

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



HOUSE OF REPRESENTATIVES
H. No. 8056

Introduced by **Representative Raul C. Tupas**

EXPLANATORY NOTE

**AN ACT STRENGTHENING PROFESSIONALISM AND CONTINUITY OF
POLICIES AND MODERNIZATION INITIATIVES OF THE ARMED FORCES OF
THE PHILIPPINES BY PRESCRIBING FIXED TERMS FOR THE CHIEF-OF-
STAFF/ CHAIRMAN OF THE JOINT CHIEFS AND OTHER KEY OFFICERS
THEREOF, INCREASING THE MANDATORY AGE OF RETIREMENT OF
GENERAL/FLAG OFFICERS, PROVIDING FOR A MORE EFFECTIVE ATTRITION
SYSTEM, REPEALING SECTIONS 5, 10, 11 AND 12 OF PRESIDENTIAL
DECREE NO. 1638, AS AMENDED, AND SECTIONS 3 AND 4 OF REPUBLIC
ACT 8186, AS AMENDED, AMENDING SECTION 1 OF REPUBLIC ACT 9188
AND FOR OTHER PURPOSES**

The passage of this bill aims to introduce significant changes in the tour of duty, retirement age, and attrition system in the Armed Forces of the Philippines (AFP).

The modernization program of the AFP provides for force restructuring and organizational development¹. The program aims to develop the AFP into a compact, efficient, responsive and modern organization with the capability to engage in conventional and/or unconventional warfare, disaster relief and rescue operations, and contribute to economic development and other nontraditional military roles.

The Revised AFP Modernization Program aims to develop and transform the AFP into a multi-mission-oriented force capable of effectively addressing internal and external security threats.²

To complement the organizational development of the AFP, this bill provides for the following:

¹ Republic Act No. 7898 "AN ACT PROVIDING FOR THE MODERNIZATION OF THE ARMED FORCES OF THE PHILIPPINES AND FOR OTHER PURPOSES."

² Section 1, Republic Act No. 10349 "AN ACT AMENDING REPUBLIC ACT NO. 7898, ESTABLISHING THE REVISED AFP MODERNIZATION PROGRAM AND FOR OTHER PURPOSES

- a) To fix the tour of duty of the Joint Chiefs and the Joint Force Commanders to three (3) years;
- b) To increase the mandatory retirement age of general/flag officers to 65 years of age;
- c) To provide for a revised attrition system both for commissioned officers and enlisted personnel;
- d) To set the maximum tenure in-grade for commissioned officers and enlisted personnel and enhance competitive categories for promotion; and
- e) To prescribe the authorized number of officers in the active force in each grade and in each major, technical or administrative service and implement the gradual decrease in the number of officers in each officer rank as part of, and in line with, the Modernization Program of the AFP.

To give effect to the foregoing, the provisions of existing laws will be revisited:

- a) Repeal of sections 5, 10, 11, and 12 of Presidential Decree No. 1638, as amended³;
- b) Repeal of sections 3 and 4 of Republic Act. No. 8186, as amended⁴; and
- c) Amendment of section 1 of Republic Act. No. 9188⁵.

It is high time that we provide the much-needed boost to the armed forces by enhancing their professional development amidst the challenging roles they perform in our present society.

Genuine reforms and transformation must be initiated to be more relevant to the times and prepare the defense organization toward the evolving complex and hybrid security and defense threats and challenges.

³ ESTABLISHING A NEW SYSTEM OF RETIREMENT AND SEPARATION FOR MILITARY PERSONNEL OF THE ARMED FORCES OF THE PHILIPPINES AND FOR OTHER PURPOSES

⁴ AN ACT PRESCRIBING OFFICER GRADE DISTRIBUTION IN THE ACTIVE FORCE OF THE ARMED FORCES OF THE PHILIPPINES AND LIMITING THE TENURE OF OFFICERS IN THE GRADE OF COLONEL/CAPTAIN (PN) AND GENERAL FLAG OFFICERS IN THE AFP

⁵ AN ACT STRENGTHENING THE PROFESSIONALISM IN THE ARMED FORCES OF THE PHILIPPINES BY INCREASING THE PERCENTAGE DISTRIBUTION OF GENERALS/FLAG OFFICERS IN THE AFP TABLE OF ORGANIZATION, AMENDING FOR THIS PURPOSE REPUBLIC ACT NUMBERED EIGHTY-ONE EIGHTY-SIX (R.A. 8186), AND FOR OTHER PURPOSES

The AFP leadership must be provided ample period of continuity to pursue and institutionalize important programs in the organization. The AFP must be supported as it performs its constitutional mandate of defending, securing and protecting the state, the people, the territory, and the sovereign rights accorded and duly recognized by likeminded nations that subscribe to the rule of law.

