

**NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )**



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**SENATE**

**Senate Bill No. 1603**

RECEIVED BY:

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**Introduced by Senator Juan Miguel F. Zubiri**

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**AN ACT  
AMENDING REPUBLIC ACT NO. 11709 OTHERWISE KNOWN AS "AN ACT  
STRENGTHENING PROFESSIONALISM AND PROMOTING THE  
CONTINUITY OF POLICIES AND MODERNIZATION INITIATIVES IN THE  
ARMED FORCES OF THE PHILIPPINES, BY PRESCRIBING FIXED TERMS  
FOR KEY OFFICERS THEREOF, INCREASING THE MANDATORY  
RETIREMENT AGE OF GENERALS/FLAG OFFICERS, PROVIDING FOR A  
MORE EFFECTIVE ATTRITION SYSTEM, AND PROVIDING FUNDS  
THEREFOR," AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

After the passage into law of Republic Act No. 11709<sup>1</sup>, a significant number of proposals and recommendations from officers and enlisted personnel were made to amend some provisions in order to make it more responsive to the needs, peculiar situation, organizational culture and human resource development of the Armed Forces of the Philippines (AFP).

As a law of national significance, there is an imperative need to revisit its key provisions and to make it more responsive to the needs of the AFP. Consistent with Sec. 23 of the law which provides for the conduct for a systematic review, evaluation, and impact assessment of the Act, a pro-active stance was taken to consult the organization, officers, and enlisted personnel on the recommendations and courses of action.

After the conduct of extensive consultations, several recommendations were identified towards the further enhancement of the law:

- a.) Allow the organization to manage the tenure-in-grade of enlisted personnel;
- b.) Limit the fixed tour of duty to the Chief of Staff, the commanding generals of the major services, and the PMA Superintendent while allowing lateral movement for other key positions;
- c.) Allow the Secretary of National Defense in consultation with the AFP 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 increase or decrease in the number of officers in each officer rank based on the mission

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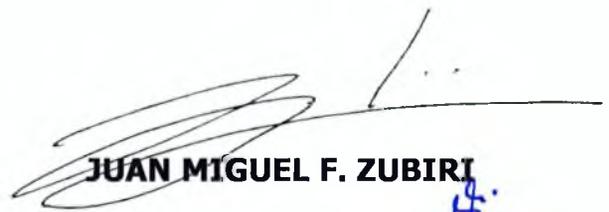
<sup>1</sup> AN ACT STRENGTHENING PROFESSIONALISM AND PROMOTING THE CONTINUITY OF POLICIES AND MODERNIZATION INITIATIVES IN THE ARMED FORCES OF THE PHILIPPINES, BY PRESCRIBING FIXED TERMS FOR KEY OFFICERS THEREOF, INCREASING THE MANDATORY RETIREMENT AGE OF GENERALS/FLAG OFFICERS, PROVIDING FOR A MORE EFFECTIVE ATTRITION SYSTEM, AND PROVIDING FUNDS THEREFOR

requirement, capabilities, scope of responsibility, technical nature of the position and task;

- d.) Restore the rule that except for the Chief of Staff of the AFP, no officer shall be designated to the key positions or promoted to the rank of Brigadier General/Commodore or higher if said officer has less than six (6) months of active service remaining prior to compulsory retirement;
- e.) Provide for lengthening for those in the positions of Captain, Major, and Lieutenant Colonel and increase the maximum tenure-in-grade for Colonel; and
- f.) Address the retirement grade provision of the law together with the proposed measures on pension and retirement for Military and other Uniformed Personnel.

Congress is at all times guided by the constitutional provision of upholding the continuing role of the Armed Forces of the Philippines as the protector of the people and the State and its goal of securing the sovereignty of the State and the integrity of the national territory (Article II, Section 2, 1987 Philippine Constitution). In the enhancement of the law, the policies of professionalization of the organization, allowing the leadership for a longer period to implement reforms, and obviating the revolving door policy regarding promotions will continuously be pursued.

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

  
**JUAN MIGUEL F. ZUBIRI**  
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**STRENGTHENING PROFESSIONALISM AND PROMOTING THE**  
**CONTINUITY OF POLICIES AND MODERNIZATION INITIATIVES IN THE**  
**ARMED FORCES OF THE PHILIPPINES, BY PRESCRIBING FIXED TERMS**  
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**RETIREMENT AGE OF GENERALS/FLAG OFFICERS, PROVIDING FOR A**  
**MORE EFFECTIVE ATTRITION SYSTEM, AND PROVIDING FUNDS**  
**THEREFOR," AND FOR OTHER PURPOSES**

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

1 **SECTION 1.** Section 2 of Republic Act No. 11709 is hereby amended to read as:  
2

