

CONGRESS OF THE PHILIPPINES  
NINETEENTH CONGRESS  
*First Regular Session*

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S E N A T E

S. No. 1849

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PREPARED AND SUBMITTED JOINTLY BY THE COMMITTEES  
ON NATIONAL DEFENSE AND SECURITY, PEACE,  
UNIFICATION AND RECONCILIATION AND GOVERNMENT  
CORPORATIONS AND PUBLIC ENTERPRISES WITH  
SENATORS EJERCITO ESTRADA, ZUBIRI, CAYETANO, A.P.,  
REVILLA JR., DELA ROSA AND LEGARDA AS AUTHORS  
THEREOF.

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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”

*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  
2 hereby amended to read as follows:

1           “SEC. 2. *Tour of Duty AND APPOINTMENT of*  
2           *Key Officers.* – [~~The following officers holding key~~  
3           ~~positions in the AFP, upon appointment, shall have~~  
4           ~~a fixed tour of duty of three (3) years:~~

5           ~~(a) Chief of Staff;~~

6           ~~(b) Vice Chief of Staff;~~

7           ~~(c) The Deputy Chief of Staff;~~

8           ~~(d) Commanding General, Philippine Army;~~

9           ~~(e) Commanding General, Philippine Air Force;~~

10          ~~(f) Flag Officer in Command, Philippine Navy;~~

11          ~~(g) Unified Command Commanders; and~~

12          ~~(h) Inspector General.]~~

13           (A) THE CHIEF OF STAFF OF THE ARMED  
14           FORCES OF THE PHILIPPINES SHALL HAVE A  
15           MAXIMUM TOUR OF DUTY OF THREE (3)  
16           CONSECUTIVE YEARS, WHICH SHALL  
17           COMMENCE ON THE DATE THE APPOINTMENT  
18           IS SIGNED, UNLESS SOONER TERMINATED BY  
19           THE PRESIDENT;

1 (B) THE FOLLOWING OFFICERS HOLDING  
2 KEY POSITIONS IN THE AFP SHALL HAVE A  
3 MAXIMUM TOUR OF DUTY OF TWO (2)  
4 CONSECUTIVE YEARS, WHICH SHALL  
5 COMMENCE ON THE DATE THE APPOINTMENT  
6 IS SIGNED, UNLESS SOONER TERMINATED BY  
7 THE PRESIDENT:

8 (1) COMMANDING GENERAL, PHILIPPINE  
9 ARMY;

10 (2) COMMANDING GENERAL, PHILIPPINE  
11 AIR FORCE;

12 (3) FLAG OFFICER IN COMMAND,  
13 PHILIPPINE NAVY; AND

14 (4) SUPERINTENDENT OF THE  
15 PHILIPPINE MILITARY ACADEMY.

16 ~~[The tour of duty of the aforementioned officers~~  
17 ~~shall commence on the date the appointment is~~  
18 ~~signed and shall be for three (3) consecutive years~~  
19 ~~unless sooner terminated by the President: Provided,~~

20 ~~That those]~~ THE KEY OFFICERS WITH

1 MAXIMUM TOUR OF DUTY mentioned in Section  
2 2(b) [~~to 2(h)~~] shall not be eligible for any [~~other~~]  
3 position in the AFP unless promoted to the position  
4 of Chief of Staff.

5 TO BE ELIGIBLE FOR APPOINTMENT OR  
6 PROMOTION TO THE GRADE OF BRIGADIER  
7 GENERAL/COMMODORE (O-7) OR HIGHER,  
8 EXCEPT FOR POSITIONS UNDER SECTION 2(A)  
9 AND 2(B), THE OFFICER MUST HAVE AT LEAST  
10 ONE (1) YEAR REMAINING OF ACTIVE SERVICE  
11 BEFORE COMPULSORY RETIREMENT.

12 SEC. 2. Section 6 of Republic Act No. 11709 is hereby  
13 amended to read as follows:

14 “SEC. 6. *Compulsory Retirement for Military*  
15 *Personnel.* –

16 “(a) The following officers of the AFP shall be  
17 compulsorily retired:

18 (1) Those in the grades of Second  
19 Lieutenant/Ensign (O-1) [~~to Colonel/ Captain (O-6)~~]  
20 TO LIEUTENANT GENERAL/VICE ADMIRAL

1 (O-9), upon reaching the age of fifty-six (56) YEARS  
2 OLD, or UPON accumulation of thirty (30) years of  
3 satisfactory active duty, whichever is later;

4 (2) ~~[Those in the grades of Brigadier General/  
5 Commodore (O-7) to Lieutenant General/ Vice  
6 Admiral (O-9), upon reaching the age of fifty nine  
7 (59) or the maximum tenure in grade as defined in  
8 this Act, whichever comes earlier]~~ THE CHIEF OF  
9 STAFF OF THE ARMED FORCES OF THE  
10 PHILIPPINES UNDER SECTION 2(A) OF THIS  
11 ACT, UPON COMPLETION OF THE TOUR OF  
12 DUTY OR UPON RELIEF BY THE PRESIDENT;

13 (3) Those occupying a key position~~[, as defined  
14 in]~~ UNDER SECTION 2(B) of this Act, UPON  
15 REACHING THE AGE OF FIFTY-EIGHT (58)  
16 YEARS OLD, OR upon completion of the ~~[fixed]~~ tour  
17 of duty ~~[regardless of age, unless promoted to Chief  
18 of Staff or who is relieved from post and is not  
19 designated to or occupying any position in the AFP~~

1 ~~Table of Organization]~~, OR UPON RELIEF BY THE  
2 PRESIDENT, WHICHEVER COMES FIRST; and

3 (4) Those commissioned under Presidential  
4 Decree No. 1908, and those appointed in the Corps of  
5 Professors upon reaching the age of sixty (60)  
6 YEARS OLD or completion of twenty (20) years of  
7 satisfactory active duty, whichever comes later.