For this reason, the immediate approval of this measure is earnestly sought.

A handwritten signature in black ink, appearing to read 'R. C. Tupas', with a stylized, cursive script.

RAUL C. TUPAS

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12 **AN ACT STRENGTHENING PROFESSIONALISM AND CONTINUITY OF**
13 **POLICIES AND MODERNIZATION INITIATIVES OF THE ARMED FORCES OF**
14 **THE PHILIPPINES BY PRESCRIBING FIXED TERMS FOR THE CHIEF-OF-**
15 **STAFF/ CHAIRMAN OF THE JOINT CHIEFS AND OTHER KEY OFFICERS**
16 **THEREOF, INCREASING THE MANDATORY AGE OF RETIREMENT OF**
17 **GENERAL/FLAG OFFICERS, PROVIDING FOR A MORE EFFECTIVE ATTRITION**
18 **SYSTEM, REPEALING SECTIONS 5, 10, 11 AND 12 OF PRESIDENTIAL**
19 **DECREE NO. 1638, AS AMENDED, AND SECTIONS 3 AND 4 OF REPUBLIC**
20 **ACT 8186, AS AMENDED, AMENDING SECTION 1 OF REPUBLIC ACT 9188**
21 **AND FOR OTHER PURPOSES**
22

23 *Be it enacted by the Senate and House of Representatives of the Philippines*
24 *in Congress Assembled:*

25
26 **Title I**
27 **DECLARATION OF POLICY**
28

29 **SECTION 1.** *Declaration of Policy.* – The 1987 Philippine Constitution under Article
30 XVI Sec. 5 (3) provides: “*Professionalism in the armed forces and adequate*
31 *remuneration and benefits of its members shall be a prime concern of the State. The*
32 *armed forces shall be insulated from partisan politics.*”
33

34 It is hereby declared the policy of the State that in the pursuit of the modernization of
35 the Armed Forces of the Philippines (AFP), it shall:
36

- 37 (a) Enhance professionalism in the organization by strengthening the merit
38 system and allow the new leadership a longer period to implement reforms
39 and institutionalize good policies that will redound to the improvement of the
40 AFP;
41
42 (b) Promote the most qualified officers of general rank; and
43
44 (c) Revisit and remove the revolving door policy which lead to accommodation
45 promotions in order to successfully create a new culture of excellence in
46 leadership and accountability in the AFP.

47 Toward this end, the State shall:

- 1
- 2 (a) Fix the tour of duty of the Chief of Staff/Chairman of the Joint Chiefs (CJC)
- 3 and other officers holding key positions;
- 4
- 5 (b) Adjust the mandatory retirement age of General/Flag Officers of the AFP; and
- 6
- 7 (c) Ensure implementation of merit-based promotion and attrition system that will
- 8 assure the Armed Forces of continuous pool of qualified and competent
- 9 leaders.
- 10

11 **Title II**

12 **TERMS OF OFFICE**

13

14 **SECTION 2.** *Tour of Duty of Key Officers.* - The members of the Joint Chiefs and the

15 Joint Force Commanders, upon appointment, shall serve a tour of duty of three (3)

16 years. Provided, That the Joint Chiefs shall be composed of the following:

17

- 18 (a) AFP Chief of Staff/ Chairman of the Joint Chiefs (CJC);
- 19 (b) Vice Chairman of the Joint Chiefs;
- 20 (c) Chief of the Joint Staff;
- 21 (d) Chief of the Army;
- 22 (e) Chief of the Air Force; and
- 23 (f) Chief of the Navy
- 24

25 Unless otherwise specified by the President, the tour of duty of the aforementioned

26 officers shall commence on the date the appointment is signed, and shall be for

27 three (3) consecutive years unless sooner terminated by the President.

28

29 The fixed tour of duty provided herein shall apply to General/Flag Officers appointed

30 by the President after the effectivity of this Act.

31

32 The members of the Joint Chiefs shall be selected by the President from among the

33 officers in the grades of Major General/ Rear Admiral and Lieutenant General/Vice

34 Admiral who, in his/her judgment, is best and qualified for those positions,

35 regardless if the officer is occupying a position with a fixed tour of duty or not.

