
| 2  | Instructor                   | I               | 12                  |
| 3  |                              | II              | 13                  |
| 4  |                              | III             | 14                  |
| 5  | Assistant Professor          | I               | 15                  |
| 6  |                              | II              | 16                  |
| 7  |                              | III             | 17                  |
| 8  |                              | IV              | 18                  |
| 9  | Associate Professor          | I               | 19                  |
| 10 |                              | II              | 20                  |
| 11 |                              | III             | 21                  |
| 12 |                              | IV              | 22                  |
| 13 |                              | V               | 23                  |
| 14 | Professor                    | I               | 24                  |
| 15 |                              | II              | 25                  |
| 16 |                              | III             | 26                  |
| 17 |                              | IV              | 27                  |
| 18 |                              | V               | 28                  |
| 19 |                              | VI              | 29                  |
| 20 | College/University Professor |                 | 30                  |

21

22 (c) *Recruitment, Selection and Career Development of Civilian Faculty.*

23 The Academy shall establish and maintain a Faculty Merit System, Performance

24 Appraisal System of its civilian faculty, and Faculty Development Programs to

25 enhance the competence, excellence and professionalism among the Academy's

26 faculty members, in accordance with the guidelines prescribed by the Secretary of

27 National Defense. [cf. Executive Order No. 284, Feb. 18, 2004]

28

29 (6) *Board of Visitors.* – The Secretary of National Defense may establish

30 a *Board of Visitors* in the Academy to assist in providing strategic direction and

31 guidance necessary to ensure the accomplishment of the Academy's mandate. The

32 *Board of Visitors* shall be composed of prominent individuals invited by the Secretary

33 to serve for a period of one (1) year.

1           Section 46. *Authority to Establish Other Military Training Institutions.* –  
2 The President, upon the recommendation of the Secretary of National Defense and  
3 the Chief of Staff, is hereby authorized to establish other military training academies  
4 and institutions in the AFP which shall be an alternative source of regular officers of  
5 the AFP.

6  
7           Section 47. *Authority to Establish Officer Candidate Schools.* – The  
8 Secretary of National Defense, upon the recommendation of the Chief of Staff, is  
9 hereby authorized to establish in the Major Services, officer candidate training  
10 schools or programs, which shall be an alternative source of regular officers of the  
11 AFP. The Secretary of National Defense shall prescribe the appropriate regulations  
12 to ensure that the candidates for commission in the Regular Force of the AFP from  
13 such officer candidate schools or programs shall possess the attributes and skills  
14 necessary for the successful pursuit of a military career.

15  
16           Section 48. *Tour of Duty for Commanders or Chiefs of other Military*  
17 *Training Institutions.* – The Chief of Staff may, by regulations approved by the  
18 Secretary of National Defense, establish a tour of duty for the commanders or chiefs  
19 of the military training institutions of the AFP to ensure stability and continuity in the  
20 accomplishment of the programs and projects of such training units.

21

## 22           **B. PROCUREMENT, PROMOTION AND CAREER DEVELOPMENT**

23

### 24                           **Chapter 1 – Enlisted Personnel**

25

26           Section 49. *Qualifications for Enlistment.* – Any citizen of the Philippines,  
27 between seventeen (17) and twenty three (23) years of age, physically and mentally  
28 fit for military service, of good moral character, and possessed of such educational  
29 attainments as may be prescribed by the Secretary of National Defense, may be  
30 enlisted in the Regular Force under the following restrictions:

31

32           (a) Except as otherwise provided herein, each enlistment in the Regular  
33 Force shall be for a term of three (3) years: *Provided*, That all enlistments in force at  
34 the outbreak of war, or other grave national emergency, or entered into during its

35

1 continuation shall continue in force until six months after its termination, unless  
2 sooner terminated by the President.

3

4 (b) Enlistments for service shall be apportioned among the various  
5 provinces of the Philippines, as far as practicable.

6

7 Section 50. *Enlisted Ranks.* – The ranks of enlisted personnel in the AFP  
8 shall be in the following grades and enlisted ranks as herein indicated:

9

| 10 | PA /PMC Rank                   | PAF Rank                       | PN Rank                             | Grade |
|----|--------------------------------|--------------------------------|-------------------------------------|-------|
| 11 | First Chief Master             | First Chief Master             | First Master Chief                  | E-10  |
| 12 | Sergeant                       | Sergeant                       | Petty Officer                       |       |
| 13 | Chief Master Sergeant          | Chief Master Sergeant          | Master Chief Petty                  | E-9   |
| 14 |                                |                                | Officer                             |       |
| 15 | Senior Master                  | Senior Master                  | Senior Chief Petty                  | E-8   |
| 16 | Sergeant                       | Sergeant                       | Officer                             |       |
| 17 | Master Sergeant                | Master Sergeant                | Chief Petty Officer                 | E-7   |
| 18 | Sergeant 1 <sup>st</sup> Class | Sergeant 1 <sup>st</sup> Class | Petty Officer 1 <sup>st</sup> Class | E-6   |
| 19 | Staff Sergeant                 | Staff Sergeant                 | Petty Officer 2 <sup>nd</sup> Class | E-5   |
| 20 | Sergeant                       | Sergeant                       | Petty Officer 3 <sup>rd</sup> Class | E-4   |
| 21 | Corporal                       | Airman 1 <sup>st</sup> Class   | Seaman/Fireman 1 <sup>st</sup>      | E-3   |
| 22 |                                |                                | Class                               |       |
| 23 | Private First Class            | Airman 2 <sup>nd</sup> Class   | Seaman/Fireman 2 <sup>nd</sup>      | E-2   |
| 24 |                                |                                | Class                               |       |
| 25 | Private                        | Airman                         | Apprentice                          | E-1   |
| 26 |                                |                                | Seaman/Fireman                      |       |

27

28 *Provided, That the grades from E-4 to E-10 shall be referred to as Non-*  
29 *Commissioned Officer Grades of the Regular Force.*

30

31 Section 51. *The AFP Sergeant Major.* – (a) The AFP Sergeant Major,  
32 who shall be the only non-commissioned officer in the grade of O-10 with the rank of  
33 *First Chief Master Sergeant/First Master Chief Petty Officer*, shall be selected by the  
34 Chief of Staff from among the Chief Master Sergeants/Master Chief Petty Officers,

35

1 subject to rules and regulations to be prescribed by the Secretary of National  
2 Defense: *Provided*, That unless sooner relieved or terminated by the Chief of Staff,  
3 the AFP Sergeant Major shall serve for a maximum tour of duty of three (3) years;  
4 *Provided, finally*, That he shall be deemed compulsorily retired from the service upon  
5 completion of such tour of duty, or upon relief or termination by the Chief of Staff.

6  
7 (b) The AFP Sergeant Major shall advise and assist the Chief of Staff in all  
8 matters pertaining to the maintenance and enhancement of the morale, welfare and  
9 discipline of Enlisted Personnel of the AFP.

10  
11 Section 52. *Procurement, Reenlistment and Career Development of*  
12 *Enlistment Personnel System.* – The Secretary of National Defense shall, upon the  
13 recommendation of the Chief of Staff, prescribe the guidelines which shall govern the  
14 procurement, reenlistment, training, promotion and discharge or separation of all  
15 enlisted personnel in the AFP.

16  
17 Section 53. *Distribution of Positions.* – The total number of enlisted  
18 personnel in the enlisted ranks and non-commissioned officer grades prescribed in  
19 Section 50 hereof shall be in accordance with the number of authorized positions in  
20 the approved Table of Organization & Equipment.

21  
22 Section 54. *Authority to Promote and Demote.* – The authority to promote  
23 and demote Enlisted Personnel shall be primarily vested in the Chief of Staff, AFP,  
24 subject to further delegation in accordance with the rules and regulations to be  
25 prescribed by the Secretary of National Defense.

26  
27 Section 55. *Maximum Time-in-Grade.* – (a) The Secretary of National  
28 Defense shall, upon the recommendation of the Chief of Staff, prescribe the  
29 maximum time-in-grade of Enlisted Personnel; *Provided*, That Non-Commissioned  
30 Officers in the grades of E-7 to E-9 shall, unless promoted to the next higher grade,  
31 be compulsorily retired or separated from the service upon reaching the maximum  
32 time-in-grade, hereby prescribed as follows:

|   |       |                                                   |                  |
|---|-------|---------------------------------------------------|------------------|
| 1 |       |                                                   | Maximum Time-in- |
| 2 | Grade | Ranks                                             | Grade            |
| 3 | E-9   | Chief Master Sergeant/Master Chief Petty Officer  | Three (3) years  |
| 4 | E-8   | Senior Master Sergeant/Senior Chief Petty Officer | Three (3) years  |
| 5 | E-7   | Master Sergeant/Chief Petty Officer               | Five (5) years   |
| 6 |       |                                                   |                  |

7 *Provided, further,* That an attrition rate for re-enlistment of not less than ten percent  
8 (10%) of the total enlisted strength of the AFP shall be prescribed in the regulations  
9 to be issued by the Secretary of National Defense for the purpose. [*cf.* Section 8,  
10 RA 8220, s. 1996, except periods provided above]

11  
12 (b) Notwithstanding the provisions of paragraph (a) hereof, Non-  
13 Commissioned Officers currently in the grades of E-7 to E-9 may remain in the active  
14 service for a period not exceeding three (3) years from the date of effectivity of this  
15 Act, after which they shall be considered compulsorily retired or separated from the  
16 service pursuant to the provisions of this Act.

17  
18 Section 56. *Attrition System.* – (a) There shall be established a system of  
19 attrition within the enlisted ranks of the AFP within one (1) year from the effectivity of  
20 this Act, to be submitted by the Chief of Staff to the Secretary of National Defense for  
21 approval: *Provided,* That an attrition rate of not less than ten percent (10%) of the  
22 total enlisted strength of the AFP shall be accomplished in the attrition system  
23 prescribed in the regulations to be issued by the Secretary of National Defense for  
24 the purpose.

25  
26 (b) Any enlisted personnel who is discharged or separated from the  
27 service pursuant to the Attrition System established under this section shall be  
28 retired if he or she has rendered at least twenty (20) years of service or separated if  
29 he or she has rendered less than twenty (20) years of service, unless disqualified to  
30 receive such benefits.

31  
32 Section 57. *Next Higher Grade for Purposes of Retirement or Separation*  
33 *from the Service.* – For purposes of retirement or separation from the service, the  
34 next higher grade for Enlisted Personnel in the grades from E-7 (*Master*  
35

1 *Sergeant/Chief Petty Officer*) to E-10 (*First Chief Master Sergeant/First Master Chief*  
2 *Petty Officer*) shall be the commissioned officer grade of O-1 (*Second*  
3 *Lieutenant/Ensign*).

4

5

## Chapter 2 – Commissioned Officers

6

7

### General Provisions

8

9

Section 58. *AFP Promotion System.* – (a) *Concept.* To ensure that the  
10 command and administration of the AFP shall be manned by competent officers who  
11 are imbued with a high sense of achievement, and who can provide wider  
12 dimensions of leadership and managerial skills in administering and executing the  
13 complex command and staff functions, officers of the AFP shall be selected for  
14 promotion based on their relative seniority, professional attributes, demonstrated  
15 performance and behavior, and their indicated potentials to discharge the duties and  
16 responsibilities of the next higher grade.

17

18 (b) The AFP Promotion System shall be governed by the principle that as  
19 officers are promoted from one grade to the next higher grade, the criteria of  
20 competence, individual merit and potentials increase in importance while that of  
21 seniority diminishes in significance, such that for promotion to senior grade levels,  
22 the criteria of competence, merit and potentials become the primary consideration  
23 while seniority becomes secondary.

24

25 (c) The AFP Promotion System shall be the primary means by which the  
26 AFP shall periodically evaluate and assess its ranks of officers and shall  
27 institutionalize and continue to implement an efficient process of selection for  
28 promotion, as well as for attrition of officers as provided by law.

29

30 (d) The AFP Promotion System shall be governed by a strategic  
31 succession planning process or management system with a view of ensuring smooth  
32 succession in the filling of vacancies in key positions as and when these occur.

33

34

35

1           Section 59. *Appointments and Assignment in Branch of Major Service.* –  
2 (a) Officers shall be permanently appointed by the President in the Regular Force in  
3 the grades provided in paragraph (b) hereof, but all appointments of the AFP from  
4 the rank of colonel or naval captain shall be with the consent of the Commission on  
5 Appointments; *Provided*, That appointments in the Philippine Navy shall be in the  
6 Navy ranks equivalent to those of the Philippine Army and the Philippine Air Force,  
7 except for appointments in the Philippine Marine Corps (PMC) which shall be in the  
8 ranks prescribed in the Philippine Army and the Philippine Air Force.

9  
10           (b) Except as otherwise provided in this Act, the date of rank of a  
11 commissioned officer in active service in the Regular Force shall be the date of  
12 permanent appointment in that grade by the President.

13  
14           (c) The appointment of officers in the Regular Force shall be in the  
15 following ranks and grades as herein indicated:

16

| 17 | PA/PAF/PMC Rank    | PN Rank                 | Grade |
|----|--------------------|-------------------------|-------|
| 18 | General            | Admiral                 | O-10  |
| 19 | Lieutenant General | Vice Admiral            | O-9   |
| 20 | Major General      | Rear Admiral            | O-8   |
| 21 | Brigadier General  | First Admiral           | O-7   |
| 22 | Colonel            | Captain                 | O-6   |
| 23 | Lieutenant Colonel | Commander               | O-5   |
| 24 | Major              | Lieutenant Commander    | O-4   |
| 25 | Captain            | Lieutenant              | O-3   |
| 26 | First Lieutenant   | Lieutenant Junior Grade | O-2   |
| 27 | Second Lieutenant  | Ensign                  | O-1   |

28  
29           Section 60. *Initial Appointment.* – (a) Unless otherwise provided by law,  
30 all initial appointments of Regular Officers issued by the President shall be in the  
31 grade of O-1 (Second Lieutenant/Ensign), which shall be sourced from the following:

- 1 a. Graduates of the Philippine Military Academy, or government-  
2 sponsored Filipino cadets who graduated from equivalent foreign  
3 military or service academies and training institutions;  
4
- 5 b. Graduates from Officer Candidate Schools established in the Major  
6 Services as provided under Section 47 hereof and government-  
7 sponsored graduates from equivalent foreign Officer Candidate  
8 Schools;  
9
- 10 c. Advance Reserve Officer Training Corps (ROTC) graduates from  
11 various universities and colleges who shall have undergone  
12 probationary military training pursuant to the prescribed rules and  
13 regulations issued by the Secretary of National Defense;  
14
- 15 d. Non-Commissioned Officers of the Regular Force who have shown  
16 outstanding ability and have rendered exceptional service, may,  
17 regardless of their age and educational attainment, be appointed in the  
18 grade of O-1 by the President, upon recommendation of the Secretary  
19 of National Defense; and [*cf. "Combat Commission" under RA 718*  
20 *approved June 6, 1952*]  
21
- 22 e. Such other candidates or applicants who may be qualified pursuant to  
23 the rules and regulations for initial commission in the Regular Force  
24 issued by the Secretary of National Defense, upon the  
25 recommendation of the Chief of Staff;  
26

27 *Provided, That all persons commissioned as officers in the Regular Force pursuant*  
28 *to this section shall be natural-born citizens of the Philippines, of good moral*  
29 *character, physically qualified for active military service, and except for paragraph (d)*  
30 *above, not more than twenty-six (26) years of age, and shall have such other*  
31 *qualifications as may be prescribed by the Secretary of National Defense.*  
32  
33  
34  
35

1           Section 61. *Appointments in the Technical and Administrative Services.* –  
2 Initial appointments of Regular Officers in the Technical and Administrative Services  
3 issued by the President shall be in accordance with the following rules:

4

5           a. *Health Services.* Initial appointments in the Medical Corps, Dental  
6 Corps and Nurse Corps shall be in the grade of O-3  
7 (Captain/Lieutenant), O-2 (First Lieutenant/Lieutenant Junior Grade)  
8 and O-1 (Second Lieutenant/Ensign), respectively, from among  
9 applicants who at the time of appointment shall not be more than thirty  
10 six (36) years of age, and shall have passed the appropriate board  
11 examinations and have been admitted to the practice of the  
12 professions covered by the Medical Services by the Professional  
13 Regulation Commission or other appropriate government regulatory  
14 agency.

15

16           b. *The Judge Advocate General's Service.* Initial appointments in the  
17 Judge Advocate General's Service shall be in the grade of O-3  
18 (Captain/Lieutenant) from among applicants who at the time of  
19 appointment shall not be more than thirty six (36) years of age and  
20 shall have been admitted to the practice of law in the Philippines.

21

22           c. *Chaplain Service.* Initial appointments in the Chaplain Service shall be  
23 in the grade of O-3 (Captain/Lieutenant) from among applicants who at  
24 the time of appointment shall not be more than thirty six (36) years of  
25 age and shall have been ordained and duly endorsed for chaplaincy  
26 according to the laws and usage of his church.