3 SEC. 2. **FIXED Tour of Duty AND LATERAL MOVEMENT of Key Officers.** –  
4 **(A)** The following officers holding key positions in the AFP, upon [appointment]  
5 **DESIGNATION** shall have a fixed tour of duty of three (3) **CONSECUTIVE** years,  
6 **UNLESS SOONER TERMINATED BY THE PRESIDENT**

7  
8 [(a)] (1) Chief of Staff

9 [(b)] [Vice Chief of Staff]

10 [(c)] [The Deputy Chief of Staff]

11 [(d)] (2) Commanding General, Philippine Army

12 [(e)] (3) Commanding General, Philippine Air Force; **AND**

13 [(f)] (4) Flag Officer in Command, Philippine Navy

14 [(g)] [Unified Command Commanders; and]

15 [(h)] [Inspector General.]  
16

17 [The tour of duty of the aforementioned officers shall commence on the date  
18 the appointment is signed and shall be for three (3) consecutive years unless  
19 sooner terminated by the President;] *Provided*, That **THE COMMANDING**  
20 **GENERALS/FLAG OFFICER IN COMMAND OF THE MAJOR SERVICES** [those  
21 mentioned in Section 2(b) to 2(h)] shall not be eligible for any other position in the  
22 AFP unless promoted to the position of Chief of Staff.  
23

24 **(B) LATERAL MOVEMENT SHALL BE ALLOWED FOR OFFICERS HOLDING**  
25 **THE FOLLOWING KEY POSITIONS:**

- 1
- 2 (a) VICE CHIEF OF STAFF
- 3 (b) THE DEPUTY CHIEF OF STAFF
- 4 (c) UNIFIED COMMAND COMMANDERS; AND
- 5 (d) THE INSPECTOR GENERAL AFP
- 6

7 **PROVIDED, THAT, EXCEPT FOR THE POSITION OF CHIEF OF STAFF, NO**  
8 **OFFICER SHALL BE DESIGNATED TO KEY POSITIONS IF THE OFFICER**  
9 **HAS LESS THAN ONE (1) YEAR OF ACTIVE SERVICE REMAINING PRIOR**  
10 **TO COMPULSORY RETIREMENT, OR PROMOTED TO THE RANK OF**  
11 **BRIGADIER GENERAL/COMMODORE OR HIGHER IF THE OFFICER HAS**  
12 **LESS THAN SIX (6) MONTHS OF ACTIVE SERVICE REMAINING PRIOR TO**  
13 **COMPULSORY RETIREMENT.**  
14

15  
16 **SEC. 2.** Section 6, subsection (a), paragraph (3) of the same Act is hereby amended to  
17 read as:

18  
19 *SEC. 6. Compulsory Retirement for Military Personnel.*

20  
21 (a) The following officers of the AFP shall be compulsorily retired:

22  
23 (1) X x x

24  
25 (2) Those in the grades of Brigadier General/Commodore (O-7) upon reaching the  
26 age of **FIFTY-SEVEN (57); MAJOR GENERAL/REAR ADMIRAL (O-8) UPON**  
27 **REACHING THE AGE OF FIFTY-EIGHT (58); LIEUTENANT GENERAL/VICE**  
28 **ADMIRAL (O9) UPON REACHING THE AGE OF** fifty-nine (59) or the maximum  
29 tenure-in-grade as defined in this Act, whichever comes earlier;  
30

31 (3) Those occupying [a] key position**S**, as defined in Section 2 of this Act, upon  
32 completion of the fixed tour of duty regardless of age, unless promoted [to Chief  
33 of Staff] **IN ACCORDANCE WITH SAID SECTION 2** or who is relieved from  
34 post [and is not designated to or occupying any position in the AFP Table of  
35 organization]; and

36 (4) X x x  
37

38 **SEC. 3.** Section 8 of the same Act is hereby repealed.  
39

40 **SEC. 4.** Section 10, subsection (b), paragraph (2) of the same Act is hereby amended  
41 to read as:

42  
43 *SEC. 10. Forced Attrition of Officers. X x x*

44  
45 (a) X x x

46  
47 (b) *Maximum Tenure-In-Grade for Officers*

48  
49 (1) Generals/Flag Officers. X X X

50  
51 (2) *Officers.* – The maximum tenure of officers in the grades of Colonel,  
52 Lieutenant Colonel, Major, and Captain, or their equivalent in the other services  
53 in the AFP are hereby prescribed as follows:  
54

1

Grade	Maximum Tenure-in-Grade
Colonel/Captain (PN) (O-6)	[Eight (8)] <b>NINE (9)</b> years
Lieutenant Colonel/Commander (PN) (O-5)	Seven (7) years
Major/Lieutenant Commander (PN) (O-4)	Six (6) years
Captain/Lieutenant (PN) (O-3)	Six (6) years

