

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 1787



Introduced by **HON. MIGUEL LUIS R. VILLAFUERTE, HON. VINCENZO RENATO LUIGI R. VILLAFUERTE, HON. TSUYOSHI ANTHONY G. HORIBATA, AND HON. TERRY L. RIDON**

EXPLANATORY NOTE

The National Defense Act, enacted in 1935 through Commonwealth Act No. 1, is the primary legislation governing the defense and security of our country. This law even laid the groundwork for the creation of Republic Act No. 7898, or the “AFP Modernization Act.” However, almost ninety years have passed and no amendment or changes has been made on it since. Certain provisions of the law are due for updating, and a stronger, more credible national defense system is imperative, especially now that our country’s sovereignty is under threat.

For example, in 1995, China built structures within the Philippine Exclusive Economic Zone, which spurred tensions between the two countries due to China’s nine-dash line. Even when the Philippines protested, we had no means of enforcing our claim. The real and intense tension between the countries officially started when the Philippine Navy arrested Chinese fishermen near the Scarborough Shoal, and when Chinese maritime vessels blocked our ships when we were clearly within our jurisdiction. This led the previous administrations to file a case before the Permanent Court of Arbitration (PCA) in The Hague in 2013 to challenge China’s nine-dash line. Three years later, the PCA ruled in favor of the Philippines, stating that the nine-dash line had no legal basis which meant that China’s interference with our natural resources constituted a violation.

While steps have been made to modernize the country’s defense system, the existing law is unable to adapt to the changing times. If the Department of National Defense is to address current threats to our national security, legislative initiatives must be pursued to strengthen our defense capabilities.

It is therefore the goal of this bill to update current national defense policies, principles, and concepts, institutionalize needed improvements, and codify various laws on national defense. It aims to streamline and further professionalize our country’s defense establishment.

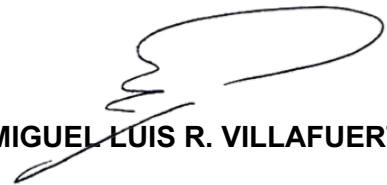
Under the proposed bill, the Secretary of Defense shall be included in the Chain of Command and the exercise of authority, direction, command, and control over the AFP shall be carried out by the President, as the Commander-in-Chief, through the Secretary. It proposes further to integrate the Women’s Auxiliary Corps and the Technical and Administrative Service into the Component Services. It also establishes the Warrant Officers within the AFP, composed of highly technical experts, combat leaders, trainers, and advisors.

This bill also seeks to transform the National Defense College of the Philippines into the National Defense University of the Philippines, categorized as a special higher education

institution. The university shall be authorized to confer the degree of Master in National Security Administration, which shall subsequently be required for appointment to key positions and the promotion of AFP officers.

Further, this bill proposes the prohibition on the sale of defense real estate, unless otherwise recommended by the Secretary, with any income from lease or development to be remitted to the AFP Modernization Act Trust Fund. The AFP shall also henceforth be exempt from the Government Procurement Law in cases involving special defense equipment or, upon the discretion of the Secretary, in the protection of the interests.

In view of the foregoing, the approval of this bill is earnestly sought.

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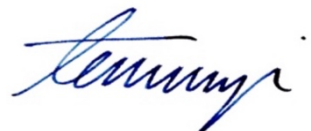
HON. MIGUEL LUIS R. VILLAFUERTE

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HON. VINCENZO RENATO LUIGI R. VILLAFUERTE

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HON. TSUYOSHI ANTHONY G. HORIBATA

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HON. TERRY L. RIDON

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AN ACT TO FURTHER DEVELOP CAPABILITY AND ESTABLISH EXPEDITIOUS TRANSFORMATION OF THE DEPARTMENT OF NATIONAL DEFENSE AND ITS BUREAUS, 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."

SECTION 2. *Declaration of National Defense Policies.* – The national defense policies of the Republic of the Philippines shall be as follows:

- (a) In defending the Philippines, the paramount consideration shall be national sovereignty, territorial integrity, national interest and the right to self-determination;
- (b) The national defense organization shall be adapted as closely as possible to the territorial and administrative organization of the Philippines;
- (c) The civil authority shall at all times be supreme over the military. The President of the Philippines as the Commander-in-Chief of all military forces, shall be responsible that mobilization measures are prepared at all times;
- (d) The mobilization shall include the execution of all measures necessary to pass from a peace to a war footing or in any case of actual invasion or when public safety so requires as well as during its transition to normalcy or rehabilitation;
- (e) The mobilization plans of financial, industrial, economic, technological and social resources of the Philippines shall conform to the provisions of the Constitution and shall be prepared by the executive departments concerned in accordance with the following general policies:
 - (1) The respective responsibilities of the several executive departments in mobilization planning will be prescribed by the President;
 - (2) Forces and resources shall be employed so as to ensure unity and continuity of effort until normalcy has been attained; and

- (3) No profit incident to war shall accrue to any individual, corporation, association or partnership.

SECTION 3. *Defense Conditions and Authority.* – Defense conditions shall be the bases for the designation of persons and entities to act in behalf of the state. Defense Conditions, hereinafter referred to as DEFCON, are circumstances where the three categories of events – disaster, internal disorders, and invasion – acting separately or in concert tend to, or actually threaten, the security of the state. The hierarchy of defense conditions and the persons or entities designated to act in behalf of the state shall be prescribed by the President.

ARTICLE I NATIONAL DEFENSE COUNCIL

SECTION 4. *National Defense Council.* –

- (a) The National Defense Council (NDC) chaired by the President is composed of heads of the executive departments, past Presidents, past Chief Justices of the Supreme Court and other government officials and private citizens as the President may appoint or designate. It shall have a permanent staff which shall preserve a documentary record of the Council's deliberations.
- (b) The method of operation of the National Defense Council, its detailed duties, and its rights to summon witnesses or consultants shall be fixed in executive orders to be issued by the President. Funds for its operation shall be provided in the appropriations for the Executive Department.

TITLE I DEPARTMENT OF NATIONAL DEFENSE Article I – General Provisions

SECTION 5. *Mandate.* – The Department of National Defense is the primary government agency charged with the duty of implementing the provisions of this Act. The defense establishment shall be maintained to maximize its effectiveness for guarding against external and internal threats to national peace and security.