27

28           Section 62. *Revocation of Appointment.* – The appointment of an officer in  
29 any of the grades provided in Section 59 hereof and who is found not fully qualified  
30 for such appointment or who lacks any of the qualifications prescribed by law or  
31 regulation may be revoked by the President at any time, upon the recommendation  
32 of the Secretary of National Defense.

33

34

35

1           Section 63. *Officer Grade Distribution.* – (a) The Secretary of National  
2 Defense shall prescribe the authorized number of officers in the Regular Force in  
3 each grade and in each Major or Technical and Administrative Service: *Provided,*  
4 That such number of officers shall not exceed the number in each grade authorized  
5 in the Table of Organization and Equipment of units of the Regular Force distributed  
6 as follows:

7

| 8  | Grade       | Rank (PA/PAF)      | Rank (PN)               | Percentage |
|----|-------------|--------------------|-------------------------|------------|
| 9  | O-7 to O-10 | General            | Flag Officer            | 1.125 %    |
| 10 | O-6         | Colonel            | Captain                 | 6 %        |
| 11 | O-5         | Lieutenant Colonel | Commander               | 12 %       |
| 12 | O-4         | Major              | Lieutenant Commander    | 18 %       |
| 13 | O-3         | Captain            | Lieutenant              | 20 %       |
| 14 | O-2         | First Lieutenant   | Lieutenant Junior Grade |            |
| 15 | O-1         | Second Lieutenant  | Ensign                  | 42.875 %   |

16

17 *Provided,* That such distribution is based on the total officer strength authorized for  
18 the AFP.

19

20           (b) The manning level in the Table of Organization and Equipment of units  
21 of the Regular Force shall be in accordance with their respective missions and officer  
22 requirements, subject to the condition that the schedule of percentage for each  
23 grade as herein prescribed shall not be exceeded.

24

25           (c) In the determination of the officer to enlisted personnel ratio, the  
26 mission requirement, capabilities, scope of responsibility, technical nature of the  
27 position and task, and equipment inventory of units shall be taken into consideration.

28

29           (d) Considering the highly technical nature of the Philippine Air Force and  
30 the Philippine Navy, they shall be allocated a higher officer to enlisted personnel  
31 ratio which shall not exceed fifteen percent (15%) of the officer to enlisted personnel  
32 ratio allocated in the Philippine Army.

33

34

35

1 (e) As far as practicable, officers in the Technical or Administrative  
2 Services such as, but not limited to, the Judge Advocate General, Surgeon General,  
3 Chief, Dental Service and Chief Nurse may be eligible for promotion to General/Flag  
4 Officer Grade.

5

6 (f) In cases where the actual number in a grade is less than the number  
7 prescribed pursuant to paragraph (a) above, the difference may be applied as an  
8 increase to the number prescribed in a lower grade. [cf. Section 1, RA 8186, s. 1996  
9 as amended by RA 9188, s. 2003]

10

11 Section 64. *Procurement of Additional Officers.* – (a) Within the authorized  
12 active list of commissioned officer strength of the Regular Force, the President is  
13 authorized to appoint additional officers in the Regular Force in commissioned officer  
14 grades from such Officer Candidate Schools established by the Secretary of National  
15 Defense pursuant to Section 47 hereof.

16

17 (b) All persons appointed officers in the Regular Force pursuant to this  
18 section shall be natural-born citizens of the Philippines, not less than twenty one (21)  
19 nor more than twenty-six (26) years of age, of good moral character, physically  
20 qualified for active military service and shall have such other qualifications as may be  
21 prescribed by the Secretary of National Defense.

22

#### 23 **Company Grade Officers**

24

25 Section 65. *Company Grade Officer Lists.* – (a) The President, through the  
26 Secretary of National Defense, shall cause the names of all commissioned officers in  
27 active service of the Regular Force in permanent grades of O-1 (*Second*  
28 *Lieutenant/Ensign*) and O-2 (*First Lieutenant/Lieutenant Junior Grade*) to be carried  
29 on a list for each of the Major, Technical and Administrative Services, such that the  
30 names of officers shall be arranged by grade, in accordance with their dates of  
31 permanent appointments in such grades, and in the order prescribed in Section 59  
32 hereof. Among officers of the same grade within the same Company Grade Officer  
33 List, names of officers shall be arranged alphabetically with no particular reference to  
34 any seniority therein.

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Section 66. *Promotion to the Next Higher Grade.* – Unless otherwise provided by law, officers of the Regular Force shall be permanently promoted to and appointed in the next higher grade, only when evaluated, passed upon and recommended for promotion to those grades by the appropriate selection board as provided in this Act.

Section 67. *AFP Selection Boards.* – (1) *Creation.* The Secretary of National Defense, upon the recommendation of the Chief of Staff, shall create such Selection Boards in each of the Major and Technical and Administrative Services as may be necessary to act upon the promotion of officers to Grades O-3 to O-6. The AFP Selection Boards shall be convened from time to time and under such regulations as the Secretary of National Defense may prescribe. Each member of a Selection Board shall swear or affirm that he will perform the duties imposed upon him as provided herein, without prejudice or partiality, and having in view both the fitness of officers and the interest of the AFP.

(2) *Composition; Term of Office.* There shall be at least five (5) Members in each AFP Selection Board, all of whom shall be appointed by the Secretary of National Defense, upon the recommendation of the Chief of Staff; *Provided,* That the Chief of Staff, the Vice Chief of Staff, The Deputy Chief of Staff and the commanders or chiefs of the Major Service may not become a member of any Selection Board. All the members of each AFP Selection Board shall serve for a term of one (1) year: *Provided,* That a member who is appointed to an AFP Selection Board as replacement of another member shall serve only the unexpired term of the member he replaced: *Provided, Further,* That no officer shall serve on two (2) consecutive Selection Boards when the second of such boards considers any of the officers who were considered but not recommended for that grade by the first.

(3) *Voting.* – A majority of the total members of any AFP Selection Board must agree on each of the officers recommended for promotion by that Selection Board.

1       Section 68. *Promotion to Grades O-2 and O-3.* – (1) Irrespective of the  
2 existence of vacancies, each commissioned officer in the active service of the  
3 Regular Force in the permanent grades of O-1 and O-2 shall be eligible for  
4 promotion to the grades of O-2 and O-3, respectively, and shall be evaluated and  
5 passed upon, and shall be recommended for promotion or otherwise by an  
6 appropriate Selection Board created for the purpose: *Provided*, That the date of  
7 effectivity of the promotion shall be the date on which he completes three (3) years  
8 and seven (7) years active commissioned service, respectively, subject to such  
9 regulations as may be prescribed by the Secretary of National Defense.

10  
11       (2) For this purpose, the appropriate Selection Board shall be convened  
12 and the appropriate recommendation for promotion shall be submitted to the  
13 President sufficiently in advance of the date on which such officers shall complete  
14 the three (3) and seven (7) years active commissioned service, respectively.

15  
16       (3) The number of years of service required for promotions in the  
17 Technical and Administrative Services in the grades of O-2 and O-3 shall be subject  
18 to such regulations as may be prescribed by the Secretary of National Defense,  
19 upon the recommendation of the Chief of Staff. [*cf.* Section 6(b), RA 291]

20  
21       (4) Any officer considered and not recommended by any Selection Board  
22 for the grades of O-2 and O-3 shall be considered a "deferred officer" and shall suffer  
23 loss in precedence for promotion purposes to those officers who are recommended  
24 by the selection board which failed to recommend him. Such loss in precedence for  
25 promotion purposes shall not result in any loss in seniority by such deferred officer  
26 until his juniors are promoted to the next higher grade.

27  
28       (5) Deferred officers in the grade of O-2 shall be considered a second time  
29 by the next selection board designated for consideration of officers of his grade and  
30 promotion list. If any officer is not selected for the grade of O-3 but is subsequently  
31 recommended and promoted to that grade, his failure in the grade from which  
32 promoted shall not in any sense be counted as a failure of selection when he is  
33 subsequently considered for further promotion. If a Deferred Officer is not  
34 recommended by the next consecutive selection board, he shall be eliminated from

1 the active list of the Regular Force and separated from the service pursuant to the  
2 provisions of this Act, or any other law which may hereafter be provided for such  
3 purpose.

4

5 Section 69. *Seniority and Lineal List.* – (a) After appointment and  
6 promotion to the grade of O-3 (Captain/Lieutenant), the President, through the  
7 Secretary of National Defense, shall establish at the first instance on the first of  
8 December of each calendar year, the relative seniority of such officers promoted  
9 within the same year among themselves, whereby the first name on the list shall be  
10 that of the officer most senior in the permanent grade of O-3; the second name on  
11 the list shall be that of the senior next below the first; the third on the list shall be that  
12 of the senior below the second; and so on throughout the list of appointees promoted  
13 to the grade of O-3: *Provided*, That the SLL for the Philippine Navy shall include  
14 officers of the Philippine Marine Corps, whose placements in the said list shall be in  
15 accordance with their relative seniority within the Philippine Navy.

16

17 (b) The minimum standards or criteria to be used in establishing the SLL at  
18 the first instance in the grade of O-3 and the placement of the names of officers  
19 within the SLL shall be subject to the regulations to be prescribed by the Secretary of  
20 National Defense upon the recommendation of the Chief of Staff.

21

22 (c) The SLL for each of the Major, Technical and Administrative Services  
23 existing at the time of the approval of this Act shall continue to establish the relative  
24 seniority of the officers listed therein.

25

26 Section 70. *Determination of Seniority.* – (1) In determining seniority  
27 among officers of the same grade and promotion list, the names shall be arranged  
28 as provided for in the preceding section, and seniority among such officers shall  
29 thereby be established.

30

31 (2) In determining seniority among officers of the same permanent grade  
32 whose names are not contained in the same promotion list, seniority shall be  
33 determined by the following rules:

34

35

- 1           a.     Among officers of the same grade, the officer with the earliest date of  
2                 permanent appointment or with the longest time in that permanent  
3                 grade shall be senior;  
4
- 5           b.     Among officers of the same grade and the same date of permanent  
6                 appointment to said rank or same length of service in such permanent  
7                 grade, the officer with the earliest date of permanent appointment to  
8                 the next lower grade or with the longest time therein, and so on, shall  
9                 be senior;  
10
- 11          c.     In case seniority cannot be determined through paragraphs a or b  
12                 hereof, the officer with the longer continuous active commissioned  
13                 service shall be senior;  
14
- 15          d.     In case seniority cannot be determined through paragraphs a, b or c  
16                 hereof, the officer with the earlier date of the original appointment in the  
17                 Regular Force shall be senior; and  
18
- 19          e.     In cases where seniority cannot be determined by any of the foregoing  
20                 provisions, seniority shall be determined by rules established by the  
21                 Secretary of National Defense.  
22
- 23          (3)    Except as otherwise provided by law, any officer transferred from one  
24          Major Service to another, the officers of which are contained in a different promotion  
25          list, shall have his name entered upon such new list among the officers in his grade  
26          in accordance with their relative seniority as herein above defined.  
27

28               Section 71. *Changes in Seniority and Lineal Lists.* – The Chief of Staff  
29               shall cause all changes occasioned by separations, appointments, loss of rank, and  
30               all other changes due to the operation of law or regulations issued by the Secretary  
31               of National Defense, to be entered in the approved Seniority and Lineal Lists, and as  
32               corrected, these lists shall be published by the AFP at least once each year.  
33  
34  
35

**Section 72. Removal from List.** – The President may remove from the list submitted by any AFP Selection Board the name of any officer recommended for promotion to any grade who, in his opinion, is not qualified for promotion. Any officer whose name is removed from such list by the President shall continue to be eligible for consideration for promotion by the succeeding Selection Board.

a. Should the succeeding Selection Board recommend and the President approves the promotion of such officer, he shall take the same date of rank and place on the promotion list as he would have had as if the previous removal of his name by the President categorized him as "not considered for promotion".

b. Should the succeeding Selection Board recommend the promotion of such officer but, again, his name is removed from the list by the President, he shall be considered a twice-deferred officer and shall be subsequently separated from the active service in accordance with existing regulations;

c. Should the succeeding selection board consider but does not recommend the promotion of such officer, and the President approves his deferment, he shall likewise be considered a twice deferred officer and shall be subsequently separated from the active service, in accordance with existing regulations.

### Field Grade Officers

Section 73. *Promotion to Grades O-4, O-5 and O-6.* – (a) Based upon the number of vacancies existing and anticipated in any promotion list in the grades of O-4 (Major/Lieutenant Commander) and O-5 (Lieutenant Colonel/Commander), and O-6 (Colonel/Captain), the appropriate Selection Boards shall consider and recommend for promotion to such grade officers of that list in permanent grades of O-3, O-4 and O-5 respectively, those officers who have demonstrated by actual performance, their capacity and potential for promotion to the next higher grade, and are best qualified to hold the grades of O-4, O-5 and O-6, respectively, irrespective

1 of the length of service of such officers. The number to be recommended for  
2 promotion to the next higher grade shall not exceed the number of vacancies  
3 existing and anticipated.

4

5 (b) When officers in the grades of O-3, O-4 and O-5 are to be considered  
6 by a Selection Board for promotion to the grades of O-4, O-5 and O-6, respectively,  
7 to fill vacancies in these grades, existing or anticipated, Selection Boards shall  
8 consider officers in the grades of O-3, O-4 and O-5, as the case may be, in the order  
9 of their seniority as their names appear on the appropriate Seniority and Lineal List,  
10 recommend those who are fully qualified for promotion to the grade concerned, pass  
11 over those who are not fully qualified for promotion to such grade, and continue such  
12 procedure until a specified number of recommended officers is obtained: *Provided,*  
13 That for the purpose of filling every third vacancy in the grade for O-4, O-5 and O-6  
14 in any promotion list, existing or anticipated, the Selection Board may recommend  
15 the best qualified officer, irrespective of his place in the promotion list: *Provided,*  
16 *further,* That any officer who is passed over by virtue of not having been selected for  
17 promotion pursuant to the preceding provision shall not be considered a Deferred  
18 Officer.

19

20 Section 74. *Maximum Time-in-Grade in the Grades of O-3 to O-6.* – (a)  
21 Officers in the following permanent grades shall, unless promoted to the next higher  
22 grade, be compulsorily separated from the service, as the case may be, upon  
23 reaching the maximum time-in-grade prescribed as follows:

24

|       |                              | Maximum         |
|-------|------------------------------|-----------------|
| Grade | Ranks                        | Time-in-Grade   |
| O-6   | Colonel/Captain              | Seven (7) years |
| O-5   | Lieutenant Colonel/Commander | Six (6) years   |
| O-4   | Major/Lieutenant Commander   | Six (6) years   |
| O-3   | Captain/Lieutenant           | Six (6) years   |

31

32 *Provided,* That the President may lengthen such active service-in-grade when  
33 necessary to maintain the desirable officer rank structure and/or enhance a  
34 progressive professional development of the officer corps: *Provided, further,* That

35

1 the extension of such active service-in-grade granted by the President shall in no  
2 case exceed one (1) year: *Provided, further,* That an extension shall not be granted  
3 to any officer more than once: *Provided, finally,* That an officer with at least twenty  
4 (20) years of active service shall be retired in the grade next higher than the  
5 permanent grade he holds. [cf. Section 10, PD 1638]

6

7 (b) Notwithstanding the maximum time-in-grade provisions of paragraph  
8 (a) hereof, officers currently in the grades of O-3 to O-6 may remain in the active  
9 service for a period not exceeding three (3) years from the date of effectivity of this  
10 Act, after which they shall be considered compulsorily retired or separated from the  
11 service pursuant to the provisions of this Act.

12

13

### General/Flag Officers

14

15 Section 75. *Seniority List.* – There shall be maintained a seniority list of the  
16 General/Flag Officers of the Regular Force. The first name on the list shall be that  
17 of the general officer most senior in the permanent general officer grade; the second  
18 name on the list shall be that of the senior next below the first; the third on the list  
19 shall be that of the senior next below the second; and so on throughout the list.

20

21 Section 76. *Distribution of General/Flag Officers.* – The number of  
22 general/flag officers herein authorized shall be distributed to the various general/flag  
23 officer grades in accordance with the schedule of percentage as hereunder  
24 prescribed:

25

| 26 | Grade (PA/PAF)              | Grade (PN)                | Percentage     |
|----|-----------------------------|---------------------------|----------------|
| 27 | General/ Lieutenant General | Flag Officer/Vice Admiral | 8 per centum   |
| 28 | Major General               | Rear Admiral              | 30 per centum  |
| 29 | Brigadier General           | First Admiral             | 62 per centum  |
| 30 |                             | Total                     | 100 per centum |

31

32 *Provided,* That there shall only be one officer with a grade of O-10 (General/Admiral)  
33 at any time: *Provided, further,* That the number corresponding to the schedule of  
34 percentage prescribed for the grades of O-8 (Major General/Rear Admiral), O-9

35

1 (Lieutenant General/Vice Admiral), and O-10 (General/Admiral) shall be the  
2 maximum: *Provided, furthermore*, That if the actual number in a grade is less than  
3 the number prescribed, the difference may be applied as an increase to the number  
4 prescribed in the lower grade.