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**PROVIDED, THAT THE PRESIDENT MAY LENGTHEN THE ACTIVE SERVICE-IN-GRADE OF OFFICERS IN THE PERMANENT GRADES OF CAPTAIN, MAJOR, AND LIEUTENANT COLONEL, OR THEIR EQUIVALENT, UP TO THREE (3) CYCLES WHEN NECESSARY, TO MAINTAIN THE DESIRABLE OFFICER RANK STRUCTURE AND UPHOLD THE PROGRESSIVE PROFESSIONAL DEVELOPMENT OF THE OFFICER CORPS: PROVIDED FURTHER, THAT THE MAXIMUM TENURE-IN-GRADE HEREIN PRESCRIBED FOR THE GRADE OF COLONEL/CAPTAIN (PN) SHALL APPLY TO THOSE PROMOTED UNDER REPUBLIC ACT NO. 11709.**

X X X

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**SEC. 5.** Section 11, subsection (b) of the same Act is hereby amended to read as:

SEC. 11. *Forced Attrition of Enlisted Personnel*

(a) *X x x*

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

[Grade]	[Maximum Tenure-in-Grade]
[First Chief Master Sergeant (E-10)]	[Three (3) years]
[Chief Master Sergeant (E-9)]	[Three (3) years]
[Senior Master Sergeant (E-8)]	[Three (3) years]
[Master Sergeant (E-7)]	[Three (3) years]
[Technical Sergeant (E-6)]	[Five (5) years]
[Staff Sergeant (E-5)]	[Five (5) years]
[Sergeant (E-4)]	[Four (4) years]
[Corporal (E-3)]	[Four (4) years]

[Private First Class (E-2)]	[Four (4) years]
[Private (E-1)]	[Four (4) years]

**THE SECRETARY OF NATIONAL DEFENSE SHALL DETERMINE THE  
MAXIMUM TENURE-IN-GRADE OF ENLISTED PERSONNEL.**

**SEC. 6.** Section 15 of the same Act is hereby amended to read as:

**SEC. 15. AUTHORIZED NUMBER OF OFFICERS** *[Officer Grade Distribution]*. – The Secretary of National Defense, **IN CONSULTATION WITH THE AFP**, shall prescribe the authorized number of officers in the active force in each grade and in each major, technical or administrative service. [and shall implement the gradual decrease in the number of officers in each officer rank as] **THE AUTHORIZED NUMBER OF OFFICERS IN EACH RANK SHALL BE** [part of, and] in line with[, ] the Modernization Program of the AFP: *[Provided, That one (1) year after the approval of this Act, such number shall not exceed the number in each grade authorized in the Table of Organization of units of the active force distributed as follows:]*

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

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

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

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

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

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

*Provided [ , further],* That the Table of Organization of units of the active force shall be adjusted in accordance with their respective missions and officer requirements, [and shall be gradually decreased pursuant to this section and] **UNDER** such rules and regulations as the Secretary of National Defense shall prescribe[, subject to the condition that the schedule of percentage for each grade as herein prescribed shall not be exceeded]: *Provided [ , furthermore]* **FURTHER**, That in the determination of the officer to enlisted personnel ratio, the mission requirement, capabilities, scope of responsibility, technical nature of the position and task, and equipment inventory of units shall be taken into consideration: *Provided, furthermore,* That considering the highly technical nature of the Air Force and the

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

13 **SEC. 7.** There is hereby created a Congressional Oversight Committee to monitor and  
14 oversee the implementation of the provisions of this Act. The Committee shall be  
15 composed of six (6) members from the Senate and six (6) members from the House of  
16 Representatives with the Chairpersons of the Committee on National Defense and  
17 Security, Peace, Unity and Reconciliation of the Senate and the Committee on National  
18 Defense and Security of the House of Representatives as joint Chairpersons of this  
19 Committee. The five (5) other members from each Chamber are to be designated by the  
20 Senate President and the Speaker of the House of Representatives, respectively. The  
21 minority shall be entitled to pro rata representation but shall have at least two (2)  
22 representatives from each Chamber.  
23

24 **SEC. 8.** The Department of National Defense shall conduct a systematic review,  
25 evaluation and impact assessment of this Act within five (5) years of its effectivity. A  
26 report shall be submitted to the Congressional Oversight Committee created under Section  
27 7 hereof, the Committee on National Defense and Security, Peace, Unification and  
28 Reconciliation of the Senate of the Philippines and the Committee on National Defense  
29 and Security of the House of Representatives within thirty (30) days after its review and  
30 assessment.  
31

32 **SEC. 9.** If any provision or part of this Act is declared unconstitutional or invalid, the  
33 remaining parts or provisions not affected shall remain in full force and effect.  
34

35 **SEC. 10.** All laws, executive orders, rules and regulations or parts thereof which are  
36 inconsistent with the provisions of this Act are hereby amended or repealed accordingly.  
37

38 **SEC. 11.** This Act shall take effect fifteen (15) days after its publication in the *Official*  
39 *Gazette* or in a newspaper of general circulation.

*Approved,*