SECTION 6. *Powers and Functions of the Department.* – To carry out the above-declared policy, the Department shall exercise and perform the following powers and functions:

- (a) Formulate and prepare national defense policies, strategies, plans and programs;
- (b) Formulate, develop and update the national defense plan of the country, including the mobilization plan for the employment of the country's citizens and resources for national defense;
- (c) Control, monitor, coordinate, supervise and evaluate the implementation of national defense policies, plans, programs and activities;
- (d) Exercise supervision and control over the Armed Forces of the Philippines (AFP), Government Arsenal (GA), Office of Civil Defense (OCD), Philippine Veterans Affairs Office (PVAO) and the National Defense University of the Philippines (NDUP);
- (e) Formulate, establish, implement, supervise and control quality management system.

- (f) Establish, promote and maintain bilateral and multilateral linkages for defense and military cooperation with its international counterparts for the purpose of addressing traditional and non-traditional security threats.
- (g) Implement the country's international defense and security commitments based on defense and security treaties, cooperation agreements, international covenants, protocols and other similar arrangements;
- (h) Develop self-reliance defense posture to guarantee the enhancement of responsive and progressive capabilities and maximum utilization of resources;
- (i) Develop a responsive Armed Forces capable of addressing various threats to national security; and
- (j) Perform such other defense-related functions as may be provided by law or directed by the President of the Philippines.

SECTION 7. *Contracts.* – The Department is hereby authorized to enter into, make, perform and carry out contracts of every class, kind and description which are necessary or incidental to the performance of its mandate as provided herein, with any person, firm or corporation, public or private, and with foreign government entities, subject to the provisions of existing laws, rules and regulations.

SECTION 8. *Management and Control of Defense Real Properties.* –

- (a) The Department is hereby authorized to administer, operate, manage, control, maintain and develop defense real properties for strategic basing and to use, hold, acquire, or lease any private real property, right of way, or easement which may be proper or necessary for the accomplishment of its mandate as provided in this Act.
- (b) The sale and/or exchange of strategic defense real properties shall be prohibited unless otherwise recommended by the Secretary of National Defense, approved by the President of the Philippines, with the consent of Congress.
- (c) The lease and/or development of defense real properties, by joint venture or otherwise shall be allowed upon prior approval by the President of the Philippines.
- (d) Any and all income derived from the lease or disposition of such defense real estate shall be remitted only to the AFP Modernization Act Trust Fund, and disbursed in accordance with existing laws, rules and regulations.

SECTION 9. *Special Defense Materiel Acquisition.* – Upon prior approval by the President of the Philippines, and when the procurement for use by the AFP involves major defense equipment or materiel and/or defense-related consultancy services, when the expertise or capability required is not available locally, and the Secretary of National Defense has determined that the interests of the country shall be protected by negotiating directly with an agency or instrumentality of another country with which the Philippines has entered into a defense cooperation agreement or otherwise maintains diplomatic relations, the AFP may be allowed to resort to negotiated procurement: *Provided, however,* That the performance by the supplier of its obligations under the procurement contract shall be covered by a performance security in accordance with Section 39 of the IRR of R.A. 9184.

SECTION 10. *Exemption from Import Licenses.* – All acquisition of defense materiel by the DND and its bureaus shall be exempt from import and other licenses imposed by other

agencies of the government. In lieu thereof, the SND shall issue a certification that the goods being imported are exempt from such licenses.

SECTION 11. *Grants and Donations.* – The Department, or any of the bureaus, agencies or offices under it, may accept donations, contributions, and grants from various sources, domestic or foreign, for purposes relevant to its functions: *Provided*, That in case of donations from foreign governments or persons, acceptance thereof shall be subject to existing laws, rules and regulations.

SECTION 12. *Defense Cooperation Agreements.* –

- (a) Unless otherwise provided by the Constitution, the Department of National Defense may enter into Defense/Military Cooperation Agreements to develop, enhance and sustain multi-faceted defense and security engagements and cooperation with the defense and armed forces of other countries.
- (b) Defense/Military Cooperation Agreements shall include but not limited to the exchange of information, exchange of visits, exchange of personnel, subject matter expert exchange, logistics cooperation, defense industry cooperation, humanitarian assistance and disaster response, defense and military doctrine development, research and development in defense science and technology, participation in trade, science or technology exhibits, military and defense exercises, training activities, and education exchanges or other areas of mutual concern.

Article II – Organization

SECTION 13. *Organizational Structure.* – The Defense Department shall be composed of the DND-Proper and its bureaus namely, the Armed Forces of the Philippines (AFP), Philippine Veterans Affairs Office (PVAO), Government Arsenal (GA), National Defense University of the Philippines (NDUP), Office of Civil Defense (OCD), and other instrumentalities under the supervision and control of the Secretary of National Defense as provided for by law.

SECTION 14. *Composition.* – The DND-Proper shall be composed of the Office of the Secretary of National Defense and the Offices of the Undersecretaries and Assistant Secretaries, and the Department Services.

SECTION 15. *Office of the Secretary.* – The Office of the Secretary shall consist of the Secretary of National Defense and his/her immediate staff as determined by him/her.

SECTION 16. *The Secretary of National Defense.* – The Secretary of National Defense shall be appointed by the President, subject to confirmation by the Commission on Appointments.

SECTION 17. *Powers and Functions of the Secretary.* – The authority and responsibility for the exercise of the mandate of the Department and for the discharge of its powers and functions shall be vested in the Secretary of National Defense, who shall have supervision and control of the Department. The Secretary shall also perform such other functions as may be necessary or proper to attain the objectives of this Act or as may be provided by law or directed by the President.

TITLE II
THE ARMED FORCES OF THE PHILIPPINES
Article I – General Provisions

SECTION 18. *Declaration of Policies.* –

- (a) The AFP, as the protector of the people and the State, shall secure the sovereignty and defend the territory of the Republic of the Philippines against all threats;
- (b) The AFP shall uphold the Constitution and adhere to the rule of law at all times;
- (c) Professionalism in the armed forces and adequate remuneration and benefits of its members shall be a prime concern of the State; and
- (d) The AFP, as an institution, shall be insulated from partisan politics. No member of the military shall engage, directly or indirectly, in any partisan political activity, except to exercise the right of suffrage.