5  
6 Section 77. *Promotion to General/Flag Officer Grades.* – The Secretary of  
7 National Defense shall recommend to the President the promotion of officers in any  
8 of the General/Flag Officer Grades, who have demonstrated by actual performance  
9 of duty and experience, their capability and potential to be best qualified to hold the  
10 next higher grade. No officer shall be promoted to the grade of O-7 (Brigadier  
11 General/First Admiral) or higher unless there is an existing vacancy and the officer is  
12 occupying a position in the Table of Organization and Equipment that requires the  
13 grade for which he is being considered for promotion or assignment. [*cf.* Section 4,  
14 RA 9188, s. 2003]

15  
16 Section 78. *AFP Board of Generals.* – In order to assist the Secretary of  
17 National Defense in the performance of his duties as prescribed in the immediately  
18 preceding section, he may convene the AFP Board of Generals, composed of the  
19 Chief of Staff as Chairman, the Vice Chief of Staff, The Deputy Chief of Staff and the  
20 Chiefs of the Major Services as members, to evaluate and pass upon the  
21 qualifications and experience of the officers recommended for promotion to the  
22 grades of O-7 and O-8 based upon the criteria set forth in the appropriate regulations  
23 issued by the Secretary of National Defense. A report on the list of officers  
24 determined to be best qualified for promotion shall be submitted by the AFP Board of  
25 Generals to the Secretary of National Defense, who shall thereafter submit his  
26 recommendation to the President.

27  
28 Section 79. *Maximum Time-in-Grade.* – Unless otherwise provided in this  
29 Act, the maximum tenure of officers in the General Officer Grade is hereby  
30 prescribed as follows:

31  
32                   O-9           Lieutenant General           Vice Admiral           Three (3) years  
33                   O-8           Major General           Rear Admiral           Four (4) years

1                    O-7                    Brigadier General                    First Admiral                    Five (5) years

2

3                    No officer shall be promoted to the General/Flag Officer Grade if he has less  
4 than one (1) year of active service remaining prior to compulsory retirement;  
5 *Provided, however,* That officers who shall be assigned/designated to a position with  
6 a prescribed tour of duty as provided in this Act shall not be covered by the foregoing  
7 provision.

8

9

## C. MORALE AND WELFARE AND BENEFITS

10

11

### Chapter 1 – General Provisions

12

13                    Section 80. *Enhancement of Morale and Welfare in the AFP.* – The  
14 Department of National Defense shall develop implementing plans and programs to  
15 enhance the morale and welfare of military personnel in the AFP and shall establish  
16 a system which shall govern the selection, hiring, appointment, transfer, promotion  
17 and dismissal or separation of all personnel and officers in the AFP. The system  
18 shall cover incentives to deserving soldiers and military personnel in the form of  
19 scholarship grants through coordination with the Department of Education and  
20 Commission on Higher Education to their deserving children, hospital care, social  
21 services and other non-cash benefits aimed at strengthening the AFP; *Provided,*  
22 That under the scholarship program, children of prisoners of war or those missing in  
23 action and of those who were killed in action or otherwise died as a result of such  
24 service may be awarded scholarship grants. [Section 3, RA 9166]

25

26                    Section 81. *Pay Status in General.* – (a) The pay and allowances of military  
27 personnel shall be as prescribed in this Act and as long as a person in the active  
28 military service of the Philippines, he is entitled to receive the pay and allowances  
29 corresponding to his grade or rank, unless said pay and allowances have not  
30 accrued or have been forfeited under this Act, or any other provision of law. [cf.  
31 Section 2, RA 138, s. 1947]

32

33                    (b) The separation of any person from the active service cannot be  
34 effected for purposes of pay and allowances, before the date on which the individual

35

1 receives or becomes legally chargeable with notice of his separation from the active  
2 service, whether by resignation, discharge, reversion to inactive status, retirement or  
3 dismissal: *Provided*, That the date on which a person is to be legally chargeable with  
4 notice of his separation shall be determined in accordance with the regulations to be  
5 prescribed by the Chief of Staff. [cf. Section 4, RA 138]

6

7       Section 82. *Authorized Absences.* – (a) Any officer or enlisted personnel in  
8 the active service who is officially reported as missing, missing in action, interned in  
9 a neutral country, or captured by the enemy, shall, while so absent, be entitled to  
10 receive, or to have credited to his account, the same pay and allowances to which  
11 such person was entitled at the time of the beginning of the absence or may become  
12 entitled to thereafter: *Provided*, That such person shall not have been officially  
13 determined as having been absent from his post of duty without authority: *Provided*,  
14 *further*, That expiration of the agreed terms of service during the period of such  
15 absence shall not operate to terminate the right to receive such pay and allowances:  
16 *Provided, finally*, That should proper authorities subsequently determine that the  
17 person concerned has been absent from his post of duty without authority, such  
18 person shall be indebted to the Government in the amount for which payments have  
19 been made or pay and allowances credited to his account in accordance with the  
20 provisions of this Act during such absence. [cf. Section 5, RA 138]

21

22       (b) In case any military personnel is entitled to receive pay and allowances  
23 under the immediately preceding paragraph, the Secretary of National Defense or  
24 such persons as he may designate, may direct that so much of the absent person's  
25 pay and allowances necessary for the reasonable support of his dependents and/or  
26 payment of insurance premiums, shall be paid by the appropriate disbursing officer  
27 for a period of twelve (12) months from the date of commencement of the absence:  
28 *Provided*, That any premium paid by the Government subsequent to the declared  
29 death and earned on the insurance issued on the life of a person shall revert to the  
30 appropriations of the AFP. [cf. Section 6, RA 138]

31

32       (c) When the twelve (12)-month period from the commencement of  
33 absence is about to expire in case of any military personnel missing or missing in  
34 action and no official report of death or of being interned has been received, the

35

1 Chief of Staff is hereby authorized to direct the continuance of the person's missing  
2 status if the person may be reasonably presumed to be living, or to make a finding of  
3 death. In the event of a continuance of the missing person's status is directed, the  
4 Chief of Staff shall order a review of the case whenever warranted by information  
5 received or other circumstances. When a finding of death is made, it shall include  
6 the date upon which death shall be presumed to have occurred for the purpose of  
7 termination of crediting pay and allowances, settlement of accounts, and payment of  
8 death gratuities and other benefits arising by reason of death. [cf. Section 7, RA  
9 138]

10

11 (d) When the circumstances surrounding the absence of a missing person  
12 of one of the classes mentioned in paragraph (b) hereof, the Chief of Staff, or such  
13 persons as he may designate, may direct the continuance, suspension, or  
14 resumption or payments of the pay and allowance of such person. Except as  
15 provided in paragraph (c) hereof, payment of insurance premiums or amounts  
16 necessary for the support of dependents shall not continue beyond the twelve (12)-  
17 month period following the officially reported date of commencement of absence. [cf.  
18 Section 8, RA 138]

19

20 (e) Within the scope of the authority granted by this Act, the determination  
21 by the Chief of Staff or by such persons as he may designate, of the status of a  
22 person in the AFP or of the fact of dependency under the provisions of this Act, or  
23 his direction relative to continuance, temporary suspension, or resumption of  
24 payment of pay and allowances, or finding of death, shall be conclusive. [cf. Section  
25 9, RA 138]

26

27 Section 83. *Unauthorized Absences.* – (a) Neither pay nor allowances  
28 shall accrue to any military personnel during unauthorized absence, unless excused  
29 as unavoidable. For purposes of entitlement to pay and allowances, the question of  
30 whether absence from duty of any military personnel is authorized or not and, if not,  
31 whether it is absence without leave or in desertion, is determined administratively. In  
32 the absence of court-martial finding thereon, it is sufficient to justify the withholding of  
33 pay and allowances that the fact of an unauthorized absence appears upon the  
34 morning report of the company, battery, troop or squadron, as the case may be. The  
35

1 computation of unauthorized absence for purposes of withholding pay and  
2 allowances shall be in accordance with such rules and regulations as the Chief of  
3 Staff shall promulgate with the approval of the Secretary of National Defense. [cf.  
4 Sections 10, 11, 12, RA 138]

5

6       Section 84. *Military Personnel Absent Due to Diseases Arising from*  
7 *Misconduct.* – (a) No person in the military service who shall be absent from his  
8 regular duties on account of the effects of a disease, as distinguished from injury,  
9 which is directly attributed to and immediately follows his own intemperate use of  
10 alcoholic liquor or habit-forming drugs shall, except as hereinafter provided, be  
11 entitled to any pay and allowances, for the period of such absence. [cf. Section 13,  
12 RA 138]

13

14       (b) No person in the military service who shall be absent from his regular  
15 duties on account of the direct effects of a (venereal) disease due to his own  
16 misconduct, shall, except as hereinafter provided, be entitled to any pay and  
17 allowances, for the period of such absence: *Provided*, That such absence is within a  
18 period of one (1) year following the appearance of the initial symptoms of such  
19 disease and regardless of whether the appearance of the initial symptoms occurs  
20 prior or subsequent to the date of entry into the service. [cf. Section 14, RA 138]

21

22       (c) For all purposes within the scope of this Section, the period of absence  
23 and the cause thereof shall be determined under such procedure and regulations as  
24 may be prescribed by the Chief of Staff and such determination shall be final and  
25 conclusive. [cf. Section 16, RA 138]

26

27       Section 85. *Personnel Undergoing Trial by General Courts-Martial or*  
28 *Detained by Civil Authorities.* – (a) An officer or enlisted man undergoing trial by  
29 General Court-Martial shall not be entitled to receive full pay and allowances for the  
30 period during which his case is pending until the result of the trial is known, unless  
31 otherwise directed by the Chief of Staff, subject to rules and regulations to be issued  
32 by the Secretary of National Defense: *Provided, however*, That the continuance of  
33 the entitlement to Subsistence Allowance, Quarter's Allowance and other allowances

34

35

1 may be allowed by the Chief of Staff during the pendency of the proceedings. [cf.  
2 Section 17 and 18, RA 138 with amendments]

3  
4 (b) The pay and allowances of an enlisted man whose term of enlistment  
5 expires while he is in confinement, undergoing trial or serving sentence, terminates  
6 on the date of the expiration of his term of service. [cf. Section 20, RA 138]

7  
8 Section 86. *Military Personnel Under Detention or Confinement by Civilian*  
9 *Authorities.* – (a) Officers and enlisted personnel arrested or detained by the  
10 civilian authorities, or temporarily released on bail, or convicted by the civil courts  
11 and released under bond pending final determination of an appeal to a higher court,  
12 will receive no pay and allowances for the time of such absence. If unconditionally  
13 released without trial, or after trial and acquittal, their right to receive pay and  
14 allowances for the period of such absence is restored. [cf. Section 21, RA 138]

15  
16 (b) An officer or enlisted man discharged or released from active service  
17 while in the custody of civilian authorities awaiting trial, will be paid only for the  
18 period up to the date of his arrest and will not be paid travel pay: *Provided, That if*  
19 *the officer or enlisted man is acquitted, he shall be entitled to pay and allowances for*  
20 *the period up to the date of his discharge or relief from active duty.* [cf. Section 22,  
21 RA 138]

22  
23 (c) Notwithstanding the provisions of paragraph (a) hereof, an officer on  
24 authorized leave or an enlisted man on furlough, who is arrested by civilian  
25 authorities and convicted, is entitled to receive pay until the date of expiration of his  
26 leave or furlough, respectively. [cf. Section 23, RA 138]

## 27 28 **Chapter 2 - Pay of Military Personnel**

29  
30 Section 87. *Pay Schedule.* – (a) A person in the active military service  
31 shall be entitled to receive the pay and allowances corresponding to his grade or  
32 rank, unless said pay and allowances have not accrued or have been forfeited under  
33 this Act or any other provision of law. The pay and allowances of military personnel  
34 shall be in accordance with the following schedule:

|    |              |                                                                    |               |
|----|--------------|--------------------------------------------------------------------|---------------|
| 1  |              |                                                                    |               |
| 2  |              |                                                                    | <b>Salary</b> |
| 3  | <b>Grade</b> | <b>Rank</b>                                                        | <b>Grade</b>  |
| 4  | O-10         | General/Admiral                                                    | 30            |
| 5  | O-9          | Lieutenant General/Vice Admiral                                    | 29            |
| 6  | O-8          | Major General/Rear Admiral                                         | 28            |
| 7  | O-7          | Brigadier General/First Admiral                                    | 27            |
| 8  | O-6          | Colonel/Captain                                                    | 26            |
| 9  | O-5          | Lieutenant Colonel/Commander                                       | 25            |
| 10 | O-4          | Major/Lieutenant Commander                                         | 24            |
| 11 | O-3          | Captain/Lieutenant                                                 | 23            |
| 12 | O-2          | First Lieutenant/Lieutenant Junior Grade                           | 22            |
| 13 | O-1          | Second Lieutenant/Ensign                                           | 21            |
| 14 | E-10         | First Chief Master Sergeant/First Master Chief Petty               | 19            |
| 15 |              | Officer                                                            |               |
| 16 | E-9          | Chief Master Sergeant/Master Chief Petty Officer                   | 18            |
| 17 | E-8          | Senior Master Sergeant/Senior Chief Petty Officer                  | 17            |
| 18 | E-7          | Master Sergeant/Chief Petty Officer                                | 16            |
| 19 | E-6          | Sergeant 1 <sup>st</sup> Class/Petty Officer 1 <sup>st</sup> Class | 15            |
| 20 | E-5          | Staff Sergeant/Petty Officer 2 <sup>nd</sup> Class                 | 14            |
| 21 | E-4          | Sergeant/Petty Officer 3 <sup>rd</sup> Class                       | 13            |
| 22 | E-3          | Corporal/Seaman/Fireman 1 <sup>st</sup> Class                      | 12            |
| 23 | E-2          | Private First Class/Seaman/Fireman 2 <sup>nd</sup> Class           | 11            |
| 24 | E-1          | Private/Apprentice Seaman/Fireman                                  | 10            |

25

26 (b) Cadets of the Philippine Military Academy, Probationary Second  
 27 Lieutenants and Officer Candidates shall receive such allowances as may be  
 28 prescribed by Chief of Staff, pursuant to the guidelines to be issued by the Secretary  
 29 of National Defense for the purpose.

30

31 Section 88. *Longevity Pay.* – In addition to the monthly base pay, each  
 32 officer and enlisted personnel of the AFP shall receive a longevity pay equivalent to  
 33 *ten per centum* (10%) of the monthly base pay authorized for his grade for each five  
 34 years of faithful and efficient service rendered as an officer or enlisted personnel of

35

1 the AFP, such additional pay to be compounded every five (5) years: *Provided, That*  
2 the total amount of longevity pay shall not exceed *fifty per centum* (50%) of the  
3 monthly base pay of such military personnel as prescribed by law; *Provided, Further,*  
4 That for military personnel with broken service, the sum total of the active tours of  
5 duty shall be counted for purposes of computing the longevity pay. [cf. RA 1134, s.  
6 1954]

7

8 Section 89. *Collateral Pay.* – Collateral pay shall be composed of the  
9 following classes of pay:

10

11 (1) *Specialist Pay.* Under such regulations as the Secretary of National  
12 Defense shall prescribe, enlisted men, except those receiving Flying Pay, Air  
13 Mechanic's Pay, Hazardous Pay or Combat Pay, may be rated as specialists and  
14 receive additional monthly pay therefor with rates not less than the following:

15

|    |               |          |
|----|---------------|----------|
| 16 | First Class   | P 150.00 |
| 17 | Second Class  | 130.00   |
| 18 | Third Class   | 110.00   |
| 19 | Fourth Class  | 90.00    |
| 20 | Fifth Class   | 70.00    |
| 21 | Sixth Class   | 50.00    |
| 22 | Seventh Class | 40.00    |
| 23 | Eighth Class  | 30.00    |
| 24 | Ninth Class   | 20.00    |

25

26 [cf. Section 11, RA 1831, s. 1957, EO 33, s. 1986 and Circular No. 12, GHQ, 17  
27 September 1986]

28

29 (2) *Combat Duty Pay.* Officers and enlisted personnel, draftees and trainees  
30 who are engaged or participated in any of the Combat Duties as may be defined by  
31 regulations to be issued by the Secretary of National Defense and approved by the  
32 President for the purpose shall, in addition to the monthly base pay, be paid the  
33 Combat Duty Pay equivalent to twenty five percent (25%) of the basic pay for the  
34 enlisted grade of E-1, subject to the conditions prescribed in regulations to be issued

35

1 by the Secretary of National Defense: *Provided, however,* That the receipt of Combat  
2 Duty Pay by an individual will no longer entitle him to receive within the same period,  
3 any of the Sea Duty Pay, Air Mechanic's Pay, Specialist's Pay and Instructor's Duty  
4 Pay. [cf. Section 10, RA 1831, s. 1985 & EO 1017, s. 1985]

5  
6 (3) *Flying Pay.* All officers and enlisted personnel whose duty requires regular  
7 and frequent aerial flights, whether as crew or non-crew members, shall be entitled  
8 to a Flying Pay per month equivalent to fifty percent (50%) of the base pay, subject  
9 to the conditions prescribed in regulations to be issued by the Secretary of National  
10 Defense: *Provided,* That only those officers and enlisted personnel who have  
11 actually complied with the minimum number of flying hours per month shall be  
12 entitled to the Flying Pay.