36

37 Section 4 of Republic Act No. 8186 entitled "An Act Prescribing Officer Grade

38 Distribution in the Active Force of the Armed Forces of the Philippines and Limiting

39 the Tenure of Officers in the Grade of Colonel/Captain (PN) And General/Flag

40 Officers in the AFP" (R.A. No. 8186) is hereby repealed.

41

42 **SECTION 3.** *Tour of Duty of the Superintendent of the Philippine Military Academy*

43 *(PMA).* – The President shall appoint a general officer of proven competence and

44 academic excellence as PMA Superintendent. The appointee shall be exempt from

45 the application of the maximum tenure-in-grade defined under this Act and shall be

46 given a tour of duty of four (4) years, unless sooner terminated by the President.

1 He/She shall be compulsorily retired after completion of the tour of duty or upon
2 relief from office.

3
4 **SECTION 4. *Prohibition on the Extension of Term.*** - Except as provided for under
5 Section 5 of this Act in accordance with the Constitution, no extension of tour of duty
6 of the Joint Chiefs, Joint Force Commanders, and PMA Superintendent, and shall
7 be allowed.

8
9 **SECTION 5. *Tour of Duty of the Chief of Staff/ Chairman of the Joint Chiefs.*** -The
10 tour of duty of the Chief of Staff /CJC of the AFP shall not exceed three years.
11 However, in times of war or other national emergency declared by Congress, the
12 President may extend such tour of duty.

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15 **TTITLE III**
16 **RETIREMENT**

17
18 **SECTION 6. *Compulsory Retirement for Military Personnel.*** - Section 5(a) of
19 Presidential Decree No. 1638, entitled "Establishing a New System of Retirement
20 and Separation for Military Personnel of the Armed Forces of the Philippines and for
21 Other Purposes", as amended by Presidential Decree No.1650, is hereby repealed
22 and replaced with a new provision which shall read as follows:

23
24 "Sec 5.(a). An officer or enlisted personnel shall be compulsorily retired
25 upon accumulation of at least 30 years of active service or upon
26 reaching the age of 56 years old, whichever comes later. Provided, That
27 officers in the grades O7-O9 shall be compulsorily retired upon attaining
28 the maximum tenure-in-grade as defined in this Act, regardless of age
29 and without prejudice to be promoted to the next higher rank; Provided
30 further, that an officer appointed to the grade O-10 shall be compulsorily
31 retired upon completion of three (3) years tour of duty or sixty-five (65)
32 years of age whichever comes earlier; and Provided finally, that such
33 Officer who was commissioned under Presidential Decree No 1908, who
34 has attained fifty-six (56) years of age with at least 16 years of active
35 service shall be allowed to complete twenty (20) years of active service
36 for purposes of compulsory retirement."

37
38 **SECTION 7. *Optional Retirement.*** – Upon accumulation of at least twenty years of
39 satisfactory Active Service, an officer or enlisted personnel may request for
40 retirement from Active Service, subject to the approval of appropriate authority and
41 as provided for in the Implementing Rules and Regulations of this Act.

42
43 **SECTION 8. *Retirement Grade.*** – In case of optional retirement, a general/flag
44 officer shall be retired in his/her present grade only after serving at least two (2)
45 years in that grade prior to the date of said retirement, otherwise, he/she will be
46 retired in his/her previous grade.

TITLE IV
ATTRITION SYSTEM FOR PERSONNEL OF THE AFP

SECTION 9. *Definition of Terms.* – As used in this Title, the following terms shall mean:

- (a) Active Duty – the service or duty in the regular force AFP.
- (b) Enlisted Personnel – refer to members of the AFP with the rank of Private up to First Chief Master Sergeant or their equivalent in the other services, usually referred to as Non-Commissioned Officers upon reaching the rank of Corporal and above.
- (c) Forced Attrition - a mode of attrition wherein an officer or enlisted personnel, who, after having been considered for promotion to the next higher grade; or an officer who has been considered for retention pursuant to law, but failed to qualify on account of his/her own fault, failure or negligence or lack of individual merit, is separated from the active service.
- (d) Officers - refer to commissioned personnel in the active service of the Armed Forces of the Philippines.
- (e) Grade – the military rank of a commissioned officer and enlisted personnel.

Commissioned officers from the lowest to the highest, are:

- (1) Second Lieutenant/Ensign (PN);
- (2) First Lieutenant/ Lieutenant Junior Grade (PN);
- (3) Captain/Lieutenant (PN);
- (4) Major/Lieutenant Commander (PN);
- (5) Lieutenant Colonel/Commander (PN);
- (6) Colonel/Captain (PN);
- (7) Brigadier General/Commodore (PN);
- (8) Major General/Rear Admiral (PN);
- (9) Lieutenant General/Vice Admiral (PN); and
- (10) General/Admiral (PN)

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

- (1) Private;
- (2) Private First Class;
- (3) Corporal;
- (4) Sergeant;
- (5) Staff Sergeant;
- (6) Technical Sergeant;

- (7) Master Sergeant;
- (8) Senior Master Sergeant;
- (9) Chief Master Sergeant; and
- (10) First Chief Master Sergeant

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

(f) Primary Zone - the primary zone shall be composed of officers who are on promotable status in the uppermost portion of the promotion list equivalent to the number of declared vacancies.

