

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
Second Regular Session

COMMITTEE REPORT NO. 1409

05 SEP 2011

Submitted by the Committee on National Defense and Security on _____

Re: House Bill No. 4617

Recommending its approval without amendment

Sponsor: Representative Rodolfo G. Biazon

Mr. Speaker:

The Committee on National Defense and Security to which was referred House Bill No. 4617 introduced by Rep. Rodolfo G. Biazon and Rep. Cesar Vergara Sarmiento, entitled:

"AN ACT PRESCRIBING RATES OF PAY AND ALLOWANCES FOR OFFICERS AND ENLISTED PERSONNEL OF THE ARMED FORCES OF THE PHILIPPINES (AFP) WHILE ON OVERSEAS DUTY WITH A PHILIPPINE EXPEDITIONARY OR PEACEKEEPING CONTINGENT PURSUANT TO A PHILIPPINE COOPERATIVE COMMITMENT TO A UNITED NATIONS SANCTION OR POLICY AND FOR OTHER PURPOSES"

has considered the same and recommends its approval without amendment, with Reps. Biazon, Sarmiento C., Zubiri, Quisumbing and Calixto-Rubiano as authors thereof.

Respectfully submitted,



HON. RODOLFO G. BIAZON

Chairman

Committee on National Defense and Security

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



FIFTEENTH CONGRESS

First Regular Session

House Bill No. **4617**

Introduced by **Hon. Rodolfo G. Biazon**

EXPLANATORY NOTE

The 1987 Constitution provides in Section 2, Article II that the Philippines "... renounces war as an instrument of national policy, adopts the generally accepted principles of international law as part of the law of the land and adheres to the policy of peace, equality, justice, freedom, cooperation, and amity with all nations...". This provision is the general basis and authority of the country in sending peacekeeping and/or expeditionary contingents overseas in compliance with its international commitments as a member of the United Nations.

Historically, the Philippines had previously sent peacekeeping and expeditionary contingents or forces to several countries such as Congo, Korea, Vietnam, Haiti and East Timor in order to enforce United Nations sanctions and policies. Currently, it has contingents in some countries in Africa and in the Middle East. Aside from the fact that the country is able to perform its obligation under the United Nations Charter, it provides the AFP the opportunity to develop an expertise on international peacekeeping and expeditionary duties. Furthermore, the members receive additional compensation, both from the government and the United Nations, which is of substantial financial help to their families.

However, except for R.A. 573 dated September 7, 1950, which, provided, among others, for the creation, organization, equipage and rates of pay of the Philippine Expeditionary Force to Korea, there appears to be no specific legislation that determines the rates of pay and financial support which the members of the contingents should receive, especially with respect to the financial assistance provided by the United Nations. Thus, the rates of pay and allowances of members of the country's overseas contingents are not standardized. This is further exacerbated by the absence of guidelines on the proper utilization of United Nations funds which enabled the AFP to unilaterally determine how much the

contingent members should receive. This situation results in the improper utilization of the aid funds and thereby could embarrass the country in the international community, not to mention its adverse effects on the morale and welfare of the officers and enlisted personnel serving overseas.

This bill seeks to standardize the rates of pay, allowances and benefits of officers and enlisted personnel of peacekeeping/expeditionary contingents serving overseas; and further provides guidelines for the proper treatment and utilization of funds for the contingents, especially those emanating from the United Nations.

Premises considered, the passage of this bill is earnestly sought.


RODOLFO G. BIAZON
Representative
Lone District, Muntinlupa City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

House Bill No. **4617**

Introduced by Hon. Rodolfo G. Biazon

AN ACT
PRESCRIBING RATES OF PAY AND ALLOWANCES FOR OFFICERS AND ENLISTED PERSONNEL OF THE ARMED FORCES OF THE PHILIPPINES (AFP) WHILE ON OVERSEAS DUTY WITH A PHILIPPINE EXPEDITIONARY OR PEACEKEEPING CONTINGENT PURSUANT TO A PHILIPPINE COOPERATIVE COMMITMENT TO A UNITED NATIONS SANCTION OR POLICY AND FOR OTHER PURPOSES.

I. PRELIMINARY PROVISIONS

SECTION ONE. *Short Title.* – This Act shall be known as the Armed Forces of the Philippines Peacekeeping/Expeditionary Contingent/Force Law of 2011".

Sec. 2. Purpose. – This Act shall provide the special rates of pay and allowances for uniformed military personnel of an Armed Forces of the Philippines (AFP) expeditionary/peacekeeping contingent serving overseas pursuant to Philippine cooperative commitment to a United Nations enforcement of sanctions and/or policies.

Sec. 3. Declaration of Policy. – Aware of the hazards and the financial dislocation which attend overseas duty service of AFP uniformed personnel in the enforcement of United Nations sanctions and policies, this legislation seeks to determine, rationalize, establish and standardize the rates of pay and allowances for officers and enlisted personnel in order to provide them adequate material and financial support and benefits.