13  
14 (4) *Air Mechanic's Pay.* Due to the necessity for technically trained enlisted  
15 personnel to properly maintain flying equipment, qualified first, second and third  
16 class mechanics of the Air Force assigned to aircraft maintenance units, except  
17 those receiving Flying Pay, Hazardous Duty Pay, Combat Pay or Specialist's Pay  
18 and not exceeding fifteen percent (15%) of the enlisted strength of the Philippine Air  
19 Force, when required to properly maintain flying equipment by competent authority,  
20 shall receive additional monthly pay of not less than five percent (5%) of their base  
21 pay, respectively;

22  
23 (5) *Sea Duty Pay.* Officers and enlisted men of the Philippine Navy, except  
24 those receiving Hazardous Duty Pay or Combat Duty Pay, when performing sea duty  
25 pursuant to orders by competent authority, shall receive additional pay equivalent to  
26 twenty five percent (25%) of the Base Pay prescribed for their respective grades;

27  
28 (6) *Hazardous Duty Pay.* Officers and enlisted personnel, except those  
29 receiving Flying Pay, Air Mechanic's Pay, Sea Duty Pay, Combat Pay or Specialist's  
30 Pay shall receive additional pay equivalent to fifty percent (50%) of the Base Pay  
31 prescribed for their respective grades while actually engaged in hazardous duty as  
32 defined in regulations prescribed by the Secretary of National Defense. [cf. Section  
33 9, RA 1831] For this purpose, "*Hazardous Duty*" shall include: duties involving  
34 deep-sea diving, underwater demolition; air or sea rescue operations during

35

1 disasters and calamities; handling, work exposure and disposal of toxic, lethal or  
2 hazardous chemical-biological equipment devices, material agents or substances or  
3 lethal biological agents and other lethal gases; work or laboratory exposure to  
4 infectious or contagious diseases or related virulent, micro-organism threatening  
5 environments, or lethal biological agents and other lethal gases; firefighting and  
6 rescue operations where personnel are exposed to critical high risk and hazardous  
7 environments; assignment in the Kalayaan Group of Islands; installation, removal,  
8 repair and modification of aircraft egress system; operation of psychological training  
9 devices, to include compression therapy; and construction, work exposure and  
10 maintenance of high voltage electrical equipment. [cf. GHQ Circular No. 7, 13 June  
11 2000]

12  
13 (7) *Instructor Duty Pay*. Military personnel on instructor duty in any accredited  
14 AFP School and Training Unit shall be entitled to Instructor Duty Pay pursuant to  
15 regulations prescribed by the Secretary of National Defense. [cf. Par. 7, AFP  
16 Special Provisions, Personal Services Itemization Document of the GAA, FY 1989]  
17 For this purpose, "*Instructor Duty*" refers to the duty assignment of an officer or  
18 enlisted personnel of the AFP requiring such personnel to teach, convey or  
19 communicate knowledge or supervise training activities or conduct researches or  
20 perform duties as training aid in one or more military and/or general subjects in any  
21 AFP school or training unit, where said officer or enlisted personnel is assigned or  
22 detailed. [cf. GHQ Circular No. 4, 5 February 1990]

23  
24 (8) *Parachutist's Pay*. Officers and enlisted personnel on duty involving  
25 parachute jumping from an aircraft in flight as an essential part of military duty,  
26 performed by one who has received a rating as a parachutist or in undergoing  
27 training for such a rating, shall be entitled to parachutist's pay equivalent to fifty  
28 percent (50%) of their base pay, pursuant to regulations prescribed by the Secretary  
29 of National Defense. [cf. Section 9, RA 1831; AFP GHQ Circular No. 25, 12 October  
30 1962]

31  
32 (9) *Hardship Pay*. Officers and enlisted personnel who are assigned or  
33 detailed with units, stations or sites which are isolated and inaccessible to normal  
34 means of transportation where there is little or no opportunity for such military  
35

1 personnel to join their families during their tour of duty, and where the facilities within  
2 the station and the locality are inadequate to provide for the basic necessities of life  
3 shall be entitled to a Hardship Pay equivalent to not more than twenty five percent  
4 (25%) but not less than ten percent (10%) of their base pay, pursuant to regulations  
5 prescribed by the Secretary of National Defense. [cf. RA 9040, s. 2001; Recurring  
6 AFP Special Provisions of the GAA which pertains to the Granting of Hardship  
7 Allowance to Military Personnel; GHQ Circular No. 3, 25 July 2001]

8  
9 Section 90. *Hazard Pay.* – Hazard pay shall be granted to all officers and  
10 enlisted personnel, draftees and extended trainees of the AFP at the rate of One  
11 Hundred Twenty Pesos (P120.00) each per month. [cf. EO 31-A, s. 1986] The  
12 hazard pay is given as a special incentive to all members of the AFP for being in the  
13 organization due to the risky nature of the profession of soldiery. [cf. GHQ Circular  
14 dated 1 July 1986]

### 15 16 Chapter 3 – Allowances of Military Personnel 17

18 Section 91. *Mandatory Allowances.* – All officers and enlisted personnel in  
19 the active service shall be entitled to the mandatory allowances provided under  
20 existing laws, rules and regulations, including, but not limited to: (1) Cost of Living  
21 Allowance (COLA); (2) Personnel Economic Relief Allowance (PERA); and (3)  
22 Hazardous Allowance. [cf. RA 9040, s. 2001]

23  
24 Section 92. *Collateral Allowances.* – All officers and enlisted personnel in  
25 the active service shall be entitled to collateral allowances provided under existing  
26 laws, rules and regulations, including, but not limited to: (1) *Special Clothing*  
27 *Allowance*; (2) *Cold Weather Allowance and Cold Weather Clothing Maintenance*  
28 *Allowance*; and (3) *Laundry Allowance*. [cf. RA 9040, s. 2001]

29  
30 Section 93. *Subsistence Allowance.* – All officers and enlisted men of the  
31 AFP in active status shall each be entitled to a basic allowance for subsistence, the  
32 value of which shall not be less than One Hundred Twenty Pesos (P120.00) per day,  
33 irrespective of their rank or grade: *Provided, That* military personnel undergoing  
34

1 military training shall be given an additional Thirty Pesos (P30.00) per day. [cf. RA  
2 5254, s. 1968, PD 397, s. 1974].

3

4 Section 94. *Subsistence Allowance for Patients in AFP Hospitals and/or*  
5 *Dispensaries.* – A subsistence allowance of not more than Thirty Pesos (P30.00)  
6 per day for each military patient to include direct dependents of officers and enlisted  
7 personnel as defined in AFP Regulations, indigent veterans as determined by the  
8 Secretary of National Defense, and detainees when confined or hospitalized in AFP  
9 hospitals; *Provided, However,* That said amount shall not be granted as cash ration  
10 to personnel concerned; *Provided, Further,* That non-indigent civilian emergency  
11 patients, non-indigent veterans, non-direct dependents of officers and enlisted  
12 personnel, when treated or admitted in dispensaries or hospitals of the AFP, shall  
13 pay for the cost of their subsistence. [cf. PD 880, s. 1976, EO 735, s. 1981]

14

15 Section 95. *Clothing Allowance.* – (a) Under such regulations as the  
16 Secretary of National Defense may prescribe, each enlisted man shall be granted  
17 Clothing Allowance the value of which shall not be less than Seventeen Thousand  
18 Pesos (P17,000.00) upon original enlistment, and not less than Twelve Thousand  
19 Pesos (P12,000.00) upon reenlistment, plus a monthly allowance of not less than  
20 Ten Pesos (P10.00), and an additional Twenty Pesos (P20.00) upon each  
21 reenlistment entered into within two months after his discharge by reason of the  
22 expiration of the enlistment. [cf. Section 15, RA 1831]

23

24 (b) A basic clothing allowance of at least Four Thousand Pesos  
25 (P4,000.00) annually, either in kind or in cash, as may be determined by the Chief of  
26 Staff, AFP and approved by the Secretary of National Defense, shall be given to  
27 each officer of the AFP; *Provided,* That the clothing allowance for military personnel  
28 on combat duty shall be higher than the clothing allowance of military personnel not  
29 on combat duty [cf. PD 556, s. 1974]

30

31 Section 96. *Authority of the President to Adjust Allowances.* – The  
32 President of the Philippines is hereby authorized, upon the joint recommendation of  
33 the Chief of Staff, AFP, the Secretaries of the Department of National Defense and  
34 the Department of Budget and Management, to adjust at a reasonable time the rates

35

1 of such allowances provided in this Chapter: *Provided*, That in computing the rate of  
2 adjustment thereof, they shall take into consideration applicable economic and social  
3 factors or indicia such as the Consumer Price Index to reflect the increase in prices  
4 caused by inflation: *Provided, Further*, That no increase under this section shall be  
5 authorized no oftener than once every three (3) years.

6

7

#### **Chapter 4 – Tax Treatment of Pay and Allowances**

8

9

Section 97. *Tax Exemption and Exemption from Attachment, Levy and*  
10 *Execution.* – Tax exemption shall be granted on AFP personnel's longevity pay,  
11 mandatory allowances, collateral pay and collateral allowances, as well as other  
12 benefits provided for by law, such that the amounts covered by such pay and  
13 allowances shall not be included in the computation of gross income and shall be  
14 exempt from taxation under Title III, Chapter VI of Republic Act No. 8424, otherwise  
15 known as the "Tax Reform Act of 1997". [cf. RA 9040, s. 2001] All such benefits,  
16 pay and allowances shall likewise not be subject to attachment, levy and execution.

17

18

The Secretary of Finance, in consultation with the Commissioner of Internal  
19 Revenue, is hereby authorized to promulgate such rules and regulations as may be  
20 necessary to implement the provisions of this section. [cf. RA 9040, s. 2001]

21

22

#### **Chapter 5 – Other Benefits**

23

24

Section 98. *Housing Assistance Program.* – The DND, in coordination with  
25 the appropriate government agencies, shall establish a special housing assistance  
26 program for AFP officers and personnel whose objective is to ensure that every  
27 soldier has a home that is structurally sound, environmentally safe, affordable and  
28 located in a wholesome community.

29

30

Under the program, deserving soldiers and military personnel shall receive  
31 housing assistance whose amounts shall be based on rank, geographic location and  
32 family status: *Provided*, That the family of those who were killed in battle or  
33 otherwise died as a result of such service may receive such assistance.

34

35

1           Section 99. *Monthly Gratuity and Privileges to an Awardee of the Medal of*  
2 *Valor.* – (a) *Medal of Valor.* The Medal of Valor is the highest award that may be  
3 given a Filipino soldier by the President of the Philippines, in recognition of  
4 conspicuous and distinctive acts of heroism and gallantry above and beyond the call  
5 of duty and in total disregard for personal safety.

6  
7           (b) *Lifetime Monthly Gratuity.* A Medal of Valor awardee shall be entitled  
8 to a lifetime monthly gratuity of Twenty Thousand Pesos (P20,000.00). This gratuity  
9 is separate and distinct from any salary or pension which the awardee is currently  
10 receiving or will receive from the Government of the Philippines: *Provided,* That in  
11 the event of death of the awardee, the same shall accrue in equal shares and with  
12 the right of accretion to the surviving spouse until she remarries and to the children,  
13 legitimate, or adopted, or illegitimate, until they reach the age of eighteen (18) or until  
14 they marry, whichever comes earlier: *Provided, Further,* That such gratuity shall not  
15 be included in the computation of gross income and shall be exempt from taxation  
16 under Title III, Chapter VI of Republic Act No. 8424, otherwise known as the "Tax  
17 Reform Act of 1997".

18  
19           The President of the Philippines is hereby authorized, upon the joint  
20 recommendation of the Chief of Staff, AFP, the Secretaries of the Department of  
21 National Defense and the Department of Budget and Management, to adjust at a  
22 reasonable time, the rates of the lifetime monthly gratuity of the awardees: *Provided,*  
23 That in computing the rate of adjustment of the lifetime monthly gratuity, they shall  
24 take into consideration applicable economic and social factors or indicia such as the  
25 inflation rate: *Provided, Further,* That no increase under this section shall be  
26 authorized no oftener than once every five (5) years.

27  
28           (c) *Other Benefits.* A Medal of Valor awardee, his/her widow/widower  
29 and/or dependents, as the case may be, shall be entitled to the following benefits  
30 and privileges:

- 31  
32           (1) Precedence in employment in government agencies or government-  
33 owned or controlled corporations: *Provided,* That the awardee or  
34 his/her dependent also meets the job qualifications or requirements;

- 1           (2)   Priority in the approval of the awardee's housing application under  
2           existing housing programs of the government;  
3
- 4           (3)   Priority in the acquisition of public lands under the Public Land Act and  
5           preferential right in the lease of pasture lands and exploitation of  
6           natural resources;  
7
- 8           (4)   Privilege of obtaining loans in an aggregate amount not exceeding Five  
9           Hundred Thousand Pesos (P500,000.00) from government-owned or  
10          controlled financial institutions without having to put up any collateral or  
11          constitute any pledge or mortgage to secure the payment of the loan;  
12
- 13          (5)   Twenty percent (20%) discount from all establishments relative to  
14          utilization of transportation services, hotels and similar lodging  
15          establishments, restaurants, recreation and sports centers and  
16          purchase of medicine anywhere in the country: *Provided*, That private  
17          establishments may claim the cost thereof as tax credits;  
18
- 19          (6)   Twenty percent (20%) discount on admission fees charged by theaters,  
20          cinema houses and concert halls, circuses, carnivals and other similar  
21          places of culture, leisure and amusement: *Provided*, That  
22          aforementioned establishments may claim the cost as tax credits;  
23
- 24          (7)   Free medical and dental services and consultation in hospital and  
25          clinics everywhere in the country: *Provided*, That private hospitals and  
26          clinics may claim the cost of services as tax credits;  
27
- 28          (8)   Exempted from the payment of tuition and matriculation fees in public  
29          or private schools, universities, colleges and other educational  
30          institutions in any pre-school, baccalaureate or post-graduate courses  
31          such as or including the course leading to the degree of Doctor of  
32          Medicine (MD), Bachelor of Laws (LLB), and Bachelor of Science in  
33          Nursing (BSN) or allied and similar courses.  
34  
35

1 In addition to the foregoing benefits, a Medal of Valor awardee and/or a son or  
2 daughter, upon reaching the age of admission as a cadet/cadette in the Philippine  
3 Military Academy, shall be given a quota if interested to join the cadet corps of said  
4 military institution or otherwise priority for direct commission, call to active duty  
5 (CAD) and/or enlistment in the Regular Force of the AFP, if qualified.

6

7 (d) *Penalties.* Any person who shall deny an awardee, his/her  
8 widow/widower and/or dependents or beneficiaries of the privileges and benefits due  
9 him/her/them by virtue of this Act, shall suffer the penalty of imprisonment ranging  
10 from three (3) years to six (6) years and a fine ranging from One Hundred Thousand  
11 Pesos (P100,000.00) to Three Hundred Thousand Pesos (P300,000.00), at the  
12 discretion of the court.

13

14 If the offender is a public officer at the time of the commission of the offense,  
15 he/she shall, in addition to the penalty above-described, likewise suffer the penalty of  
16 perpetual absolute disqualification from public office and lose all retirement and  
17 gratuity benefits under the law. In the event that such public officer, who may have  
18 been separated from the service and has already received such benefits, he/she  
19 shall be liable to restitute the same to the government: *Provided, That* the  
20 restitution mentioned shall include only such amounts received after the commission  
21 of the offense.

22

23 For purposes of this section, the term "public officer" includes elective and  
24 appointive officials and employees, permanent or temporary, whether in the  
25 classified or unclassified or exemption service receiving compensation, even  
26 nominal, from the government.

27

28 If the offense is committed by a corporation, association, partnership or any  
29 other juridical person, the penalty shall be imposed upon the officer/s or personnel  
30 responsible therefor, without prejudice to the filing of civil and/or administrative action  
31 against the said corporation, association, partnership or any other juridical person.

32

33 (e) *Rules and Regulations.* The Secretary of National Defense, jointly with  
34 the Department of Education, Culture and Sports, Department of Health, Department

35

1 of Transportation and Communications, and Department of Finance, shall issue the  
2 necessary rules and regulations to carry out the objectives of this section: *Provided,*  
3 That current recipients of this gratuity shall likewise be granted the additional  
4 privileges as provided for in this Section.

5

6

#### D. RETIREMENT AND SEPARATION

7

8 Section 100. *Applicability of Presidential Decree No. 1638, As Amended.* –  
9 Except as otherwise provided in this Act, the retirement and separation of military  
10 personnel shall be governed by the provisions of Presidential Decree No. 1638, as  
11 amended, otherwise known as the “AFP Military Personnel Retirement and  
12 Separation Decree of 1979.”