(g) Service member – any active duty officer or enlisted personnel of the AFP.

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

SECTION 10. Forced Attrition. – Sections 10, 11 and 12 of P.D. No. 1638 are hereby repealed and replaced by the following new provisions which shall read as follows:

" Sec. 10. Forced Attrition of Officers. – Officers who were considered but failed to qualify for promotion to the next higher grade on account of their own fault, failure or negligence or who lack the individual merits required for promotion shall be subsequently separated from the active service. Officers with contractual service obligations who were recommended for separation on account of their own fault, failure or negligence, shall be required to refund the government the amount equivalent to the cost of training proportionate to the remaining period to be served as stipulated in the training contract. The following are the instances of forced attrition of officers:

(a) Attrition by Non-Promotion.-

(1) Deferment of promotion. - An officer in the grade of Second Lieutenant/Ensign (PN) who is deferred once shall be separated in the permanent grade he/she holds on the first day of the third month after the President shall have approved the promotion of officers recommended by the selection board which recommended the deferment of such an officer for the first time.

(2) Twice Deferment of Promotion. - An officer in the grade of First Lieutenant/Lieutenant Junior Grade (PN) to Lieutenant Colonel/Commander (PN) who is deferred twice for promotion to the next higher grade shall be separated in the permanent grade he/she holds on the first day of the third month after the President shall have approved the promotion of officers recommended by the Selection Board which recommended the deferment of such

officer for the second time. This subsection applies only to officers in the primary zone of consideration because they were considered or deliberated upon by the selection board but failed to qualify for promotion to the next higher grade.

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

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

GRADE MAXIMUM	TENURE-IN-GRADE
General/Admiral (0-10)	Three (3) years
Lieutenant General/Vice-Admiral (0-9)	Three (3) years
Major General/Rear Admiral (0-8)	Three (3) years
Brigadier General/Commodore (0-7)	Three (3) years

Unless earlier separated, retired or promoted to the next higher grade or occupying a position calling for the rank of higher grade in the AFP Table of Organization, General/Flag Officers shall be compulsorily retired upon either the attainment of the maximum tenure-in-grade herein prescribed or the fixed tour of duty prescribed in Section 2 of this Act, whichever comes earlier. Any General/Flag Officer who is relieved from post and is not designated to or occupying any position in the AFP Table of Organization as funded in the General Appropriations Act shall be deemed retired from the military service effective upon relief.

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

GRADE	MAXIMUM TENURE-IN-GRADE
Captain/Lieutenant (PN) (0-3)	Six (6) years
Major/Lieutenant Commander (PN) (0-4)	Six (6) years
Lieutenant Colonel/Commander (PN) (0-5)	Seven (7) years
Colonel/ Captain (PN) (0-6)	Nine (9) years

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

" Section 11. Forced Attrition of Enlisted Personnel. –

(a) Failure of Promotion. – An Enlisted Personnel who fails to qualify for promotion to the next higher rank shall be recommended for evaluation by the appropriate Promotion Board, subject to the provisions of the implementing rules and regulations of this Act.

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

GRADE	MAXIMUM TENURE-IN- GRADE
E-10	Three (3) years
E-9	Three (3) years
E-8	Three (3) years
E-7	Three (3) years
E-6	Five (5) years
E-5	Five (5) years
E-4	Four (4) years
E-3	Four (4) years
E-2	Four (4) years
E-1	Four (4) years

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

SECTION 11. Renumbering. - The succeeding sections of P.D. No. 1638, as amended, are hereby renumbered accordingly.

SECTION 12. Attrition by Death, Disability, Sickness, or Sanctions. – Attrition in the military service shall also apply to officers and enlisted personnel by reason of

1 death, complete disability discharge, sickness, or sanctions as a result of
2 administrative or criminal cases.

3
4 **SECTION 13.** *Separation or Retirement from the AFP.* — Any service member of
5 the AFP shall be:

6
7 (a) separated, if one has rendered less than twenty (20) years of service, or

8
9 (b) retired, if one has rendered at least twenty (20) years of service unless the
10 concerned service member is disqualified by law to receive such benefits.