SECTION 19. *Mission and Functions.* – The AFP is the protector of the people and the State. Its goal is to secure the sovereignty of the State and the integrity of the national territory. It shall have the duty to:

- (a) Defend against all forms of threats to national defense and security;
- (b) Plan, organize, train, equip, develop, employ and sustain its Regular and Reserve Force for national defense and security; and
- (c) Perform such other functions as may be provided by law or assigned by the Commander-in-Chief.

SECTION 20. *Chain of Command.* – The exercise of authority, direction, command and control over the AFP shall be carried out through the Chain of Command, which is the line of authority and responsibility along which orders are passed, beginning from the President as the Commander-in-Chief, through the Secretary of National Defense, to the Chief of Staff of the Armed Forces of the Philippines (CSAFP) down to the commander of the lowest echelon of command in the AFP: *Provided*, That this does not preclude the President from issuing orders directly to the AFP.

SECTION 21. *Organization and Composition.* – The AFP shall be initially composed of three (3) component services- the Philippine Army, the Philippine Air Force, and the Philippine Navy. These services shall form the Citizens Armed Force composed of the Regular Force and Reserve Force guided by the Table of Organization and Equipment of the AFP, prescribed by the Secretary of National Defense upon recommendation of the CSAFP.

**ARTICLE II
THE REGULAR FORCE**

**A. ORGANIZATION AND COMPOSITION
CHAPTER 1 – GENERAL PROVISIONS**

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

- (a) Regular Officers, Warrant Officers and Enlisted Personnel;
- (b) Reservists called to active duty, or on active duty tour for training; and
- (c) Draftees, trainees and government-sponsored Filipino cadets enrolled in local or foreign military schools.

The size and composition of the Regular Force shall be prescribed by the President, upon the recommendation of the CSAFP of the Philippines through the Secretary of National Defense.

SECTION 23. *Organizational Principle.* – The President, through the Secretary of National Defense, shall organize the AFP into such commands, forces and units in accordance with operational requirements. For this purpose, the national territory may be divided into such operational areas as the Secretary of National Defense may direct.

SECTION 24. *Organizational Structure.* – The Regular Force of the AFP shall consist of the Joint Headquarters; the Joint Force Operational and Functional Commands; the Component Services namely: The Philippine Army, the Philippine Navy and the Philippine Air Force; and the other existing units, component services, commands, and task forces of the AFP. The Secretary of National Defense upon the recommendation of the CSAFP may, in accordance with the policies or directives of the President, create additional units, services, commands and task forces, or reorganize the AFP in response to any situation or in pursuance of operational or contingency plans.

SECTION 25. *Operational Principles.* – The operational principles of the AFP shall be as follows:

- (a) The Commander-in-Chief shall exercise command and control through the CSAFP with the supervision of the Secretary of National Defense. The Joint Headquarters AFP, shall be the command and control element of the AFP;
- (b) The Joint Headquarters AFP shall exercise centralized command and control to ensure unity and coordination of efforts throughout the military establishment;
- (c) The Joint Force Operational Commands as force employers shall be responsible for the decentralized execution of joint operations to achieve maximum operational efficiency within the military establishment unless otherwise determined by the CSAFP through the supervision of the Secretary of National Defense;
- (d) The Component Services as force providers shall be responsible for the development, organization, training, equipping, maintenance and sustainment of combat forces, combat service forces, technical and administrative service, and combat service support forces.
- (e) The AFP Reserve Force shall provide for the base of expansion of the Component Services.

CHAPTER 2 – THE JOINT STAFF HEADQUARTERS ARMED FORCES OF THE PHILIPPINES

SECTION 26. *Mandate.* – The Joint Staff Headquarters, which shall be headed by the CSAFP, shall be the command and control element of the AFP.

SECTION 27. *Organization.* – The Joint Staff Headquarters shall be composed of the Office of the Chief of Staff of the Armed Forces of the Philippines, Office of the Vice Chief of Staff, Office of the Deputy Chief of Staff; the AFP Joint, Personal and Special Staff and the other key staff offices and units necessary for effective command and control of the AFP as recommended by the CSAFP with the approval of the Secretary of National Defense.

SECTION 28. *The Chief of Staff of the Armed Forces of the Philippines.* –

- (a) The President shall appoint the CSAFP from among the officers with the rank of Lieutenant General/Vice Admiral in the active service, who shall hold the rank of General/Admiral.
- (b) CSAFP shall serve a minimum tour of duty of 2 years and maximum of 3 years. For this purpose, the CSAFP shall be allowed to complete his maximum tour of duty beyond his retirement age: *Provided*, That the CSAFP may be removed by the President as Commander in Chief at any time before the end of the term of 3 years and deemed retired from active military service.

SECTION 29. Powers and Functions. – The Chief of Staff shall:

- (a) Serve as the principal military advisor to the President and the Secretary of National Defense;
- (b) Be responsible for the formulation of the national military strategy consistent with the national defense strategy;
- (c) Be responsible for the development of the policies, strategies, missions, plans and programs of the AFP; and
- (d) Prescribe the organization, powers, functions and duties of the various staff, services, and other units of the AFP in accordance with the national defense policy.

SECTION 30. The Vice Chief of Staff. – The Vice Chief of Staff shall be the principal assistant of the CSAFP and shall perform the functions of the CSAFP during the latter's absence or incapacity. He shall be appointed in the same manner as the CSAFP.

The Vice Chief of Staff shall serve for a minimum term of 1 year and maximum of 3 years unless otherwise promoted to the next higher position and without prejudice to compulsory retirement age as provided in this Act: *Provided*, That no Officer shall be appointed as a Vice Chief of Staff if that officer has less than one (1) year remaining in the active service: *Provided further*, That Vice Chief of Staff may be removed by the President as Commander in Chief at any time before the end of the term of 3 years and deemed retired from active military service.

SECTION 31. The Deputy Chief of Staff. – The Deputy Chief of Staff shall integrate and synchronize the Joint Staff works to assist the CSAFP in policy formulation and implementation, and command decision making process through completed staff work.

The Deputy Chief of Staff shall serve for a minimum term of 1 year and maximum of 3 years unless otherwise promoted to the next higher position and without prejudice to compulsory retirement age as provided in this Act: *Provided*, That no Officer shall be appointed as The Deputy Chief of Staff if that officer has less than one (1) year remaining in the active service: *Provided further*, That the Deputy Chief of Staff may be removed by the President as Commander in Chief at any time before the end of the term of 3 years and deemed retired from active military service.