13

14 Section 101. *Active Service for Purposes of Retirement.* – For purposes of  
15 retirement, active service of a military person shall mean active service rendered by  
16 him as a commissioned officer, enlisted person, and service rendered by him as a  
17 civilian official or employee in the Philippine Government prior to the date of his  
18 separation or retirement from the AFP, for which military and/or civilian service he  
19 shall have received pay from the Philippine Government and/or such other as may  
20 hereafter be prescribed by law as active service; *Provided,* That for purposes of  
21 retirement, he shall have rendered at least fifteen (15) years of active service as an  
22 officer or enlisted man in the AFP; and *Provided, Further,* That not more than five (5)  
23 years of such civilian government service shall be credited for purposes of  
24 retirement.

25

26 Section 102. *Optional Retirement.* – Upon completion or accumulation of at  
27 least twenty (20) years of satisfactory active service, an officer or enlisted man may,  
28 at his own request, be retired from active service; *Provided,* That in the case of an  
29 officer, his optional retirement shall be subject to the approval of the Secretary of  
30 National Defense: *Provided,* That the optional retirement of officers in the General or  
31 Flag Officer grades shall be approved by the President.

32

33 Section 103. *Compulsory Retirement.* – (a) *General Rule.* Subject to the  
34 exceptions provided hereunder, an officer or enlisted man shall be compulsorily

35

1 retired, by operation of law, upon accumulation of thirty (30) years of satisfactory  
2 active commissioned and/or enlisted service: *Provided*, That no officer shall remain  
3 in the active service beyond his 56<sup>th</sup> birthday.

4

5 (b) *Exceptions*. The following officers shall be entitled to remain in the  
6 active service even beyond thirty (30) years of active service, under the following  
7 circumstances:

8

9 (1) Officers who are serving in a position with a Tour of Duty prescribed in  
10 Section 29 (*The Chief of Staff*), Section 30 (*The Vice-Chief of Staff*),  
11 Section 33 (*Chiefs of Major Services*), Section 40 (*Commanders of*  
12 *Unified or Specified Commands*) and Section 45 (*PMA Superintendent*)  
13 hereof, even beyond his 56<sup>th</sup> birthday, but in no case beyond his 60<sup>th</sup>  
14 birthday. Such officers shall be deemed compulsorily retired from the  
15 service upon completion of their Tour of Duty.

16

17 (2) Officers appointed to any of the General/Flag Officer grades who are  
18 allowed to complete the maximum periods provided in Section 79  
19 (*Maximum Time-in-Grade*) hereof, but in no case beyond his 56<sup>th</sup>  
20 birthday: *Provided*, That such General or Flag Officer who is not  
21 occupying a key position in the Table of Organization and Equipment  
22 shall be compulsorily retired from the service, in accordance with  
23 regulations to be prescribed by the Secretary of National Defense for  
24 the purpose.

25

26 Section 104. *Separation Resulting from Attainment of Maximum Time-in-*  
27 *Grade*. – Unless otherwise provided in this Act, officers and enlisted personnel who  
28 attain the maximum time-in-grade provided in Section 74 and Section 55 hereof,  
29 respectively, shall be separated from the service: *Provided*, That those who are  
30 separated from the service with at least twenty (20) years of satisfactory active  
31 service may apply for optional retirement under Section 102 of this Act.

32

33 Section 105. *Adjustments in Retirement Pension*. – The monthly retirement  
34 pension of all pensioners, including those receiving survivorship pension benefits

35

1 pursuant to the provisions of existing laws, may be adjusted by the President at  
2 reasonable times, upon the joint recommendation of the Chief of Staff and the  
3 Secretary of National Defense and the Secretary of Budget and Management:  
4 *Provided*, That in computing the rate of adjustment thereof, they shall take into  
5 consideration applicable economic and social factors or indicia such as the  
6 consumer price index to reflect the increase in prices caused by inflation: *Provided*,  
7 *Further*, That no increase under this section shall be authorized oftener than once  
8 every five (5) years.

9

10 Except as otherwise provided in the preceding paragraph, the monthly  
11 retirement pay of officers and enlisted personnel who are already retired prior to the  
12 approval of this Act, including the survivorship pension benefit provided under  
13 existing laws, shall in no case be adjusted further as a result of increases in the  
14 salary or basic pay of those in the active service: *Provided*, That retirees who are  
15 recalled to active duty pursuant to existing laws may have their retirement pension  
16 adjusted based on the rank they hold and on the prevailing pay of military personnel  
17 in the active service, at the time of the termination of their recall to active duty.

18

19 Section 106. *Separation Pay*. – Enlisted personnel with at least twelve (12)  
20 years but less than twenty (20) years of accumulated active service compulsorily  
21 separated from the service pursuant to Section 55 hereof or otherwise honorably  
22 discharged from the service pursuant to regulations prescribed by the Secretary of  
23 National Defense under Section 52 hereof shall be entitled to a separation pay  
24 equivalent to one (1) month base pay and longevity pay of the permanent grade he  
25 holds for every year of active service, subject to the rules and regulations to be  
26 issued by the Secretary of National Defense.

27

28 Section 107. *Cadets, Probationary Second Lieutenants, Officer Candidates*  
29 *and Candidate Soldiers*. – Cadets, Probationary Second Lieutenants, Officer  
30 Candidates and Candidate Soldiers who die in line of duty or on account of any  
31 wound, injury or illness contracted in line of duty or who incur, in line of duty, total  
32 permanent disability, shall be considered separated from the service in the grade of  
33 O-1 and E-1, respectively, for survivorship benefits provided by law.

34

35

1       Section 108. *AFP Retirement and Separation Benefits System.* – (a) Except  
2 as otherwise provided herein, the AFP Retirement and Separation Benefits System  
3 (AFP RSBS), which is a government entity established under Presidential Decree  
4 No. 361, as amended, mandated to manage the retirement and pension funds of  
5 military personnel, shall continue to exist in accordance with its Charter.

6  
7       (b) *Board of Trustees.* – The Board of Trustees of the AFP RSBS shall  
8 be composed of the following:

- 9  
10       (1) Secretary of Finance or his duly designated Undersecretary as *ex-*  
11       *officio* Chairman;  
12       (2) Secretary of National Defense or his duly designated Undersecretary  
13       as *ex-officio* Member;  
14       (3) Secretary of Budget and Management or his duly designated  
15       Undersecretary as *ex-officio* Member;  
16       (4) The Chief of Staff, as *ex-officio* Member;  
17       (5) The AFP RSBS President, as *ex-officio* Member; and  
18       (6) Four (4) Members from the banking, finance, investment and insurance  
19       sectors, to be appointed by the President for a term of three (3) years,  
20       without reappointment, or until their successors are duly appointed and  
21       qualified. Vacancy, other than through expiration of the term, shall be  
22       filled for the unexpired term only.

23  
24       (b) *Funds of the AFP RSBS.* All the funds of the AFP RSBS are in the  
25 nature of public funds and shall not be used for purposes other than what are  
26 provided for under its Charter and existing laws.

27  
28       (c) *Deposits and Disbursements.* All revenues collected and all accruals  
29 thereto shall be deposited, administered and disbursed in accordance with law. A  
30 maximum expense loading of twelve percent (12%) of the yearly revenues from all  
31 sources may be disbursed for administrative and operational expenses except as  
32 may be otherwise approved by the President of the Philippines on the basis of  
33 actuarial and management studies.

34  
35

1           (d) *Investment of Funds.* The funds of the AFP RSBS which are not  
2 needed to meet the current obligations may be invested under such terms and  
3 conditions and rules and regulations as may be prescribed by the Board: *Provided,*  
4 That investments shall satisfy the requirements of liquidity, safety/security and yield  
5 in order to ensure the actuarial solvency of the funds of the AFP RSBS: *Provided,*  
6 *further,* That the AFP RSBS shall submit an annual report on all investments made  
7 to the President of the Philippines.

8

9           (e) *New Retirement and Separation Benefits System for Military*  
10 *Personnel.* The Department and the AFP shall undertake immediately the design  
11 and development of a comprehensive and viable retirement and separation benefits  
12 system that will ensure the payment of retirement and separation benefits to all  
13 qualified military personnel in the future.

14

15           Section 109. *Effect of Loss of Filipino Citizenship.* – Any retired military  
16 personnel, receiving retirement and pension benefits pursuant to the provisions of  
17 this Act and existing laws, who loses his/her Filipino citizenship shall no longer be  
18 entitled to receive pension and retirement benefits provided under existing laws:  
19 *Provided,* That those retirees who have reacquired their Filipino citizenship pursuant  
20 to Republic Act No. 9225 shall be entitled to the resumption of their pension and  
21 retirement benefits. The survivors of any retired military personnel who loses his  
22 Filipino citizenship shall no longer be entitled to receive survivorship benefits.

23

24

## 25                                   **ARTICLE III – THE RESERVE FORCE**

### 26                                   **A. GENERAL PROVISIONS**

27           Section 110. *Mission.* – The mission of the Citizen Armed Force, alternately  
28 referred to as the Reserve Force, is to provide for the expansion of the Armed  
29 Forces of the Philippines in the event of war, invasion or rebellion; to assist in the  
30 maintenance of peace and order, meeting local insurgency threats and in rescue and  
31 relief operations during disasters and calamities, health welfare activities; and  
32 participating in socio-economic development, and in the operation and maintenance  
33 of essential government or private utilities in the furtherance of its overall mission.

34

35

1                                    **B. COMPOSITION AND ORGANIZATION**

2  
3            Section 111. *Composition.* – The Reserve Force shall have the following  
4 components, namely:

- 5            (1)    The Army Reserve Component;  
6            (2)    The Air Force Reserve Component;  
7            (3)    The Navy Reserve Component;  
8            (4)    The AFP-Wide Technical Reserve Component; and  
9            (5)    The Affiliated Reserves.

10  
11           Section 112. *Organization of Reserve Components.* – The organization of  
12 each component of the Reserve Force and the manpower objective of each  
13 component shall be as prescribed by the Secretary of National Defense and  
14 approved by the President of the Philippines. The organization, structure, manning  
15 and equipment of reserve units shall conform to the organization of the Regular  
16 Force. Reserve units of a battalion type or equivalent shall be organized on a  
17 provincial basis.

18  
19           Section 113. *Affiliated Reserve Units* – Upon recommendation of the  
20 Secretary of National Defense, the President may approve the organization of  
21 affiliated reserve units in certain private and government entities, corporations,  
22 establishments and organizations at the national, provincial and municipal levels  
23 which provide essential public services such as water, light, transportation and  
24 communications which are necessary to support the prosecution of national defense  
25 plans or to meet an emergency. These affiliated units shall be constituted by  
26 appropriate orders to be issued by the Secretary of National Defense, given unit  
27 designations and assigned to the appropriate reserve components of the AFP. The  
28 roster of the officials and employees of these affiliated units shall be included in the  
29 orders constituting the units. These units shall be so utilized in times of war or  
30 emergency to ensure the continuous and uninterrupted provision of the essential  
31 services they are rendering. The organizational structure and manning of the  
32 affiliated reserve units shall be prescribed by the Secretary of National Defense and  
33 shall, as much as possible, conform to their existing civilian organization.

## Chapter 1 – Citizen Soldiers

Section 114. *Categorization of Reservists.* – There shall be three (3) categories of Reservists: the First Category Reserve, the Second Category Reserve, and the Third Category Reserve based on age:

- (1) First Category Reserve. — The First Category Reserve shall be composed of able-bodied Reservists whose ages are between eighteen (18) years and thirty-five (35) years, inclusive.
- (2) Second Category Reserve. — The Second Category Reserve shall be composed of able-bodied Reservists whose ages are between thirty-six (36) years and fifty-one (51) years, inclusive.
- (3) Third Category Reserve. — The Third Category Reserve shall be composed of the all able-bodied Reservists who are above fifty-one (51) years of age.

## Chapter 2 – Reserve Force Units

Section 115. *Classification of Reserve Force Units.* – Based on the categorization provided in the immediately preceding section, the Reserve Force units shall further be classified into the Ready Reserve, the Standby Reserve and the Retired Reserve based in their operational readiness for immediate deployment and utilization.

- (1) *Ready Reserve.* — The Ready Reserve shall be composed of Reservists belonging mostly to the First Category Reserve and others as provided in this Act who shall be organized, trained and maintained subject to call at any time to augment the Regular Force of the AFP not only in times of war or national emergency but also to meet local emergencies arising from calamities, disasters and threats to peace, order, security and stability in any locality, including the need to provide assistance in relief and rescue work and other civil assistance activities.

1 Any Reservist belonging to the Second Category Reserve or the Third  
2 Category Reserve, particularly the commissioned and non-commissioned officers  
3 thereof, who will volunteer to serve with the Ready Reserve shall be allowed, if  
4 qualified and fit for duty, to join and actively participate as part of the Ready Reserve  
5 and shall serve with an appropriate Ready Reserve unit.

6  
7 Members of the AFP Affiliated Reserve units of various government and  
8 private utilities and services considered essential for the preservation of the  
9 economic stability of the country or particular locality, such as power and electricity,  
10 water supply, transportation and communications, among others, regardless of their  
11 categorization shall be classified as Ready Reserve.

12  
13 All Reservists belonging to the First Category Reserve, except those  
14 exempted under this Act, shall be required to serve with Ready Reserve units and  
15 will have assignments and promotions in accordance with existing policies of the  
16 AFP until transferred to the Standby Reserve by virtue of their age.

17  
18 The following may be exempted from rendering service with said Ready  
19 Reserve units:

- 20 (a) Active members of the Armed Forces of the Philippines and the  
21 Philippine National Police;  
22 (b) Those who are residing abroad but only during the duration of their  
23 absence from the Philippines;  
24 (c) Those who are physically and mentally unfit to serve their tour of duty;  
25 (d) Those who are convicted of crimes involving moral turpitude; and  
26 (e) Those who may be exempted from duty for valid reasons which may be  
27 authorized on a case-to-case basis by appropriate and competent  
28 authority. For this purpose, the AFP shall issue such appropriate  
29 guidelines, rules and regulations as may be necessary.

30 (2) *Standby Reserve.* — The Standby Reserve shall be composed of  
31 citizen soldiers belonging mostly to the Second Category Reserve and the Third  
32 Category Reserve, except as provided in this Act. The members of the Standby  
33 Reserve shall be organized and assigned to specified reserve units. The Standby  
34 Reserve may be mobilized or ordered to active duty only in times of national

1 emergency or war. The ranks of the members of the Standby Reserve may be  
2 upgraded if they voluntarily participate in training or serve with the Ready Reserve  
3 units in their areas or if their Standby Reserve units undergo retraining. They will  
4 however be encouraged to upgrade their military knowledge and skills by taking up  
5 non-resident or resident courses which shall be set up for the purpose.

6

7 (3) *Retired Reserve.* — The Retired Reserve shall be composed of citizen  
8 soldiers who have qualified for retirement through length of service, old age or  
9 disability. For this purpose, sixty-five (65) years shall be considered as the  
10 retirement age. However, if qualified and fit for duty, a member of the Retired  
11 Reserve may be ordered to active duty in times of local or national emergencies if he  
12 volunteers for active duty and when the Secretary of National Defense determines  
13 that there are not enough qualified citizen soldiers with his special skills and  
14 qualifications in the Ready Reserve or the Standby Reserve in his particular area of  
15 residence.

16

17 Section 116. *Classification and Maintenance of Readiness of Reserve Units.*

18 – Units which are composed of Reservists of the Ready Reserve shall be classified  
19 as to the degree of readiness to respond to the call to service, as follows:

20

21 (1) *Ready Reserve I.* — Units classified as Ready Reserve I shall be  
22 maintained in a high degree of readiness as to be ready for operational employment  
23 in not more than seven (7) days after activation. The individual and crew served  
24 weapons and individual clothing and equipment shall be ready for distribution upon  
25 their activation. The whereabouts of their Reservists shall be constantly ascertained.  
26 As necessary, these units shall carry an excess of twenty percent (20%) of their  
27 authorized personnel strength to compensate for those who may fail to report or be  
28 late in reporting for duty.

29

30 (2) *Ready Reserve II.* — Units classified as Ready Reserve II shall be  
31 maintained in a degree of readiness as to be ready for operational employment in  
32 not more than fifteen (15) days.

33

34

35

1       The Chief of Staff, AFP shall select and recommend to the Secretary of  
2 National Defense the reserve units under Ready Reserve I and Ready Reserve II:  
3 *Provided*, That in areas threatened by insurgency, there shall be at least one (1) unit  
4 of infantry battalion strength under readiness status of Ready Reserve I.