Sec. 4. Applicability. – The provisions of this Act shall apply only to officers and enlisted personnel on active duty of the Armed Forces of the Philippines serving as members of a Philippine expeditionary/peacekeeping contingent. "Overseas duty" and "service overseas" shall refer and include any period of service commencing from the date of departure from the Philippines for service in foreign territory and terminating with the individual's disembarkation or landing on Philippine soil: Provided, That when an individual

is authorized to return to the Philippines temporarily he shall be deemed to be rendering service overseas during the period of his temporary stay not exceeding fifteen days.

II. ADDITIONAL PAY AND ALLOWANCES

Sec. 5. *Additional Pay for Overseas Duty.* - (a) In addition to their monthly base pay, officers and enlisted personnel shall, on account of service overseas as members of a Philippine expeditionary/peacekeeping contingent hereinabove referred to, receive an additional overseas duty pay. Officers shall receive additional pay equivalent to fifty percent (50%) of their base pay. Enlisted personnel, while serving overseas, shall receive additional pay equivalent to seventy-five percent (75%) of their base pay and quarters allowance: *Provided*, That enlisted personnel shall not, while receiving overseas pay under the provisions of this Act, be entitled to additional pay for hazardous duty and/or combat duty pay.

(b) Except as otherwise specifically provided above, officers and enlisted personnel receiving additional pay as hereinabove provided shall not be disqualified from receiving other additional pay to which they may be entitled under laws and regulations of general application to officers and/or enlisted personnel of the Armed Forces of the Philippines.

Sec. 6. *Allowances.* - Officers and enlisted men shall be entitled during their overseas duty service to rations, barracks accommodations, medical attendance, clothing and subsistence and quarters allowance as are provided by laws and regulations of general application to said personnel of the Armed Forces of the Philippines. They shall be furnished adequate winter and other protective clothing and additional rations or subsistence allowance as may be provided in appropriations for this purpose.

Sec. 7. *Additional Financial Support.* - The aforementioned provisions shall not preclude said military personnel from receiving additional subsistence allowance which may be provided by the United Nations relative to or on the occasion of their overseas duty service.

Sec. 8. *Foreign Funding.* - Funds provided by the United Nations for the use of the AFP peacekeeping/expeditionary contingent shall take the nature of public funds and deposited with the National Treasury for the specific use of the AFP and only for the said specified purpose: *Provided*, That the said funds shall be immediately released to the AFP in order to expedite compliance with the country's international commitment to provide said contingency force.

Sec. 9. *Rules and Regulations.* - The Secretary of National Defense shall prepare and promulgate the implementing rules and regulations to carry out the purpose and intent of this Act.

Sec. 10. *Appropriations.* - Such sums as maybe necessary to carry out the provisions of this Act shall be included in the General Appropriations Act.

Sec. 11. *Repealing Clause.* - All laws, executive orders, rules and regulations or parts thereof which are inconsistent with this Act are hereby repealed or amended accordingly.

Sec. 12. *Separability Clause.* – If for any reason any provision of this of this Act or any portion thereof or the application o such provision thereof is declared invalid or unconstitutional, the remainder of this Act shall not be affected by such decision.

Sec. 13. *Effectivity* – This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved.

FACT SHEET

HOUSE BILL NO. 4617

(As approved by the Committee)

AN ACT PRESCRIBING RATES OF PAY AND ALLOWANCES FOR OFFICERS AND ENLISTED PERSONNEL OF THE ARMED FORCES OF THE PHILIPPINES (AFP) WHILE ON OVERSEAS DUTY WITH A PHILIPPINE EXPEDITIONARY OR PEACEKEEPING CONTINGENT PURSUANT TO A PHILIPPINE COOPERATIVE COMMITMENT TO A UNITED NATIONS SANCTION OR POLICY AND FOR OTHER PURPOSES

Introduced by: Hon. Rodolfo G. Biazon

*Committee Referral: Committee on National Defense and Security
Committee Chairperson: Hon. Rodolfo G. Biazon (Primary)*

OBJECTIVES:

- To standardize the rates of pay, allowances and benefits of officers and enlisted personnel of the Armed Forces of the Philippines (AFP) serving overseas with a Philippine peacekeeping/expeditionary contingent.
- To provide guidelines for the proper treatment and utilization of funds for contingents, especially from the United Nations, thus removing too much discretion on the part of the AFP but not sacrificing the needs of the men and women on the field.

KEY PROVISIONS:

- Provides for an additional overseas duty pay to officers equivalent to fifty percent (50%) of their base pay and to enlisted personnel equivalent to seventy-five percent (75%) of their base pay and quarters allowance.
- Mandates that the said military personnel be entitled to rations, barracks accommodations, medical assistance, clothing and subsistence quarters allowance, including winter clothing and other protective clothing as provided by law or appropriations for the purpose, without precluding them from receiving additional subsistence allowance as may be granted by the United Nations.
- Declares that the funds provided by the United Nations for the use of the AFP peacekeeping/expeditionary contingents are public funds and deposited with the National Treasury.