SECTION 32. The Joint Staff. – The Joint Staff, as coordinating staff shall advise and assist the CSAFP in the performance of his/her functions. The organization, functions and duties of the Joint Staff shall be prescribed by the CSAFP.

SECTION 33. Personal Staff. – The Personal Staff, as immediate staff shall directly advise and assist the CSAFP in the performance of his/her functions. The organization, functions and

duties of the Personal Staff shall be prescribed by the CSAFP: Provided, That coordination with other staff is not precluded.

SECTION 34. *Special Staff.* – The Special Staff, as specialized, technical and administrative staff shall advise and assist the CSAFP in the performance of his/her functions. The organization, functions and duties of the Special Staff shall be prescribed by the CSAFP

SECTION 35. *Authority to Reorganize the General Headquarters into the Joint Staff Headquarters.* – In the interest of efficiency and effectiveness, the CSAFP, upon the approval of the Secretary of National Defense, may:

- (a) Establish and organize staffs, offices and units in the Joint Staff Headquarters in addition to the AFP Joint, Personal and Special Staff, and prescribe the organization, mission and functions; and
- (b) Abolish existing staffs, offices and units in the Joint Staff Headquarters not specifically provided in this Chapter or by any other provision of law, or transfer or consolidate their functions and duties with other staffs, offices or units.

CHAPTER 3 – JOINT FORCE OPERATIONAL COMMANDS

SECTION 36. *Organization, Mission and Function.* –

- (a) The Joint Force Operational Commands shall be organized and established by the CSAFP with the approval of the Secretary of National Defense which shall be under the command, control and operational direction of its Joint Force Commander.
- (b) The mission, functions, duties and responsibilities and joint area of operations of the Joint Force Operational Commands shall be prescribed by the Secretary of National Defense, in consultation with, or upon the recommendation of the CSAFP.

SECTION 37. *Designation or Assignment of Joint Force Commanders.* –

- (a) The Joint Force Commanders of the JFOC shall be designated or assigned to the said position by the President, upon the recommendation of the CSAFP of the Philippines through the Secretary of National Defense.
- (b) The Joint Force Commanders of the JFOC, as force employer, shall have operational control over all units operating within their respective joint area of operations.
- (c) The Joint Force Commanders of the JFOC shall serve for a minimum term of 2 years and maximum of 3 years unless otherwise promoted to the next higher position and without prejudice to compulsory retirement age as provided in this Act: *Provided*, That no officer shall be appointed as a Joint Force Commander if that officer has less than two (2) years remaining in the active service: *Provided further*, That Joint Force Commanders may be removed by the President as Commander in Chief at any time before the end of the term of 3 years and deemed retired from active military service.

CHAPTER 4 – THE COMPONENT SERVICES

SECTION 38. *Organization.* –

- (a) The Component Services shall be organized by the President, upon the recommendation of the Secretary of National Defense and the CSAFP. The Chiefs of

the Component Services shall be designated or assigned to the said position by the President.

- (b) The Chiefs of the Component Services shall serve for a minimum term of 2 years and maximum of 3 years unless otherwise promoted to the next higher position and without prejudice to compulsory retirement age as provided in this Act: Provided, That no Officer shall be appointed as Chief of Component Service if that officer has less than two (2) years remaining in the active service: *Provided further*, That Chief of Component Service may be removed by the President as Commander in Chief at any time before the end of the term of 3 years and deemed retired from active military service.
- (c) The Component Services shall act as force providers, which shall develop, organize, train, equip, maintain and sustain the necessary forces in support of the AFP missions.

SECTION 39. *The Philippine Army.* – The Philippine Army (PA), headed by the Chief of the Philippine Army shall provide forces that will be responsible for the conduct of prompt and sustained joint and combined ground operations in support of the AFP mission. It shall be composed of its headquarters, maneuver units, and sustainment units and such other units as may be necessary for the conduct of ground operations.

SECTION 40. *Functions of the Philippine Army.* – The Philippine Army shall:

- (a) Develop, organize, train, equip, maintain, and sustain such ground forces or units as may be necessary for the conduct of prompt and sustained operations;
- (b) Prepare such forces or units as may be necessary for the effective implementation of the national defense plans and programs and armed forces missions;
- (c) Formulate and develop, in coordination with the other Component Services, doctrines, systems, tactics, techniques and procedures peculiar to the Army;
- (d) Implement mobilization of the Army Reserve; and
- (e) Perform such other functions and duties as may be provided by law or assigned by the CSAFP.

SECTION 41. *The Philippine Air Force.* – The Philippine Air Force (PAF) headed by the Chief of the Philippine Air Force shall provide forces that will be responsible for the conduct of prompt and sustained air operations in support of the AFP mission. It shall be composed of its headquarters, air combat, combat support and sustainment units and such other units as may be necessary for the conduct of air and support operations.

SECTION 42. *Functions of the Philippine Air Force.* – The Philippine Air Force shall:

- (a) Develop, organize, train, equip, maintain, and sustain such air forces or units as may be necessary for the conduct of prompt and sustained operations;
- (b) Prepare such forces or units as may be necessary for the effective implementation of the national defense plans and programs and armed forces missions;
- (c) Formulate and develop, in coordination with the other Component Services, doctrines, systems, tactics, techniques and procedures peculiar to the Air Force;
- (d) Implement mobilization of the Air Force Reserve; and

- (e) Perform such other functions and duties as may be provided by law or assigned by the CSAFP.

SECTION 43. *The Philippine Navy.* – The Philippine Navy (PN) headed by the Chief of the Philippine Navy, shall provide forces that shall be employed for the conduct of prompt and sustained naval operations in support of the AFP missions. It shall be composed of its headquarters, naval forces, service support and sustainment units and such other units as may be necessary for the conduct of naval operations.

SECTION 44. *Functions of the Philippine Navy.* – The Philippine Navy shall:

- (a) Develop, organize, train, equip, maintain, and sustain such naval forces or units as may be necessary for the conduct of prompt and sustained operations;
- (b) Prepare such forces or units as may be necessary for the effective implementation of the national defense plans and programs and armed forces missions;
- (c) Formulate and develop, in coordination with the other Component Services, doctrines, systems, tactics, techniques and procedures peculiar to the Navy;
- (d) Implement mobilization of the Navy Reserve; and
- (e) Perform such other functions and duties as may be provided by law or assigned by the CSAFP.