5  
6           **C. PROCUREMENT, PROMOTION AND MANPOWER DEVELOPMENT**

7  
8                   **Chapter 1 - Compulsory Military Service**

9  
10       Section 117. *Compulsory Registration and Reservists Military Training* – All  
11 able-bodied citizens between the ages of eighteen (18) and twenty-five (25) years  
12 who are not Reservists may be required to register for military instruction.  
13 Registration shall take place in suitable registration places to be prescribed by the  
14 city or municipal government between the dates of April First and Seventh  
15 commencing one (1) year after the effectivity of this Act. Biennial registrations shall  
16 be held during the same period in succeeding years.

17  
18       Section 118. *Exemption from Compulsory Military Training.* – The following  
19 are exempted from military training:

- 20       (1)   Members of the clergy of any religious order or sect, except if they  
21           volunteer;  
22       (2)   Those in the active service of the Armed Forces of the Philippines and  
23           police members of the Philippine National Police;  
24       (3)   Uniformed personnel of the Department of the Interior and Local  
25           Government (BFP and BJMP) and the Department of Transportation  
26           and Communications (coast guard); and  
27       (4)   Licensed air and maritime pilots, navigators and merchant marine  
28           officers.

29  
30       Section 119. *Registering Officer.* – For the purpose of registration as  
31 provided for in Section 117 hereof, the city/municipal treasurers of chartered cities  
32 and municipalities are hereby designated as registering officers. The Secretary of  
33 National Defense shall prescribe and provide the forms to be used in registration and  
34  
35

1 prescribe the procedures for the conduct and reporting of the results of the  
2 registration.

3  
4 Section 120. *Persons Disqualified or Exempted from Registration.* – The  
5 following persons are disqualified or exempted from registering:

- 6 (1) Persons who are disqualified by law from employment in government  
7 service;
- 8 (2) Those who are physically or mentally unfit as certified by an AFP  
9 medical officer;
- 10 (3) Those suffering incarceration awaiting trial by a court of law: *Provided,*  
11 That upon their release from custody they shall without delay register;
- 12 (4) Those convicted by final judgment of criminal offenses involving moral  
13 turpitude;
- 14 (5) Students of colleges, universities and similar institutions who are  
15 undergoing ROTC training during the pendency of their training  
16 recognized by the military authorities as among those undergoing  
17 training to qualify as Reservists; and
- 18 (6) Those persons who are constituted as members of Affiliated Reserve  
19 units for the duration of time that they hold such membership:  
20 *Provided,* That upon the termination of their membership, they shall be  
21 subject to military training.

22  
23 Section 121. *Selection of Registrants for Compulsory Training.* – Registrants  
24 who are to undergo compulsory training as provided for in this Act shall be selected  
25 in the month of May every year by drawing of lots by a board of canvassers. The  
26 Secretary of National Defense shall prescribe the procedure for the selection of  
27 registrants.

28  
29 Section 122. *Board of Canvassers.* – There is hereby created a board of  
30 canvassers, one (1) for each province and chartered city, for the purpose of selecting  
31 the registrants who will undergo compulsory military training as provided for in  
32 Section 117 hereof. The board shall be composed of the following:

33  
34  
35

1           (1)    IN PROVINCES  
2                    Division Superintendent of Schools - Chairman  
3                    Provincial Fiscal - Member  
4                    The appropriate military commander as the  
5                    Secretary of National Defense may designate - Member  
6

7           (2)    IN CHARTERED CITIES  
8                    City Superintendent of Schools - Chairman  
9                    City Fiscal - Member  
10                  The appropriate military commander as the  
11                  Secretary of National Defense may designate - Member  
12

13           Section 123. *Quota for Compulsory Training.* – The Secretary of National  
14 Defense shall furnish each provincial governor and city mayor with the quota of  
15 registrants for compulsory military training to be drawn from their respective province  
16 or chartered city. The quota for the province shall be broken down into municipal  
17 quotas.  
18

19           Section 124. *Acceptance of Registrants Volunteering for Military Training.* –  
20 Registrants who are not selected for compulsory military training but who volunteer  
21 for such training may be accepted and allowed to undergo military training: *Provided,*  
22 That said volunteers shall physically qualify for fitness after examination for training  
23 and shall be made to execute a written statement that they volunteered for training at  
24 their own will.  
25

26           Section 125. *Registration of Citizens Residing or Working Abroad.* – Filipino  
27 citizens residing or working abroad, when they become liable to register for  
28 compulsory military training provided under this Act, shall register with the nearest  
29 diplomatic or consular office of the Republic of the Philippines which shall transmit  
30 the registrants' data to the Department of National Defense, pursuant to the  
31 guidelines to be issued by the Secretary of National Defense for this purpose.  
32

33           Section 126. *Notice to Selected Registrants.* – The board of canvassers  
34 shall cause the immediate and adequate publication of the names of the registrants  
35 who have been selected in accordance with Section 121 hereof and at once notify

1 the registrants concerned to report to the acceptance board of the city or municipality  
2 where they reside. The board of canvassers shall furnish each acceptance board  
3 with the list of the registrants whose names were drawn.

4

5 Section 127. *Acceptance Board; Composition.* – There is hereby created an  
6 acceptance board in each municipality and chartered city which shall examine and  
7 classify registrants whose names have been referred to it by the board of canvassers  
8 and pass upon the registrants' fitness for training and application for deferment, if  
9 any. The decision of the board shall be by majority vote. The Secretary of National  
10 Defense shall prescribe the composition and procedure for the operation of the  
11 acceptance board.

12

13 Section 128. *Classification of Selected Registrants, Deferment of Training,*  
14 *Appeals and Acceptance of Acceptance Board.* – The Secretary of National  
15 Defense shall prescribe the guidelines which shall govern the classification of  
16 selected registrants, deferment of training, appeals from the decision of the  
17 acceptance board and other matters related to the acceptance of selected  
18 registrants for military training.

19

20 Section 129. *Security of Tenure in Government or Private Employment While*  
21 *on Military Training.* – An employee in the Government including one in a  
22 government-owned or controlled corporation or private employment with monthly  
23 operating revenue of not less than Three Hundred Thousand Pesos (P300,000.00)  
24 and not less than twenty (20) employees who undergoes military training shall not be  
25 separated or terminated from such employment, shall not be considered as having  
26 forfeited his seniority status, if any, and shall continue to receive the salary he was  
27 receiving prior to his call to military training. In the case of private employment,  
28 payment of basic salary during such military training shall be in accordance with  
29 existing laws or with his company's policies on its employees on leave from his  
30 employment. Upon termination of his military training, he shall resume his former  
31 position or, if not practicable, he shall be assigned to a new position without  
32 diminution of his pay discharged from such training or service; otherwise, his record  
33 of dishonorable discharge from military training or service shall be taken into account  
34 as to whether or not he should be reinstated to his former employment.

35

1  
2       Section 130. *Draftee Training and Service.* – As may be ordered by the  
3 President, able-bodied citizens between the ages of eighteen (18) and thirty-five (35)  
4 years shall be called to training and active service for a period not to exceed twenty-  
5 four (24) months, broken down into training period of not more than six (6) months  
6 and an active service period of not more than eighteen (18) months. Registrants will  
7 be selected for draftee training and service in accordance with Section 121 and  
8 Section 122 hereof. A draftee may volunteer and be accepted for an extension of  
9 active service of not more than twelve (12) consecutive months, after which his  
10 services as draftee shall be terminated. A draftee during the period of his active duty  
11 service to include the extension of such service is entitled to receive all the pay and  
12 allowances due his grade as received by any member of the Regular Force:  
13 *Provided, That,* upon termination of his draftee service, he shall receive a separation  
14 gratuity of not less than one (1) month salary for every year of his service to include  
15 the period of six (6) months of training upon the condition that a period of six (6)  
16 months shall be considered a complete year for purposes of this gratuity.

17  
18       Section 131. *Retention for Maximum Hospitalization.* – A Reservist or  
19 draftee who is injured or contracts a disease or sickness while undergoing training  
20 and service, not due to his intentional misconduct, willful failure or neglect, or vicious  
21 or immoral habits, shall be retained beyond the period of his Reservist/draftee  
22 service with his consent for the necessary hospitalization and medical care until such  
23 time that he recovers, or is determined that further hospitalization will not improve his  
24 condition. During the period of hospitalization, he shall be entitled to subsistence  
25 allowances and hospitalization benefits as are available to the members of the  
26 Regular Force who are patients in AFP hospitals and medical facilities.

## 27 28                               **Chapter 2 – Citizen Military Training**

29  
30       Section 132. *Basic Citizen Military Training.* – Registrants finally selected for  
31 military training shall undergo a basic military training for a period of not more than  
32 six (6) months. The Secretary of National Defense shall prescribe the course of  
33 instruction.

1       The course of instruction shall include, among others, subject on moral  
2 virtues, patriotism, discipline, support for and adherence to the Constitution, and  
3 respect for the right of civilians.

4  
5       Section 133. *Citizen Military Training.* – There shall be established in every  
6 province at least one (1) training center for the conduct of citizen military and  
7 Reservist training with a minimum training capacity of one (1) infantry rifle company  
8 at a time. These training centers shall form part of the reserve component  
9 organization of the Major Services and shall be referred to as Citizen Military  
10 Training Centers.

11  
12       Section 134. *Incorporation into Training.* – Upon reporting to their assigned  
13 training centers, the selected registrants shall be physically examined and if found fit  
14 for the service shall be inducted into service. Where a change of training center is  
15 necessary to provide the requisite training, the commanding officer of the training  
16 center shall be authorized to issue the necessary orders covering his transportation  
17 and provide the funds for the purpose: *Provided, That* no registrant shall be  
18 transferred to a training center outside his province or designated training center  
19 except in the case of Philippine Navy and Philippine Air Force registrants if there are  
20 no air or naval training centers thereat.

21  
22       Section 135. *Reserve Officers' Training Corps.* – Unless otherwise provided  
23 by law, military training for students enrolled in colleges, universities and similar  
24 institutions of learning shall be in accordance with the provisions of Republic Act No.  
25 9163, otherwise known as the "*National Service Training Program (NTSP) Act of*  
26 *2001*".

27  
28       Section 136. *Establishment of ROTC Units in Schools.* – At such colleges,  
29 universities and similar institutions of learning that request for the conduct of military  
30 training in their institutions, there shall be established and maintained Reserve  
31 Officers' Training Corps units as the Secretary of National Defense may approve,  
32 which shall conduct military training for the students of such institutions for the  
33 purpose of producing enlisted and officer Reservists. The program of instruction shall  
34 be prescribed by the Secretary of National Defense and may include instruction to  
35

1 prepare female students for military service: *Provided, That*, such course of  
2 instruction shall not exceed two (2) academic years in the case of enlisted  
3 Reservists, and four (4) academic years in the case of officer Reservists which shall  
4 include as necessary summer or probationary training of not more than sixty (60)  
5 consecutive days. The first two (2) years ROTC training, shall hereafter be referred  
6 to as basic ROTC while the second two (2) years after said basic ROTC, shall  
7 hereafter be referred to as advance ROTC. The allocation of ROTC units to the  
8 various Major Services of the AFP shall conform to the projected manpower needs of  
9 their respective reserve components.

10

11       Section 137. *Acceptance for Advance ROTC.* – Students who volunteer for  
12 advance ROTC shall be screened by an ROTC acceptance board which is hereby  
13 created for the purpose, composed of the commandant of the ROTC unit, a  
14 representative of the school nominated by the school authorities, and a military  
15 physician. The student volunteer shall be physically examined for fitness for training  
16 and shall further be made to execute in writing a testament that he volunteered for  
17 training of his own volition. Where the student is below eighteen (18) years of age,  
18 he shall be required to obtain parental consent. In the case of student volunteering  
19 for reserve officers' training, they shall further be subject to competition examination  
20 in order to select the students best qualified to undergo advance ROTC. The  
21 students undergoing advance ROTC shall be referred to as advance ROTC cadets.

22

23       Section 138. *Organization and Staffing of ROTC Units.* – The Secretary of  
24 National Defense shall prescribe the organization and staffing of ROTC units.  
25 Reservist officers in the active service as well as qualified enlisted and officer  
26 Reservists in the inactive status shall be given priority to handle training instruction  
27 and to assist in the administration and shall be entitled to receive honoraria and  
28 other allowances as the Secretary of National Defense shall prescribe.

29

30       Section 139. *Scholarship Incentive for Advance ROTC Training.* – Students  
31 undergoing advance ROTC who belong to the upper five percent (5%) of their  
32 academic class shall be provided a tuition subsidy of fifty percent (50%) of their  
33 annual tuition for the period of their advance ROTC. The funds for this purpose shall

34

35

1 be carried in the annual appropriations of the AFP. The Chief of Staff, AFP shall  
2 promulgate the guidelines for the implementation of this provision.

3

### 4 Chapter 3 – Incorporation into the Reserve Force

5

6 Section 140. *Award of Ranks and Assignments to Reserve Units of*  
7 *Graduates of ROTC.* – Graduates of basic ROTC shall be given a reserve non-  
8 commissioned officers rank and serial number and assigned to reserve units and  
9 mobilization centers in their provinces. The ranks to be awarded shall be that  
10 equivalent to the grade of E-4.

11

12 Section 141. *Disposition of Graduates of Advance ROTC.* – Those who  
13 successfully completed the advance ROTC course shall be recommended for  
14 commission in the Reserve Force in the grade of O-1 and assigned to the reserve  
15 units and mobilization centers in their provinces. Those with manifest potential may  
16 be commissioned in the regular force in the grade of O-1, subject to the criteria for  
17 regular officers of this rank for that particular service: *Provided, That Candidate*  
18 *Officer Training shall be a requirement for commission in the Regular Force.*

19

20 Section 142. *Notification of Reserve Assignment.* – The Reservists shall be  
21 notified in writing of his assignment to a reserve unit and a mobilization center. He  
22 shall be made to acknowledge receipt in writing of such notification.

23

24 Section 143. *Reservists Registry.* – The Armed Forces of the Philippines  
25 shall provide all city/municipal treasurers of chartered cities and municipalities of the  
26 roster of Reservists indicating therein, among others, the rank, serial number,  
27 reserve unit assignment and mobilization center. It shall be the duty of the local civil  
28 registrar to maintain and update the Reservists registry.

29

30 Section 144. *Accounting, Maintenance, Training and Administration of the*  
31 *Reserve Force.* – The Secretary of National Defense shall, upon the  
32 recommendation of the Chief of Staff, prescribe the rules and regulations for the  
33 maintenance, training and administration of the Reserve Force.

34

35

1       Section 145. *Mobilization Stock.* – The minimum essential individual and  
2 organizational equipment and supplies shall be procured, stored and maintained for  
3 selected Ready Reserve units to enhance rapid transition to readiness required for  
4 employment in the shortest possible time.

5

6       Section 146. *Training as Requisite for Promotion.* – Successful completion of  
7 training pursuant to the guidelines issued by the Secretary of National Defense shall  
8 be a requisite for promotion in rank in the inactive status.

9

10       Section 147. *Classification of Reservist Officers in the Inactive Status.* –  
11 There shall be only one (1) classification of Reservist officers in the inactive status  
12 regardless of their source or nature of commission. Likewise, there shall be only one  
13 (1) Seniority and Lineal List for all Reservist officers regardless of their source of  
14 commission, subject to the rules and regulations to be prescribed by the Secretary of  
15 National Defense.

16

17       Section 148. *Status of Reservist on Training.* – Reservist on compulsory  
18 training shall be subject to military law. They shall not receive pay but shall be  
19 entitled to allowances and burial benefits as provided by law. Reservists on  
20 voluntary training are also subject to military law but shall not be entitled to  
21 allowances.

22

#### 23                               **Chapter 4 – Utilization of the Reserve Force**

24

25       Section 149. *Mobilization.* – The utilization of the Reserve Force in times of  
26 emergency to meet threats to national security shall be through mobilization:

27

28       (1) Full Mobilization. — Full mobilization shall be through the joint act of  
29 Congress and the President. When full mobilization is ordered, all units of the Ready  
30 and Standby Reserves will be activated, the Reservists constituting them are called  
31 to active duty, and the units activated are placed on operational readiness. All other  
32 Reservists not assigned to any unit or those assigned to reserve pools shall be  
33 organized into replacement units;

34

35

1           (2)    **Partial Mobilization.** — Partial Mobilization shall be through the joint act  
2 of Congress and the President. When partial mobilization is ordered, only the units of  
3 the Ready Reserve are necessary to meet the threat will be activated, the Reservists  
4 assigned to these units are called to active duty and the activated units are placed  
5 on operational readiness. The President will specify the units to be activated; and  
6

7           (3)    **Selective Mobilization.** — Selective mobilization shall be by authority of  
8 the President. Selective mobilization may be ordered to meet a local threat or  
9 emergency situation. When so ordered, only selected units of the Ready Reserve of  
10 the localities involved are activated and the Reservist assigned to them are called to  
11 active duty; or active auxiliary units are organized and volunteer Reservists are  
12 called to active auxiliary service for the purpose, under such rules and regulations as  
13 the Secretary of National Defense may prescribe.  
14

15           (4)    In the case of Affiliated Reserve Units which are activated and called to  
16 active duty, the specific authority of each Affiliated Reserve Unit to be exercised in  
17 relation to the private entities, corporations, establishments and organizations shall  
18 be prescribed by the President, upon the recommendation of the Secretary of  
19 National Defense and the Chief of Staff.  
20

21           Section 150. *Status of Reservists under Mobilization.* — An enlisted or officer  
22 Reservist when called to active duty by virtue of mobilization shall receive all the pay  
23 and allowances, medical care, hospitalization and other privileges and benefits  
24 prescribed by law or regulations for officers and enlisted personnel of the Regular  
25 Force.  
26

27           Section 151. *Mobilization Centers.* — There shall be established in each  
28 province as many mobilization centers as needed, corresponding to the number and  
29 distribution of Reservists in the province to which Reservists will report when  
30 mobilization is ordered. The citizen military training center in the provinces  
31 established under this Act may also be used as mobilization centers. The location of  
32 these centers shall be given the widest public information by the local executives.  
33  
34  
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1       Section 152. *Demobilization.* – When the threat or emergency for which  
2 mobilization had been ordered has passed, the President shall order the  
3 demobilization of the reserve units activated and the Reservists of such deactivated  
4 units shall be reverted to inactive status.