RELATED LAW:

- Sec. 2, Article II, Constitution of the Republic of the Philippines
- Republic Act No. 573 (dated September 7, 1950)

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

MINUTES OF MEETING OF THE COMMITTEE ON NATIONAL DEFENSE AND SECURITY HELD ON 01 AUGUST 2011, 1:00 P.M. AT CONFERENCE ROOMS 3 & 4, MITRA BUILDING, HOUSE OF REPRESENTATIVES, QUEZON CITY.

GUESTS:

BGEN. HONORATO DELOS REYES	- DCS, Personnel, J1
COL. ROMEO BASCO	- AFPRMO
COL. ABRAHAM CASIS	- AFPKOC
LTCOL. ARIEL REYES	- OJ1, AFP
MAJOR RONEL MANALO	- OJ3, AFP
LTCOL. ROLANDO ORENGO	- Chief, PKO Br, J5, AFP
ASEC. LESLIE GATAN	- Assistant Secretary, DFA
DIR. ADELINA ANCAJAS	- Dir. III, Cluster B, COA
MS. SHARLENE RAQUITICO	- Division Chief, DBM

I. CALL TO ORDER

The meeting was called to order at 1:20 p.m. with the Honorable Rodolfo G. Biazon, Chairman of the Committee on National Defense and Security, presiding.

II. CONTINUATION OF THE DELIBERATION OF HOUSE BILL

As the Committee continued its deliberation on House Bill 4617, Chairman Biazon stated that his bill aims to clearly define the receipt, custody and expenditure of funds paid to the government by the United Nations in the deployment of expeditionary/peacekeeping forces. He clarified that the bill covers only the deployment of contingents, specifically the Armed Forces of the Philippines, and not of individuals like the deployment of Philippine National Police and other civilian individuals.

The Chair explained that presently, the receipt, custody and expenditure of the funds are solely under the discretion of the AFP and this practice resulted in controversy. He asserted that the payment coming from the United Nations should not be considered private funds. The funds paid for the services of the soldiers and utilization of AFP equipment and facilities should be defined as government funds and therefore subject to auditing process. For a period of eight years, the said funds were not subjected to audit.

In the bill, soldiers who will be deployed as commitment of the country to the United Nations were accorded overseas duty pay which is fifty percent of the base pay for officers and seventy five percent of the base pay and quarters allowance for enlisted personnel. He pointed out that the main objective of his bill is to remove the discretion on the receipt, custody and use of the funds paid by the United National to the government.

The position papers submitted by the Armed Forces of the Philippines, Department of Budget and Management, Commission on Audit, and Bureau of Treasury on the bill were included into the record of proceedings. The comments and recommendations of the agencies were as follows:

1) AFP recommended that the proposed overseas duty pay should be preferably higher than the specialist's pay in order to provide greater incentives for them to serve outside the country. The

bill should stipulate whether the proposed additional pay and allowances are similar or separate from those reimbursements and/or allowances currently provided by the United Nations. The bill should exclude the troop cost reimbursement from being treated as public funds for deposit to the national treasury. ~~And in lieu of the proposed fifty percent-seventy-five percent scheme,~~ they recommended a flat rate allowance of eighty five percent of the troop cost. Presently, the UN rate of troop cost is one thousand twenty eight dollars; 2) DBM recommended that the members of peacekeeping contingents should not be limited to military personnel. To standardize compensation for members of peacekeeping contingents, it should also cover police and civilian personnel. The bill may likewise be considered as authorizing double compensation as it prescribes allowances for similar purposes such as the receipt of rations and subsistence allowance as well barracks accommodations and quarters allowance. 3) BoT commented that as regards Section 8 of the bill, the Bureau shall monitor the funds that will be provided by the UN for the specific use of the AFP and only for the said specified purpose and shall issue certifications for the amount remitted. As regards Section 10, the Bureau will make funds available to cover expenses; and 4) COA recommended the expansion of the purpose of the bill in Section 2 to include other disbursements charged against the UN peacekeeping funds and not limit it only to the allowances of the troops/contingents. There are no specific guidelines on the disbursements except for the MOA.

In response to the position of COA, the Chair clarified that his bill entitles AFP members on overseas duty to receive various allowances as provided by laws and regulations of general application to said AFP personnel. The bill shall not preclude said military personnel from receiving additional subsistence allowance which may be provided by the UN relative to their overseas duty service. The only pay disallowed by the bill is the hazardous duty and/or combat duty pay while the enlisted personnel is receiving overseas pay.

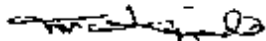
On motion of Rep. Jose Ma. F. Zubiri III, seconded by Rep. Imelda G. Calixto-Rubiano, there being no objections, the bill was approved in principle for submission to Plenary.

III. ADJOURNMENT

There being no other matter to discuss to meeting adjourned at 1:38 p.m.

I certify to the correctness of the foregoing.

Prepared by:


MELCHORA C. TANEDO
Supervising Legislative Staff Officer II

Noted by:


ROGER S. RIGOR
Committee Secretary

Attested by:

HON. RODOLFO G. BIAZON
Chairman
Committee on National Defense and Security