SECTION 45. *Technical and Administrative Service.* – Each Component Service shall develop, organize, train, equip, maintain, and sustain their respective Technical and Administrative Service composed of but not limited to, The Judge Advocate General Service, Medical Corps, Veterinary Corps, Medical and Administrative Corps, Nurse Corps, Dental Corps, Chaplain Service, and Corps of Professors.

SECTION 46. *The Women's Auxiliary Corps.* – The Women's Auxiliary Corps as created by Republic Act No. 3835, as amended shall be integrated to their respective Component Service. For this purpose, RA 3835 is hereby repealed. Further, the number of female personnel in the AFP, notwithstanding provision of relevant laws, shall be prescribed by the Secretary of National Defense.

CHAPTER 5 – MILITARY EDUCATION AND TRAINING INSTITUTIONS

SECTION 47. *Organization, Mission and Function.* –

- (a) The Philippine Military Academy (PMA), Command and General Staff College (CGSC), Officer Candidate School (OCS), Non-commissioned Officer Academy and other Military Education and Training Institutions organized and established by the CSAFP with the approval of the Secretary of National Defense shall be under the command, control and direction of their Military Education and Training Superintendent/Commandant.
- (b) The mission, functions, duties and responsibilities of the military education and training institutions shall be prescribed by the CSAFP with the approval of the Secretary of National Defense.

SECTION 48. *The Philippine Military Academy.* –

- (a) **Mandate.** The Philippine Military Academy categorized as special higher education institution is the primary training and educational institution of the AFP, which shall be its principal source of regular officers. The degree programs, instruction, faculty complement, research, and facilities of the PMA shall be accredited by the Commission on Higher Education (CHED).
- (b) **Organization.** - The Academy headed by the Superintendent shall be organized as prescribed by the Secretary of National Defense, upon the recommendation of the CSAFP.
- (c) **Development.** – The Academy shall determine its teaching, manpower, curriculum, research and extension thrusts, plans and programs, standards and budget.
- (d) **Cadet Corps.** - The student body of the Academy shall be known as the Cadet Corps Armed Forces of the Philippines (CCAFP) and shall have such strength, as the Secretary of National Defense shall determine, upon the recommendation of the CSAFP.
- (e) **Academic Board.** - There shall be an Academic Board organized by the Superintendent. The Board shall, in accordance with the rules and regulations prescribed by the CSAFP, have the power to confer baccalaureate degrees upon the cadets who satisfactorily complete the approved course of study.
- (f) The Superintendent shall serve for a minimum term of 2 years and maximum of 3 years unless otherwise promoted to the next higher position and without prejudice to compulsory retirement age as provided in this Act: *Provided*, That no Officer shall be appointed as Superintendent if that officer has less than two (2) years remaining in the active service: *Provided further*, That the Superintendent may be removed by the President as Commander in Chief at any time before the end of the term of 3 years.
- (g) **Board of Visitors.** The PMA shall establish a board of visitors to look into the academic affairs of the Academy with the end of enhancing its educational systems. The Board of Visitors shall be composed of at least five (5) but not more than seven (7) members designated by the Superintendent, whose membership shall meet at least once a year.

SECTION 49. *Authority to Establish Other Military Training Institutions.* – The President, upon the recommendation of the CSAFP through the Secretary of National Defense, is hereby authorized to establish other military training academies and institutions in the AFP.

B. RECRUITMENT, PROMOTION AND CAREER DEVELOPMENT

CHAPTER 1 – COMMISSIONED OFFICERS

SECTION 50. *Qualifications.* – All persons commissioned as officers in the Regular Force shall be natural born citizens of the Philippines, of legal age, of good moral character, physically and mentally qualified for active military service, and shall have such other qualifications as may be prescribed by the Secretary of National Defense.

SECTION 51. *Appointments in the Regular Force.* –

- (a) Officers shall be permanently appointed by the President in the Regular Force in accordance with the provisions of the Constitution.
- (b) Except as otherwise provided in this Act, the date of rank of a commissioned officer in active service in the Regular Force shall be the date of permanent appointment in that grade by the President.

SECTION 52. *Revocation of Commission.* – The commission of an officer may be revoked by the President at any time, upon the recommendation of the Secretary of National Defense when found not fully qualified for such commission or who lacks any of the qualifications prescribed by law or regulation.

SECTION 53. *Officer Grade Distribution.* – The Secretary of National Defense shall prescribe the authorized number of officers in the Regular Force in each grade in each Component Service in accordance with the Table of Organization and Equipment.

SECTION 54. *Distribution of General/Flag Officers.* – The number of general/flag officers herein authorized shall be distributed to the various general/flag officer grades by the Secretary of National Defense based on the recommendation of the CSAFP in accordance with the Table of Organization and Equipment.

SECTION 55. *Tour of Duty in Key Positions.* – No officers with less than one year remaining active service shall be designated to positions requiring the rank of Brigadier General/Commodore or higher.

SECTION 56. *AFP Promotion System.* –

- (a) The AFP Promotion System shall be governed by the principle that as officers are promoted from one grade to the next higher grade, the criteria of competence, merit and potentials are the primary consideration.
- (b) The AFP Promotion System shall be the primary means by which the AFP shall periodically evaluate and assess its ranks of officers and shall institutionalize and continue to implement an efficient process of selection for promotion, as well as for attrition of officers as prescribed by the Secretary of National Defense.
- (c) The AFP Promotion System shall be governed by a management system with a view of ensuring smooth succession in the filling of vacancies in key positions as and when these occur.
- (d) The Secretary of National Defense shall prescribe the seniority and promotional lineal list of the AFP.

SECTION 57. *Promotion to General/Flag Officer Grades.* – No officer shall be promoted to the rank of Brigadier General/Commodore or higher unless there is an existing vacancy and the officer is occupying a position in the Table of Organization and Equipment that requires the rank for which he is being considered for promotion or assignment.