5  
6       Section 153. *Auxiliary Service.* – For the purpose of helping maintain local  
7 peace and order, meeting local insurgency threat, assisting in rescue and relief  
8 operations during disasters and calamities, health welfare activities and participating  
9 in local socio-economic development projects, the President may call upon the  
10 Reservists in the affected or concerned localities to volunteer their services. Such  
11 volunteer services shall be referred to as auxiliary service and shall be of two (2)  
12 types:

13  
14       (1) *Civil Auxiliary Service.* — Civil auxiliary service covers services  
15 rendered in helping maintain law and order, assisting in rescue operations,  
16 participating in socio-economic development projects, delivery of health services and  
17 any other non-military activity. Female Reservists shall be given greater participation  
18 in this regard. Reservists serving under this category shall not be armed. Those who  
19 have licensed firearms may be granted permit to carry firearms only when they are  
20 actually performing duties in maintaining peace and order, provided adequate control  
21 measures are instituted by the proper authorities concerning the carrying and use of  
22 firearms. In no case shall the Reservists be vested with police powers.

23  
24       (2) *Military Auxiliary Service.* — Military Auxiliary Service covers service  
25 rendered in meeting local insurgency threat. Reservists serving under this category  
26 will be organized into Ready Reserve Units. They must be issued and allowed to  
27 carry firearms: *Provided*, that these Reservists will be utilized only for the defense of  
28 their localities and will not be employed outside their localities. Elected/appointed  
29 local government officials are expected to perform their duties and responsibilities in  
30 their respective peace and order council levels or similar organizations efficiently and  
31 effectively to enhance a total integrated system approach against threats to national  
32 security.

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1       The Secretary of National Defense shall prescribe rules and regulations to  
2 implement this section in coordination with the Secretary of the Interior and Local  
3 Government.

4  
5       Section 154. *Status of Reservists on Auxiliary Service.* — A Reservist  
6 performing auxiliary service shall not receive payment but shall be entitled to receive  
7 allowances and burial benefits as provided by law. With his consent, a Reservist may  
8 continue to render such services without receiving the allowances due him. A  
9 Reservist serving military auxiliary services is subject to military law; whereas, a  
10 Reservist serving civil auxiliary service is not.

11  
12       Section 155. *Women Reservists.* — Women shall have the right and duty to  
13 serve in the AFP. The relevant standards for admission, training and commissioning  
14 of women shall be the same as those required for men, except for those essential  
15 adjustments in such standards required because of physiological differences  
16 between men and women.

17  
18       Section 156. *Funding.* — All funds previously appropriated for the  
19 administration, development and training of the reserve component of the AFP and  
20 which will subsequently and hereafter be appropriated for the purpose shall be used  
21 exclusively for the purpose of implementing the provisions of this Act.

22  
23       To sustain the efficient and effective administration, organization, training,  
24 maintenance and utilization of Ready Reserve units and keep them appropriately  
25 and adequately equipped in a state of readiness, as well as provide for the adequate  
26 training of citizen soldiers or Reservists, adequate funds for this purpose, as may be  
27 requested or recommended by the AFP, shall be appropriated and made available  
28 on a continuing basis.

29  
30       The President shall utilize a portion of the Military Assistance Fund available  
31 from any source to augment the appropriation for the Reserve Force.

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1       Section 157. *Retention of ROTC Units in Colleges and Universities.* — ROTC  
2 units in college and universities shall continue with ROTC training in accordance with  
3 this Act.

4  
5       Section 158. *Penalties.* — Failure of Reservists to respond to the call to  
6 compulsory training or service shall be punishable in accordance with the Articles of  
7 War, and those convicted by a court martial shall be liable for imprisonment of not  
8 less than two (2) months to not more than twelve (12) months. Citizen who fail to  
9 register for compulsory military training or who after having selected to undergo such  
10 training or who after having selected to undergo such training and had been notified  
11 thereof fail to report for training shall, upon conviction by the civil court, be  
12 punishable and liable for imprisonment of not less than one (1) month to not more  
13 than three (3) months.

14  
15       Section 159. *Failure to Provide Updated List of Registrants.* — Failure of  
16 registrars and canvassers to provide an updated listing of registrants under their  
17 responsibility shall, upon conviction by civil court, be punishable and liable for  
18 imprisonment of not less than one (1) month to not more than three (3) months under  
19 Section 119 and Section 122 of this Act.

20

## 21                               **Chapter 5 – Promotion of Reservist Officers**

22

23       Section 160. *Procurement of Reservist Officers and Non-Commissioned*  
24 *Officers for Affiliated Reserve Units.* — Key officers and employees of government or  
25 private entities, corporations, establishments and organizations which have affiliated  
26 reserve units shall be encouraged to undergo military training to qualify them as  
27 reserve officers or non-commissioned officers. As such, they shall be assigned to  
28 key positions in the affiliated reserve units where they are employed and called to  
29 active service with these units once they are activated. [cf. Section 31, RA 7077]

30

31       Section 161. *Active Duty Tour for Training of Reserve Officers.* — In order to  
32 improve their professional competence and leadership qualities, Reservist officers in  
33 the inactive status shall be called to active duty for a period not exceeding six (6)  
34 months without extension, for the purpose of making available for service in the

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1 event of a mobilization, the maximum number of trained and qualified Reservist  
2 officers: *Provided*, That the quota for such active duty shall as far as practicable be  
3 proportionately distributed to the provinces and cities based on their reserve units,  
4 with priority to units of Ready Reserve I: *Provided, further*, That the Reservist  
5 officers called to active duty shall, as far as practicable, serve in the province of their  
6 reserve unit assignment. A Reservist officer who has served his tour of duty shall  
7 not be called again to active duty until after five (5) years, except in case of  
8 mobilization. [cf. Section 53, RA 7077]

9  
10 Section 162. *Seniority*. – The relative seniority of all Reservist Officers in the  
11 inactive list shall be determined as follows:

- 12
- 13 a. The officer with the longer active service in the permanent grade shall  
14 be senior and where such service is the same, the officer with the  
15 longer period of total active commissioned service shall be senior;  
16
  - 17 b. Where such time in permanent grade and total commissioned service  
18 are still the same, seniority shall be determined by their original  
19 appointment and in cases not covered by the foregoing, seniority shall  
20 be determined by age.
- 21

22 Section 163. *Promotions*. – (1) *Conditions for Promotion*. Reservist officers  
23 in the inactive status shall be eligible for promotion to the next higher permanent  
24 grade subject to the following conditions:

- 25
- 26 a. Completion of the following time in grade (inactive and active) for  
27 promotion in the grades indicated:
    - 28 (1) To Grade O-2: at least three (3) years in Grade O-1;
    - 29 (2) To Grade O-3: at least four (4) years in Grade O-2;
    - 30 (3) To Grade O-4: at least five (5) years in Grade O-3;
    - 31 (4) To Grade O-5: at least six (6) years in Grade O-4;
    - 32 (5) To Grade O-6: at least seven (7) years in Grade O-5;
    - 33 (6) To Grade O-7: at least two (2) years in Grade O-6.
- 34

35

b. Completion of:

- (1) Six (6) months or more on active service in grade;
- (2) Active duty training requirement in grade; or
- (3) Non-resident instruction/schooling corresponding to grade; or
- (4) Resident schooling authorized by the Secretary of National Defense.

(2) *Promotions to Field and General Grades.* In selecting any inactive officer for promotion to field and general grades or their equivalent, the academic qualifications and the position and activities in the private or government sector of the officer which may be comparable to like positions in the Table of Organization and Equipment of the AFP shall be considered, other provisions of this section notwithstanding.

Section 164. *Appointment in the Reserve Force Due to Resignation from the Regular Force.* – Any officer who resigned his commission in the Regular Force, may, upon the recommendation of the Chief of Staff, be appointed in the Reserve Force in the last grade held. Such resignation from the Regular Force and reappointment in the Reserve Force shall, upon approval by the President, be simultaneously announced in the appropriate orders from the AFP. He shall be carried in the appropriate inactive promotion list and shall be eligible for promotion under the same criteria governing other officers in the list: *Provided*, that he shall not be called on extended tour of active duty except in case of war or national emergency.

### TITLE III

#### OTHER BUREAUS AND AGENCIES UNDER THE DEPARTMENT

##### ARTICLE I – GENERAL PROVISIONS

Section 165. *Supervision and Control.* – The Secretary of National Defense shall exercise supervision and control over the bureaus and agencies under this Article, as well as all its officers and personnel.

1       Section 166. *Organization.* – (a) Unless otherwise provided by law, the  
2 organization, functions, duties and responsibilities of the staff and operating units of  
3 each of the bureaus and agencies under the Department shall be as prescribed by  
4 the Secretary of National Defense in appropriate rules and regulations issued for the  
5 purpose.

6  
7       (b) For this purpose, and in the interest of economy, efficiency and  
8 effectiveness, the Secretary of National Defense may, in accordance with the  
9 policies or directives of the President:

10

11       a. Establish and organize staffs, offices and units in the bureaus or  
12 agencies and prescribe the titles, powers, functions and duties of the  
13 positions therein;

14

15       b. Abolish existing staffs, offices and units in the bureaus or agencies not  
16 specifically provided by law, or transfer or consolidate their functions  
17 and duties with other staffs, offices or units; and

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19       c. Abolish a position of any bureau or agency and transfer or consolidate  
20 its functions and duties with those of another position. [cf. based on a  
21 similar provision on the authority of SND to reorganize under Section  
22 35, Chapter 6, Subtitle II, Title VIII, EO 292 on the organization of the  
23 AFP; Section 29, Chapter 4, Subtitle II, Title VIII, EO 292 for OCD;  
24 Section 1, Executive Order No. 85 (s. 1999) for NDCP]

25

26       Section 167. *Authority to Abolish.* – The President, in the interest of  
27 economy, efficiency and effectiveness, abolish or deactivate any bureau or agency in  
28 this Article.

29

30       Section 168. *Separation Benefits of Officials and Employees of Affected*  
31 *Bureaus or Agencies.* – Government employees displaced or separated from the  
32 service as a result of the restructuring or abolition pursuant to this Act shall be  
33 entitled to either a separation pay and other benefits in accordance with existing  
34 laws, rules or regulations, or be entitled to avail of the privilege provided under a

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1 separation plan which shall be one and one-half month salary for every year of  
2 service in the government: *Provided, however*, that those who avail of such privilege  
3 shall start their government service anew if absorbed by any government-owned  
4 successor company. In no case shall there be any diminution of benefits under the  
5 separation plan until the full implementation of the restructuring and privatization.  
6 [based on Section 63 of RA 9136, EPIRA]

7  
8 **ARTICLE II**  
9 **THE GOVERNMENT ARSENAL**  
10

11 Section 169. *Mandate.* – The Department shall operate, maintain and  
12 secure, through the Government Arsenal, a facility for the manufacture, production  
13 and supply of arms and ammunition for the use of the AFP, and by the other law  
14 enforcement agencies of the Government, subject to rules and regulations to be  
15 prescribed by the Secretary of National Defense.  
16

17 Section 170. *Powers and Functions.* The Arsenal shall have the following  
18 powers and functions:

- 19 (1) Formulate plans and programs to achieve self-sufficiency in arms and  
20 ammunition;
- 21 (2) Design, develop, manufacture arms, and ammunition without the  
22 necessity of obtaining any permits or licenses;
- 23 (3) Sell and export arms and ammunition in excess of the requirements of  
24 the AFP and other law enforcement agencies, subject to existing laws;
- 25 (4) Formulate plans for the efficient mobilization of private enterprises to  
26 augment its production of arms and ammunition in times of emergency;  
27 and
- 28 (5) Perform such other functions as may be provided by law.

29  
30 Section 171. *Head of Office.* — The Government Arsenal shall be headed by  
31 a Director who shall be assisted by one or more Assistant Directors, all of whom  
32 shall be appointed by the President and who shall have the expertise, training and  
33 experience in the field of munitions.  
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1       Section 172. *Modernization of the Arsenal.* – The modernization of the  
2 Government Arsenal, for the development of production capabilities to enhance self-  
3 sufficiency in defense requirements, shall be part of the defense modernization  
4 program. The Government Arsenal may use such production facilities as it may  
5 own or be provided with under this Act or as it may arrange, under joint venture, co-  
6 production or similar agreements with local and foreign entities. [cf. Section 12, RA  
7 7898]

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### ARTICLE III

10

### NATIONAL DEFENSE COLLEGE OF THE PHILIPPINES

11

12       Section 173. *Mandate.* – The National Defense College of the Philippines  
13 shall train and develop the competence of potential national defense leaders, civilian  
14 officials of the different agencies and instrumentalities of the Government, and  
15 selected executives from the private sector in the formulation and review of national  
16 security policies and undertake research and studies as basis for the formulation of  
17 national defense and security policies, plans and programs. The College shall be  
18 headed by a President, and assisted by an Executive Vice President, and three (3)  
19 Vice-Presidents, all of whom shall be appointed by the President of the Philippines,  
20 upon the recommendation of the Secretary of National Defense. The NDCP  
21 President shall have a term of three (3) years.

22

23       Section 174. *Powers and Functions.* — The College shall have the following  
24 powers and functions:

- 25       (a) Undertake a graduate-level course of study and confer the degree of  
26 Master in National Security Administration (MNSA) upon the graduates  
27 thereof;
- 28       (b) Conduct special courses, seminars, symposia, conferences and other  
29 public fora on defense and security matters;
- 30       (c) Undertake a program of research and studies on strategic defense and  
31 security issues; and
- 32       (d) Perform such other functions and duties as may be provided by law or  
33 directed by the President or the Secretary of National Defense.

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1           Section 175. *Organization and Administration.* — (a) The NDCP President  
2 shall administer the affairs of the College with the assistance of the Executive Vice  
3 President, who shall act as NDCP President in the absence or incapacity of the  
4 NDCP President, and shall perform such other functions and duties as may be  
5 assigned to him by the NDCP President or the Secretary of National Defense.  
6 There shall be a *Vice-President for Academic Affairs*, who shall be responsible for  
7 the development, implementation, supervision and evaluation of academic programs;  
8 a *Vice-President for Research and Special Studies*, who shall be responsible for the  
9 conduct and supervision of research work and special studies for the Department;  
10 and a *Vice-President for Administration*, who shall be responsible for the overall  
11 administrative support to all the activities of the College.

12  
13           (b) The College shall have an Academic Board to assist the President  
14 discharge the following functions:

- 15           (1) Supervise the academic affairs of the College;  
16           (2) Recommend academic consultants, professors, lecturers, instructors,  
17                research assistants and other resource persons of the College;  
18           (3) Recommend the courses of studies to be conducted by the College to  
19                accomplish its objectives.

20  
21           (c) All resource persons of the College including but not limited to  
22 academic consultants, professors, lecturers, instructor, thesis advisers, members of  
23 examining and evaluating panels, examiners, correctors, and technicians who are  
24 regularly employed in the Government shall, in addition to their salaries, be entitled  
25 to receive honoraria, fees and other emoluments fixed by the Secretary of National  
26 Defense.

27  
28           (d) The Secretary of National Defense may establish a *Board of Visitors* in  
29 the College to assist and advise him in providing strategic direction and guidance  
30 necessary to ensure the accomplishment of the mandate of the College.

31  
32           Section 176. *Graduates of the Regular Course of the College.* — All  
33 graduates of the College shall be conferred the degree of Master in National Security  
34 Administration (MNSA). The MNSA or its equivalent shall be required for  
35

1 appointment or designation to key positions and promotion of AFP officers to the  
2 grade of O-7 (Brigadier General/First Admiral), effective four (4) years upon approval  
3 of this Act.