11
12
13 **TITLE V.**
14 **GENERAL PROVISIONS**

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16 **SECTION 14.** *Competitive Categories for Promotion.* — Under regulations prescribed
17 by the Secretary of National Defense, the AFP shall establish competitive categories
18 for promotion. Each officer whose name appears on an active-duty list shall be
19 carried in a competitive category of officers. Officers in the same competitive
20 category shall compete among themselves for promotion.

21
22 **SECTION 15.** *Officer Grade Distribution.* - Section 1 of Republic Act 9188 is hereby
23 amended to read as follows:

24
25 " SECTION. 1. Officer Grade Distribution. — The Secretary of National Defense shall
26 prescribe the authorized number of officers in the active force in each grade and in
27 each major, technical or administrative service and shall implement the gradual
28 decrease in the number of officers in each officer rank as part of, and in line with, the
29 Modernization Program of the Armed Forces: Provided, That effective one (1) year
30 after the approval of this Act, such number shall not exceed the number in each
31 grade authorized in the Table of Organization of units of the active force distributed
32 as follows: One per centum (1%) in the General/Flag Officer grade; six per centum
33 (6%) in the grade of Colonel/Captain (PN); twelve per centum (12%) in the grade of
34 Lieutenant Colonel/Commander (PN); eighteen per centum (18%) in the grade of
35 Major/Lieutenant Commander (PN); twenty per centum (20%) in the grade of
36 Captain/Lieutenant (PN), and forty-three per centum (43%) in the grades of First
37 Lieutenant/Lieutenant Junior Grade (PN) and Second Lieutenant/Ensign (PN):
38 Provided, further, That such distribution is based on the total officer strength
39 authorized for the AFP: Provided, furthermore, That the Table of Organization of
40 units of the active force shall be adjusted in accordance with their respective
41 missions and officer requirements, and shall be gradually decreased pursuant to this
42 section and such rules and regulations as the Secretary of National Defense shall
43 prescribe, subject to the condition that the schedule of percentage for each grade as
44 herein prescribed shall not be exceeded: Provided, furthermore, That in the
45 determination of the officer to enlisted personnel ratio, the mission requirement,
46 capabilities, scope of responsibility, technical nature of the position and task, and
47 equipment inventory of units shall be taken into consideration: Provided,

1 furthermore, That considering the highly technical nature of the Air Force and the
2 Navy, they shall be allocated a higher officer to enlisted personnel ratio which shall
3 not exceed fifteen percent (15%) of the officer to enlisted personnel ratio allocated in
4 the Philippine Army: Provided, furthermore, That as far as practicable, officers in the
5 technical or administrative services such as, but not limited to, surgeon general,
6 chief dental service, and chief nurse may be eligible for promotion to general/flag
7 officer grade: Provided, furthermore, That the quota limitation provided herein shall
8 not apply in the promotion to general/flag rank of reserve officers in the inactive
9 service: Provided, finally, That if the actual number in a grade is less than the
10 number prescribed, the difference may be applied as an increase to the number
11 prescribed in a lower grade.”
12

13 **SECTION 16. *Officer Lineal List.*** -There shall be only one seniority lineal list for the
14 officers of the Major Services and each of the Technical Services.
15
16

17 **TITLE VI** 18 **MISCELLANEOUS PROVISIONS** 19

20 **SECTION 17. *Appropriations.*** – The amount necessary for the effective
21 implementation of this Act shall be charged to the appropriations of the Department
22 of National Defense under the current General Appropriations Act. Thereafter, such
23 sum as may be necessary for its continued implementation shall be included in the
24 annual General Appropriations Act.
25

26 **SECTION 18. *Construction and Interpretation.*** - To protect state policy and public
27 interest as stated in Section 1 of this Act, this act shall be given a liberal construction
28 in favor of its provisions so as to further the accomplishment of its declared policies
29 in Section 1.
30

31 **SECTION 19. *Implementing Rules and Regulations.*** – The Department of National
32 Defense and Department of Budget and Management shall formulate the rules and
33 regulations necessary to implement the provisions of this Act within ninety (90) days
34 from its effectivity. Provided, That the IRR shall provide for a systematic transition to
35 the new retirement and separation system provided for under this Act.
36

37 **SECTION 20. *Separability Clause.*** – If any provision of this Act shall be declared
38 unconstitutional or inoperative, the other provisions not so affected shall remain in
39 force and effect.
40

41 **SECTION 21. *Repealing Clause.*** – All laws, degrees, executive orders, rules and
42 issuances or parts thereof inconsistent with this Act or the rules and regulations
43 promulgated pursuant thereto are hereby repealed, amended, or modified
44 accordingly.
45

1 **SECTION 22. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
2 publication in the Official Gazette and at least two (2) national newspapers of
3 general circulation.

4
5 Approved,