SECTION 58. *Maximum Tenure in Rank.* – The maximum tenure of officers in the ranks of Colonel/Captain and General/Flag Officer in the AFP are hereby prescribed as follows:

| | |
|---------------------------------|---------|
| Colonel/Captain | 8 years |
| Brigadier General/Commodore | 4 years |
| Major General/Rear Admiral | 3 years |
| Lieutenant General/Vice Admiral | 3 years |
| General/Admiral | 3 years |

Unless earlier separated or retired or promoted to the next higher rank or occupying a position calling for the ranks of higher grade in the AFP TO&E, Colonels/Captains and Generals/Flag Officers shall be compulsorily retired upon the attainment of the maximum tenure in rank herein prescribed, or upon reaching the age of compulsory retirement, whichever

is earlier, except for those, who may be allowed by the President to finish tenure in position as recommended by the Secretary of National Defense.

SECTION 59. *Determination and Allocation of Key Positions.* – The Secretary of the Department of National Defense upon the recommendation of the CSAFP shall determine and allocate the number of key positions among the component services, headquarters and support units of the AFP based on the technical nature of the organization, position, task, scope and area of responsibilities, equipage, prevailing Defense Condition and other considerations as the exigencies of the service may require.

CHAPTER 2 – WARRANT OFFICERS

SECTION 60. *Qualifications for Appointment.* – Any natural born citizen of the Philippines, of legal age, physically and mentally fit for military service, of good moral character, and possessed of such educational attainments and specialized skills or expertise as may be prescribed by the Secretary of National Defense, may be appointed in the Regular Force.

SECTION 61. *Appointments in the Regular Force.* – Warrant Officers shall be appointed by the Secretary of National Defense.

SECTION 62. *Revocation of Appointment.* – The appointment of an officer, who is found not fully qualified for such appointment or who lacks any of the qualifications prescribed by law or regulation may be revoked by the Secretary of National Defense at any time, upon the recommendation of the CSAFP.

SECTION 63. *Warrant Officer Management.* – The Secretary of National Defense shall prescribe the special career management, employment, grades, rank and authorized number of warrant officers in the Regular Force in each grade in each Component Service in accordance with the operational and organizational needs of the AFP.

CHAPTER 3 – ENLISTED PERSONNEL

SECTION 64. *Qualifications for Enlistment.* – Any natural born citizen of the Philippines, of legal age, physically and mentally fit for military service, of good moral character, and possessed of such educational attainments as may be prescribed by the Secretary of National Defense, may be enlisted in the Regular Force under the following restrictions:

- (a) Except as otherwise provided herein, each enlistment in the Regular Force shall be for a term of five (5) years: *Provided*, That all enlistments in force at the outbreak of war, or other grave national emergency, or entered into during its continuation shall remain in force until six months after its termination, unless sooner terminated by the President;
- (b) Enlistments for service shall be apportioned among the various provinces of the Philippines, as far as practicable, provided that qualifications for competency as prescribed shall be observed; and
- (c) Re-enlistment in the Regular Force shall be prescribed by the Secretary of National Defense.

SECTION 65. *Enlisted Ranks.* – The ranks of enlisted personnel in the AFP shall be in accordance with the guidelines set forth by the CSAFP. The total number of enlisted personnel in the enlisted ranks and non-commissioned officer grades shall be prescribed by the CSAFP in accordance with the number of authorized positions in the approved Table of Organization & Equipment.

SECTION 66. *Enlistment and Career Development of Enlisted Personnel System.* – The Secretary of National Defense shall, upon the recommendation of the CSAFP, prescribe the guidelines, which shall govern the procurement, enlistment, training, promotion and discharge or separation of all enlisted personnel in the AFP.

SECTION 67. *Authority to Promote and Demote.* – The authority to promote and demote Enlisted Personnel shall be prescribed by the CSAFP.

C. RETIREMENT AND SEPARATION

SECTION 68. *Retirement and Separation.* – Retirement, whether compulsory or optional, and separation from military service, shall conform with existing laws, rules and regulations without prejudice to the provisions of this Act.

SECTION 69. *Recall from Retirement.* – An Officer, Warrant Officer or Enlisted Personnel who retired from the active service, may be recalled to active duty by the President during national mobilization and shall be subject to the Articles of War. They shall be recalled in the last permanent rank held before retirement.

SECTION 70. *Retirement and Separation Benefits.* – Congress shall allocate funds for the retirement and separation benefits as according to existing laws, rules and regulations.

SECTION 71. *Attrition System.* –

- (a) The attrition system for Officers shall be prescribed by the President as recommended by the Secretary of National Defense.
- (b) The attrition system for Warrant Officers and Enlisted Personnel shall be prescribed by the Secretary of National Defense as recommended the CSAFP.

SECTION 72. *Effect of Loss of Filipino Citizenship.* – Pursuant to existing laws, any retired military personnel, receiving retirement and pension benefits pursuant to the provisions of this Act, who loses his/her Filipino citizenship shall no longer be entitled to receive pension and retirement benefits. The survivors of any retired military personnel who lose his Filipino citizenship shall no longer be entitled to receive survivorship benefits

D. ADMINISTRATION OF MILITARY JUSTICE SYSTEM

SECTION 73. *Military Justice.* –

- (a) Except as otherwise provided in this Act, enforcement of discipline and military justice shall be governed by applicable laws and administrative issuances as prescribed by the President upon recommendation of the Secretary of National Defense.
- (b) There shall be reduction in grade, demotion of rank, suspension of active service, and forfeiture, suspension, or withholding of pay and allowances of Officers, except those ranks confirmed by Commission on Appointments, found administratively liable. The procedure, extent or system of which shall be prescribed by the President as recommended by the Secretary of National Defense.
- (c) Procedure, extent or system of reduction in grade, demotion of rank, suspension of active service, and forfeiture, suspension or withholding of pay and allowances of Warrant Officers and Enlisted Personnel found administratively liable shall be prescribed by the Secretary of National Defense as recommended by the CSAFP.

E. LEGAL ASSISTANCE

SECTION 74. *Extension of Legal Assistance.* – All military personnel charged of service-related or service-connected administrative, civil or criminal offenses, upon approval of their Chiefs of Component Services, shall be provided adequate legal representation and assistance by military lawyers or counsel of their own choice until conclusion of the case. Reasonable allocation can be charged against the fund of component service to support such case.

ARTICLE III – THE RESERVE FORCE CHAPTER 1 – GENERAL PROVISIONS

SECTION 75. *Organization of the Reserve Force.* – The organization of the Reserve Force shall conform to projected and actual needs as determined by the Secretary of National Defense upon the approval by the President. The Table of Organization and Equipment of the Reserve Force shall be prescribed by the Secretary of National Defense upon recommendation of the CSAFP.