4  
5 Section 177. *Use of Income.* – All income generated by the College from the  
6 fees charged from the conduct of special courses shall be retained, constituted as a  
7 Trust Fund, and deposited in an authorized depository bank for the use of said  
8 College: *Provided*, That at least twenty five percent (25%) of the said income shall  
9 be used to purchase and upgrade equipment used directly in the delivery of  
10 educational and research services: *Provided, further*, That no amount of the said  
11 income shall be used for the payment of salaries and other allowances.  
12 Implementation of this provision shall be subject to the Joint Guidelines to be issued  
13 by the Secretary of National Defense and the Secretary of Budget and Management.  
14 [cf. RA 9336 or GAA for 2005 provision on VMMC authority to use income for its  
15 operations]

16  
17 **ARTICLE IV**  
18 **OFFICE OF CIVIL DEFENSE**  
19

20 Section 178. *Mandate.* – The Office of Civil Defense shall be the lead national  
21 government agency in civil defense and assistance in times of war, disasters or  
22 calamities, and other emergencies declared by the President. It shall coordinate the  
23 activities and functions of various government agencies and instrumentalities at all  
24 levels, as well as of private institutions and civic organizations devoted to public  
25 welfare to maximize the utilization of the facilities and resources of the entire nation  
26 for the protection and preservation of life and property. [cf. Section 5(b), PD 1566  
27 issued on 11 June 1978, citing LOI No. 19 dated 31 December 1971]

28  
29 Section 179. *Powers and functions.* – The Office shall have the following  
30 powers and functions:

- 31 (a) Establish and administer a comprehensive national civil defense and  
32 assistance program to include the estimation of the total material,  
33 manpower, fiscal requirements for carrying out the said program and  
34 coordinate the allocation to local government units such aid in facilities,  
35

- 1 materials and funds as may be made available by the national  
2 government;
- 3 (b) Formulate policies for the protection and welfare of the civilian  
4 population in times of war or other national emergencies as may be  
5 determined by the President of the Philippines;
- 6 (c) Furnish guidance and coordinate the activities of national government  
7 agencies, local government units, private institutions and civic  
8 organizations for civil defense;
- 9 (d) Develop and coordinate a program for informing, educating and  
10 training the general public, volunteer workers and civil defense groups  
11 on civil defense and assistance measures and activities;
- 12 (e) Prepare and disseminate disaster control manuals and other  
13 publications related to measures on disaster prevention, control and  
14 mitigation;
- 15 (f) Advise the Secretary of National Defense on matters concerning civil  
16 defense and make recommendations from time to time as may be  
17 deemed appropriate or as the Secretary may require;
- 18 (g) Provide assistance and secretariat services to the National Disaster  
19 Coordinating Council to implement the policies set by the latter relative  
20 to disaster management;
- 21 (h) Furnish guidance to the various provinces, cities and municipalities in  
22 the planning, organization and operation of their civil defense  
23 organizations; and
- 24 (i) Perform such other functions as may be provided by law. [*cf.* Section  
25 18, Chapter 4, Subtitle II, Title VIII, Book IV, EO 292; Section 5, PD.  
26 1556; Section 13, Letter of Instruction No. 19 dated 31 December  
27 1971]

28

29 Section 180. *Organization.* – The Office of Civil Defense shall be headed by  
30 an Administrator who may be assisted by one Deputy Administrator, all of whom  
31 shall be appointed by the President upon the recommendation of the Secretary of  
32 National Defense. It shall have such staff and other operating units as may be  
33 prescribed by the Secretary of National Defense.

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**ARTICLE V**  
**PHILIPPINE VETERANS AFFAIRS OFFICE**

## Chapter 1 – PVAO Proper

6           Section 181. *Mandate.* – The Philippine Veterans Affairs Office shall be the  
7 government agency responsible for administering the benefits due to veterans, their  
8 heirs and beneficiaries and shall provide medical care and treatment to veterans  
9 pursuant to existing laws. It shall also administer, maintain and develop military  
10 memorials and battle monuments proclaimed as national shrines. [cf. Section 1, PD  
11 1076, s. 1977]

13           Section 182. *Powers and Functions.* – The Office shall have the following  
14 powers and functions:

- 15 (a) Formulate and promulgate, subject to the approval of the Secretary of  
16 National Defense, policies, rules and regulations governing the  
17 adjudication and administration of veterans claims and benefits;  
18 (b) Adjudicate and administer benefits, pensions and other privileges  
19 granted to veterans, their heirs and beneficiaries;  
20 (c) Provide medical care and treatment to veterans pursuant to existing  
21 law;  
22 (d) Administer, develop and maintain military memorials and battle  
23 monuments proclaimed as national shrines; and  
24 (e) Perform such other functions as may be provided by law. [cf. Section  
25 32, Chapter 5, Subtitle II, Title VIII, EO 292]

27       Section 183. *Organization.* – The Philippine Veterans Affairs Office shall be  
28       headed by an Administrator who may be assisted by one or more Deputy  
29       Administrators, all of whom shall be appointed by the President upon the  
30       recommendation of the Secretary of National Defense. It shall have such staff and  
31       other operating units as may be prescribed by the Secretary of National Defense.

## Chapter 2 – Veterans Memorial Medical Center

Section 184. *Mandate.* – The Veterans Memorial Medical Center shall be the primary medical facility for the hospitalization and medical care of eligible veterans and dependents: *Provided, That* eligible dependents shall be limited to the spouse, unmarried minor children or children who are mentally or physically incompetent regardless of age, and dependent parents or foster parents regardless of the veteran's civil status. [cf. Section 15, RA 6948]

Section 185. *Organization.* The VMMC shall be headed by a Director and one or more Assistant Directors, all of whom shall be appointed by the President upon the recommendation of the Secretary of National Defense. It shall have such staff and other operating units as may be prescribed by the Secretary of National Defense.

Section 186. *Use of Income.* – All income generated from operations of the VMMC shall be retained, constituted as a Trust Fund, and deposited in an authorized depository bank for the use of said hospital: *Provided, That* at least twenty five percent (25%) of the said income shall be used to purchase and upgrade hospital equipment used directly in the delivery of health services: *Provided, further, That* no amount of the said income shall be used for the payment of salaries and other allowances. Implementation of this provision shall be subject to the Joint Guidelines to be issued by the Secretary of National Defense and the Secretary of Budget and Management. [cf. RA 9336 or GAA for 2005 provision on VMMC authority to use income for its operations]

### TITLE IV GENERAL PROVISIONS

Section 187. *Philippine Defense Reform Program.* – The Department of National Defense shall institute and implement a Philippine Defense Reform Program that shall provide the framework for introducing comprehensive, systematic and institutional improvements in the defense and military establishment, with emphasis on the following key areas:

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- a. *Multi-Year Defense Planning Systems (MYDPS)*, to institutionalize the development of strategy-driven multi-year defense plans, programs, budgets and requirements; integrate all planning, programming and budgeting activities into a calendar-driven process, which will provide consistency of purpose and action among its thrusts and programs; and, outline specific strategies, defined objectives, needed capabilities, and identified resources to be provided under anticipated financial limits through the implementation of the Multi-Year Capability Planning and Execution System (MYCaPES);
- b. *Improved Intelligence, Operational and Training Capacity*, to focus on training requirements for commanders, non-commissioned officers and military units, with emphasis on the development of doctrines, training and operations of joint forces involved in the utilization of land, maritime and air forces under a unified command;
- c. *Improved Logistics Capacity*, to ensure logistical efficiency by enhancing operational readiness and reliability rates of all platforms and weapons systems being used by the AFP; enhance logistics efficiency in key AFP systems and improve planned maintenance and maintenance procedures, supply chain management, automated supply management system, inventory controls and logistics training; and, ensure the prompt delivery of proper equipment and supplies with the right quality and quantity to the operating units of the AFP;
- d. *Staff Development Program*, to develop expertise and management skills in the critical functional areas that directly impact our capability to plan, support and execute effective operations; support the enhancement of core competencies and facilitate the transfer of professional and technical expertise; and, create a system for enhanced strategic planning, defense analysis, and defense resource management;

- 1 e. *Improved Personnel Management System*, to fill the gaps in the current  
2 personnel management system and processes by establishing a  
3 system that is responsive to defense requirements and missions;  
4 stabilize leadership positions and senior officer movements and  
5 establish minimum tour lengths to ensure continuity of long-term  
6 programs and reforms; improve force structure analysis; establish  
7 career development system for civilian employees and improved force  
8 structure for military personnel to competently support and carry out  
9 defense missions; and, establish the Manpower Management  
10 Information System (MMIS) and Personnel Management Information  
11 System (PMIS) that will provide ready information for personnel  
12 management analysis and decision-making;  
13
- 14 f. *Multi-Year Capability Upgrade Plan (CUP)*, to refocus defense  
15 spending and identify needed resources to upgrade defense  
16 capabilities based on priority areas or missions, such as internal  
17 security operations and territorial defense; enhance absorptive capacity  
18 and prioritize spending, to include an Integrated Logistics System (ILS)  
19 to address the added cost of maintenance of new equipment to  
20 complement annual appropriations for maintenance, operation and  
21 other expenses (MOOE);  
22
- 23 g. *Improved Financial and Management Controls*, to introduce enhanced  
24 financial controls in an effort to optimize the defense budget; create  
25 structures and systems for oversight to manage resources and  
26 requirements from planning to execution; and, plan, generate funds,  
27 undertake budgeting and monitor the implementation of defense  
28 capability program through the Defense Resource Management  
29 System (DRMS);  
30
- 31 h. *Centrally-Managed Defense Acquisition System*, to improve the  
32 processes in the acquisition of defense requirements in line with  
33 defense strategy, resource management and budgeting through the  
34 Defense Acquisition System (DAS) manned by a competent and  
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1 professional workforce; develop effective acquisition strategies and  
2 policies, as well as efficient processes and organizations, including the  
3 capability for requirements generation, long-term planning,  
4 accountability, reporting and acquisition;  
5

6 i. *Developing a Strategic Communication Capability*, to bolster public  
7 credibility and elicit support for the strategic goals and missions of the  
8 DND and AFP by effectively communicating key themes and messages  
9 to various key audiences; address the need for a more focused,  
10 coordinated, aggressive and systematic approach to information  
11 dissemination through the development of Strategic Communication  
12 system that shall harness various information-based capabilities to  
13 impact strategic goals; and, identify and intensify particular programs  
14 and action plans that support the internal security campaign, including  
15 the conduct of Civil-Military Operations that support the enhancement  
16 of convergence of government efforts at addressing the root causes of  
17 internal security threats; and  
18

19 j. *Information Management Development Program*, to develop an  
20 Information Management (IM) capability that utilizes appropriate tools  
21 to support and strengthen decision-making and mission  
22 accomplishment; manage the information resources of the defense  
23 establishment; ensure that accurate information is being provided in a  
24 timely manner; establish an integrated defense-wide information  
25 infrastructure, including a common strategic framework that identifies,  
26 manages and shares information; and, create a strong Information and  
27 Communications Technology (ICT)-oriented leadership and  
28 organization.  
29

30 Section 188. *Deputization of the AFP.* – (a) *By the COMELEC for Election*  
31 *Duties.* The deputization of the AFP, or any member, unit or command thereof by  
32 the Commission on Elections shall be recommended by the Secretary of National  
33 Defense to the President, only in cases of serious armed threats to the electoral  
34 process, as determined by the Chief of Staff.  
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In cases where the President has concurred with the deputization pursuant to Article IX, C, Section 24(4) of the 1987 Constitution, only actual units or commands in the area affected by such serious armed threat shall be deputized by the COMELEC and not the entire AFP. No officer or member of the AFP not actually assigned to the area covered by the serious armed threat shall be deputized by the COMELEC.

Notwithstanding such deputization by the COMELEC, the transfer of canvassing proceedings to military camps and installations shall be prohibited.

(b) *Deputization by other Government Agencies Pursuant to Existing Laws.* The guidelines on the deputization of military personnel and units of the AFP shall be as prescribed by the Secretary of National Defense, upon the recommendation of the Chief of Staff: *Provided, That* such deputization of military personnel or AFP units by other government agencies shall not interfere with or obstruct the AFP's mission to suppress insurgency and other serious threats to national peace and security.

Section 189. *Prohibited Detail of Military Personnel.* – No officer or enlisted personnel in the active service shall be detailed or assigned to any civilian government branch, or other department, agency, or instrumentality, whether as *aide-de-camp* or military assistant, or for purposes of providing security to government officials, visiting dignitaries and private individuals authorized to be given protection. Requests for the detail of military personnel for security purposes shall be referred to the Police Security Unit of the Philippine National Police (PNP) established under Section 35 (b)(3) of Republic Act No. 6975.

Section 190. *Government-to-Government Defense Procurement.* – Negotiated Procurement as a mode of procurement under Republic Act No. 9184, otherwise known as the "*Government Procurement Reform Act*," shall be allowed, upon prior approval by the President of the Philippines, in the procurement of:

- (a) Major or mission essential defense equipment, including integrated logistics support; or

1 (b) Defense-related consultancy services, when the expertise or capability  
2 required is not available locally.  
3

4 In such cases, the Secretary of National Defense shall determine that the  
5 interests of the country shall be protected by negotiating directly with the department  
6 or ministry of defense, armed forces or any of its major services or other appropriate  
7 government bureau, agency, or instrumentality of a foreign government with which  
8 the Philippines has executed a defense cooperation agreement, mutual defense  
9 treaty, mutual assistance agreement, memorandum of understanding or otherwise  
10 maintains diplomatic relations; *Provided, however,* That the foreign government shall  
11 guarantee the performance of the procurement contract.  
12

## 13 TITLE V

### 14 FINAL PROVISIONS

15

16 Section 191. *Implementing Rules and Regulations.* – The Secretary of  
17 National Defense shall promulgate the Implementing Rules and Regulations (IRR) of  
18 the Act within six (6) months from the effectivity hereof.  
19

20 Section 192. *Appropriations.* – The amount necessary to carry out the  
21 provisions of this Act is hereby authorized to be appropriated in the General  
22 Appropriations Act of the year following its enactment into law. Thereafter, such  
23 sums as may be necessary for its continued implementation shall be included in the  
24 annual General Appropriations Act.  
25

26 Section 193. *Separability Clause* – If for any reason, any provision of this Act  
27 is declared unconstitutional or invalid, or the application of such provision to any  
28 circumstance is held invalid, the other parts or provisions hereof which are not  
29 affected thereby shall continue to be in full force and effect.  
30

31 Section 194. *Repealing Clause* – All Acts and parts of Acts inconsistent  
32 herewith, more particularly Commonwealth Act No. 1, as amended, Commonwealth  
33 Act No. 430, ; Republic Act No. 291, as amended; Republic Act No. 340 (1948);  
34 Republic Act No. 481 (1950); Republic Act No. 610 (1952); Republic Act No. 718  
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1 (1952); Republic Act No. 1064 (1954); Republic Act No. 1069 (1954); Republic Act  
2 No. 1134 (1954); Republic Act No. 1190 (1954); Republic Act No. 1382 (1955);  
3 Republic Act No. 1884 (1957); Republic Act No. 2334 (1959); Republic Act No. 2685  
4 (1960); Republic Act No. 5206 (1968); Republic Act No. 5254 (1968); Republic Act  
5 No. 8093 (1961); Republic Act No. 3835 (1963); Republic Act No. 6638 (1987);  
6 Republic Act No. 7077, as amended; Republic Act No. 7230 (1992); Republic Act  
7 No. 7439 (1992); Republic Act No. 8186 (1996); Republic Act No. 8220 (1996);  
8 Republic Act No. 9049 (2001); Republic Act No. 9166 (2002); Republic Act No. 9188  
9 (2003); Presidential Decree No. 183 (1973); Presidential Decree No. 360 (1973);  
10 Presidential Decree No. 397 (1974); Presidential Decree No. 415 (1974);  
11 Presidential Decree No. 556 (1974); Presidential Decree No. 560 (1974);  
12 Presidential Decree No. 561 (1974); Presidential Decree No. 577 (1974);  
13 Presidential Decree No. 578 (1974); Presidential Decree No. 829 (1975);  
14 Presidential Decree No. 854 (1975); Presidential Decree No. 880 (1976);  
15 Presidential Decree No. 1043 (1976); Presidential Decree No. 1044 (1976);  
16 Presidential Decree No. 1065 (1976); Presidential Decree No. 1103 (1977);  
17 Presidential Decree No. 1635 (1979); Presidential Decree No. 1638 (1979);  
18 Presidential Decree No. 1650 (1979); Presidential Decree No. 1656 (1979);  
19 Presidential Decree No. 1769 (1981); Presidential Decree No. 1909 (1984);  
20 Executive Order No. 138 (1968); Executive Order No. 230 (1939); Executive Order  
21 No. 237 (1957); Executive Order No. 78 (1986); Executive Order No. 79 (1986);  
22 Executive Order No. 475 (1976); Executive Order No. 730 (1981); Title VIII  
23 [NATIONAL DEFENSE], Subtitle II, Book IV, Executive Order No. 292 (1987);  
24 Executive Order No. 729 (1981); Executive Order No. 337 (1988); Executive Order  
25 No. 735 (1981); Executive Order No. 789 (1982); Executive Order No. 31-A (1986);  
26 are hereby repealed.

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28 Section 195. *Effectivity Clause* .- This Act shall take effect on August 1, 2007.

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