SECTION 76. *Purpose.* – The purpose of the Reserve Force is to provide the base for the expansion of the AFP in the event of disaster, internal disorder and invasion;

CHAPTER 2 – COMPOSITION OF THE RESERVE FORCE

SECTION 77. *Composition.* – The Reserve Force shall have three (3) components, namely:

- (a) The Army Reserve Component;
- (b) The Air Force Reserve Component; and
- (c) The Navy Reserve Component.

SECTION 78. *Affiliated Reserve Units.* – Affiliated Reserve Units (ARUs) are private and government entities, corporations, establishments and organizations at the national, provincial, city and municipal levels which provide essential public and strategic services necessary to support the prosecution of national defense plans or to meet an emergency. ARUs shall belong to any of the Reserve Force Components.

SECTION 79. *Call to Active Duty of the Reserve Force.* – Reservists may be called to active duty for training and/or deployment as prescribed by the CSAFP as approved by the Secretary of National Defense.

TITLE III OTHER BUREAUS AND AGENCIES UNDER THE DEPARTMENT ARTICLE I – GENERAL PROVISIONS

SECTION 80. *Supervision and Control.* – The Secretary of National Defense shall exercise supervision and control over the bureaus and agencies under this Title, as well as its personnel.

SECTION 81. *Organization.* –

- (a) Unless otherwise provided by law, the organization, functions, duties and responsibilities of the staff and operating units of each of the bureaus and agencies under the Department shall be as prescribed by the Secretary of National Defense in appropriate rules and regulations issued for the purpose.

- (b) For this purpose, and in the interest of service, the Secretary of National Defense may, in accordance with the policies or directives of the President:
- (1) Establish and organize staffs, offices and units in the bureaus or agencies and prescribe the titles, powers, functions and duties of the positions therein;
 - (2) Abolish existing staffs, offices and units in the bureaus or agencies not specifically provided by law, or transfer or consolidate their functions and duties with other staffs, offices or units; and
 - (3) Abolish a position of any bureau or agency and transfer or consolidate its functions and duties with those of another position.

SECTION 82. *Separation Benefits of Officials and Employees of Affected Bureaus or Agencies.* – Government employees displaced or separated from the service as a result of the restructuring pursuant to this Act shall be entitled to a separation pay and other benefits in accordance with existing laws, rules or regulations.

ARTICLE II THE GOVERNMENT ARSENAL

SECTION 83. *Mandate.* – The Government Arsenal shall develop, operate, maintain and secure facilities for the manufacture of weapons, munitions and other defense materiel to support the requirements of the AFP, Philippine National Police (PNP) and other law enforcement agencies; and, to sell and export products in excess of the local demand.

SECTION 84. *Power and Functions.* – The Government Arsenal shall have the following powers and functions:

- (a) Formulate and implement plans and programs towards the achievement of self-sufficiency in weapons, small arms ammunition, mortars, medium and large caliber ammunition and other munitions needed by the country's defense and security establishments;
- (b) Design, conduct research, develop, manufacture, procure, repair, stockpile and allocate weapons, munitions and other defense materiel subject to existing laws and regulatory requirements.
- (c) Sell and export products in excess of the requirements of the AFP and other law enforcement agencies, subject to existing laws;
- (d) Devise ways and means for the efficient mobilization of civilian/private industry to augment its production for use of the defense and security forces; and
- (e) Establish, secure and operate government defense manufacturing plants, as necessary, in strategic locations within the country.

SECTION 85. *Organization and Administration.* – The Government Arsenal shall be headed by a Director with one or more Assistant Directors who shall support the Director in the administration, manufacturing operations and other affairs of the bureau; all of whom shall be appointed by the President upon the recommendation from the Secretary of National Defense, and who shall have the relevant expertise, training and experience in the field of munitions.

SECTION 86. *Modernization of the Arsenal.* – The modernization of the Government Arsenal, for the development of production capabilities to enhance self-sufficiency in defense requirements, shall be part of the defense modernization program. The Government Arsenal may use such production facilities as it may own or be provided with under this Act or as it may arrange, under joint venture, co-production or similar agreements with local and foreign entities.

ARTICLE III NATIONAL DEFENSE UNIVERSITY OF THE PHILIPPINES

SECTION 87. *Transformation of the NDCP.* – In view of the rapidly evolving national and regional security environment, the current academic trends and research thrusts of defense institutions in the Asia Pacific, and the increasing need for specialized defense and security courses to enhance the academic foundation of promoting Philippine national security, The National Defense College of the Philippines (NDCP) is hereby transformed into the National Defense University of the Philippines (NDUP) categorized as a special higher education institution. To ensure the continuous operation of the College, all its personnel and resources shall be absorbed by the NDUP.

The degree programs, instruction, faculty complement, research, and facilities of the NDUP shall be accredited by the Commission on Higher Education (CHED). The NDUP shall likewise have adequate plantilla positions and receive appropriate funding to fulfill the requirements of transforming into a defense university.

SECTION 88. *Mandate.* – In accordance with the standards set forth in pertinent laws and regulations on higher education, the NDUP shall train and develop the competence of potential national defense leaders, civilian officials of the different agencies and instrumentalities of the Government, and selected executives from the private sector in the formulation and review of national security policies and undertake research and studies as basis for the formulation of national defense and security policies, plans and programs. The NDUP shall be headed by a President, and assisted by an Executive Vice President, and four (4) Vice-Presidents, all of whom shall be appointed by the President of the Philippines, upon the recommendation of the Secretary of National Defense. The NDUP President shall have a term of six (6) years.

SECTION 89. *Powers and Functions.* – The University shall have the following powers and functions:

- (a) Confer the degree of Master in National Security Administration (MNSA) upon the graduates thereof;
- (b) Develop and confer other baccalaureate, master's, and doctorate degrees on defense and security; and
- (c) Undertake policy research and special studies as well as policy formulation on strategic defense and security issues.

SECTION 90. *Organization and Administration.* –

- (a) The NDUP President shall administer the affairs of the University.
- (b) The NDUP President shall be assisted by the Executive Vice President (EVP). The EVP shall act as NDUP President in the absence or incapacity of the NDUP President, and shall perform such other functions and duties as may be assigned to him by the NDUP President or the Secretary of National Defense.

- (c) There shall be a Vice-President for Academic Affairs, who shall be responsible for the development, implementation, supervision and evaluation of academic programs; a Vice-President for Strategic Studies and Policy Formulation, who shall be responsible for the conduct and supervision of research and special studies and policy formulation and review for the Department; a Vice-President for Military Affairs, who shall be responsible for the overall military activities of the University; a Vice-President for Administration, who shall be responsible for the overall administrative support to all the activities of the University and such other officials as may be required by the University subject to the approval of the Secretary of National Defense.
- (d) The University shall have an Academic Board to assist the President discharge the following functions:
 - (1) Supervise the academic affairs of the University;
 - (2) Recommend academic consultants, professors, lecturers, instructors, research assistants and other resource persons of the University; and
 - (3) Recommend the courses of studies to be conducted by the University to accomplish its objectives.

The Board shall be composed of the Vice President for Academic Affairs as Chairman, and the Heads of the various academic disciplines as members, who shall be designated by the NDUP President subject to the approval of the Secretary of National Defense.

- (e) All resource persons of the University including but not limited to academic consultants, professors, lecturers, instructor, thesis advisers, members of examining and evaluating panels, examiners, correctors, and technicians who are regularly employed in the Government shall, in addition to their salaries, be entitled to receive honoraria, fees and other emoluments fixed by the Secretary of National Defense.
- (f) The Secretary of National Defense may establish a *Council of Fellows* in the University to assist and advise him in providing strategic direction and guidance necessary to ensure the accomplishment of the mandate of the University.

SECTION 91. *Graduates of the Regular Course of the University.* – All graduates of the University shall be conferred the degree of Master in National Security Administration (MNSA). Civilian graduates of the MNSA program shall receive an initial rank of Lieutenant Colonel/Commander in the Reserve Force subject to existing AFP regulations. The MNSA or its equivalent in military career development course shall be required for appointment or designation to key positions and promotion of AFP officers to the grade of O-7 (Brigadier General/Commodore).

SECTION 92. *Transition.* – The SND shall determine the appropriate transition period for NDCP to attain the status and competency of becoming a university. Further, Congress shall allocate the necessary funds for the transformation of NDCP to NDUP.

ARTICLE IV OFFICE OF CIVIL DEFENSE

SECTION 93. *Mandate.* – The Office of Civil Defense (OCD) shall have the primary mission of administering a comprehensive national civil defense and disaster risk reduction and management program during local and national emergencies by providing leadership in the

continuous development of strategic and systematic approaches as well as measures to reduce the vulnerabilities and risks to hazards and manage the consequences of disasters.

SECTION 94. *Powers and Functions.* – The Office shall have the following powers and functions:

- (a) Establish and administer a comprehensive national civil defense and civil assistance program to include the allocation to agencies and local government units such aid and funds as may be made available by the national government, assisting governments, and international and local organizations;
- (b) Formulate policies and prepare plans for the protection and welfare of the civilian population in times of war or other national emergencies as may be determined by the President of the Philippines;
- (c) Furnish guidance and coordinate the activities of national government agencies, local government units, private institutions and civic organizations for natural and human-induced disasters;
- (d) Develop and coordinate a program for informing, educating and training the general public, volunteer workers and civil defense groups on civil defense and assistance measures and activities;
- (e) Prepare and disseminate disaster control manuals and other publications related to measures on disaster prevention and mitigation, preparedness, response and rehabilitation and recovery;
- (f) Advise the Secretary of National Defense on matters concerning civil defense and make recommendations from time to time as may be deemed appropriate or as the Secretary may require;
- (g) Provide assistance and secretariat services to the National Disaster Risk Reduction and Management Council to implement the policies set by the latter relative to disaster management;
- (h) Furnish guidance to the various provinces, cities and municipalities in the planning, accreditation, organization and operation of their civil defense organizations; and
- (i) Perform such other civil defense functions as may be provided by law.

SECTION 95. *Organization.* – The Office of Civil Defense shall be headed by an Administrator who shall also serve as Executive Director of the National Disaster Risk Reduction and Management Council and, as such, shall have the same duties and privileges of a department undersecretary. It shall operate under a duly approved organization and staffing as recommended by the Secretary of National Defense.

ARTICLE V PHILIPPINE VETERANS AFFAIRS OFFICE

SECTION 96. *Mandate.* – The Philippine Veterans Affairs Office shall be the government agency responsible for administering the benefits due to veterans, their heirs and beneficiaries and shall provide medical care and treatment to veterans pursuant to existing laws. It shall also administer, maintain and develop military memorials and battle monuments proclaimed as national shrines.

SECTION 97. Powers and Functions. – The Office shall have the following powers and functions:

- (a) Formulate and promulgate, subject to the approval of the Secretary of National Defense, policies, rules and regulations governing the adjudication and administration of veterans claims and benefits;
- (b) Adjudicate and administer benefits, pensions and other privileges granted to veterans, their heirs and beneficiaries;
- (c) Provide medical care and treatment to veterans pursuant to existing law;
- (d) Administer, develop and maintain military memorials and battle monuments proclaimed as national shrines; and
- (e) Perform such other functions as may be provided by law.

SECTION 98. Organization. – The Philippine Veterans Affairs Office shall be headed by an Administrator who may be assisted by one or more Deputy Administrators, 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.

FINAL PROVISIONS

SECTION 99. Implementing Rules and Regulations. – The DND shall formulate the Implementing Rules and Regulations (IRR) for proper implementation of this Act within twelve (12) months from the effectivity hereof. The said rules and regulations shall be approved by the President of the Philippines.

SECTION 100. Appropriations. – The amount necessary to carry out the provisions of this Act is hereby appropriated in the General Appropriations Act of the year following its enactment into law. Thereafter, such sums as may be necessary for its continued implementation shall be included in the annual General Appropriations Act.

SECTION 101. Separability Clause. – If any part or provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall remain in force and effect.

SECTION 102. Repealing Clause. – All laws, Executive Orders, Presidential Decrees, rules and regulations inconsistent herewith are deemed modified and repealed accordingly. *All affected provisions of existing laws are deemed effective until such promulgation of the IRR.*

SECTION 103. Effectivity Clause. – This Act shall take effect fifteen (15) days upon its complete publication in the *Official Gazette* or in at least two (2) newspapers of general circulation, whichever comes first.

Approved,