8 (b) An enlisted personnel shall be compulsorily  
9 retired upon accumulation of at least thirty (30)  
10 years of satisfactory active duty or upon reaching the  
11 age of fifty-six (56) years old, whichever comes later.”

12 SEC. 3. Section 9(a) of Republic Act No. 11709 is  
13 hereby amended to read as follows:

14 “SEC. 9. *Definition of Terms.* – As used in this Act,  
15 the following terms shall mean:

16 (a) *Active Duty* refers to the service or duty as a  
17 commissioned officer, enlisted personnel, cadet,  
18 probationary officer, trainee or draftee in the regular  
19 force of the AFP[.]: *PROVIDED, THAT THE*  
20 *PERIOD OF CADETSHIP AS CREDITABLE*

1 SERVICE FOR FOREIGN SERVICE  
2 ACADEMY/FOREIGN MILITARY TRAINING  
3 INSTITUTIONS SHALL INCLUDE THE NUMBER  
4 OF DAYS/MONTHS/YEARS OF CADETSHIP  
5 PRIOR TO ENTRY TO SUCH  
6 ACADEMY/INSTITUTION AND THE  
7 EQUIVALENT MANDATED PERIOD OF THE  
8 PROGRAM INSTRUCTIONS OF THE TRAINING  
9 INSTITUTION ATTENDED, TO INCLUDE THE  
10 REQUIRED LANGUAGE COURSE, IF  
11 APPLICABLE.

12 (b) x x x.”

13 SEC. 4. Section 10, subsection (b), paragraph (1) and  
14 (2) of Republic Act No. 11709 is hereby amended to read as  
15 follows:

16 “SEC. 10. *Forced Attrition of Officers.* x x x.

17 (a) x x x.

18 (b) *Maximum Tenure-In-Grade for Officers.* –

1           (1) Generals/Flag Officers. – The maximum  
2           tenure of officers in the grades of General/ Flag  
3           Officer in the AFP are hereby prescribed as  
4           follows:

Grade	Maximum Tenure-in Grade
General/Admiral (O-10)	Three (3) years
Lieutenant General/ Vice Admiral (O-9)	Three (3) years
Major General/ Rear Admiral (O-8)	Three (3) years



Brigadier General/ Commodore  (O-7)	<del>Three (3)]</del> <b>FIVE (5)</b> years
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1           (2) Officers. – The maximum tenure of officers  
2 in the grades of Colonel, Lieutenant Colonel, Major,  
3 and Captain, or their equivalent in the other  
4 services in the AFP are hereby prescribed as follows:

Grade	Maximum Tenure-in-Grade
Colonel/Captain (PN) (O-6)	<del>Eight (8)]</del> <b>TEN (10)</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

1           *PROVIDED*, THAT THE PRESIDENT MAY  
2           LENGTHEN THE TENURE-IN-GRADE OF  
3           OFFICERS IN THE PERMANENT GRADES OF  
4           CAPTAIN, MAJOR, AND LIEUTENANT  
5           COLONEL, OR THEIR EQUIVALENT, UP TO TWO  
6           (2) PROMOTIONAL CYCLES WHEN NECESSARY,  
7           TO MAINTAIN THE DESIRABLE OFFICER RANK  
8           STRUCTURE AND UPHOLD THE PROGRESSIVE  
9           PROFESSIONAL DEVELOPMENT OF THE  
10          OFFICER CORPS.

11           X X X.”

12           SEC. 5. Section 15 of Republic Act No. 11709 is hereby  
13          amended to read as:

14           “SEC. 15. *Officer Grade Distribution.* – The  
15          Secretary of National Defense, IN CONSULTATION  
16          WITH THE ARMED FORCES OF THE  
17          PHILIPPINES, shall prescribe the authorized  
18          number of officers in the active force in each grade  
19          and in each major, technical or administrative

1 service and shall implement the gradual INCREASE  
2 OR decrease in the number of officers in each officer  
3 rank as part of, and in line with, the Modernization  
4 Program of the AFP: *Provided*, That [~~one (1) year~~  
5 ~~after the approval of this Act,~~] such number shall  
6 not exceed the number in each grade [~~authorized in~~  
7 ~~the Table of Organization of units of the active force~~  
8 ~~distributed as follows~~] PROVIDED HEREUNDER:

9 (1) [~~One percent (1%)~~] ONE AND ONE  
10 HUNDRED TWENTY-FIVE THOUSANDTHS  
11 PERCENT (1.125%) in the General/Flag Officer  
12 grade based on the total officer strength [~~authorized~~  
13 ~~for the AFP or zero point one per centum (0.1%) of~~  
14 ~~the total troop strength authorized for the AFP,~~  
15 ~~whichever is lower;~~] UNDER THE AFP TABLE OF  
16 ORGANIZATION;

17 (2) Six percent (6%) in the grade of  
18 Colonel/Captain (PN) based on the total officer  
19 strength [~~authorized for the AFP~~] UNDER THE  
20 AFP TABLE OF ORGANIZATION;

1           (3) Twelve percent (12%) in the grade of  
2 Lieutenant Colonel/Commander (PN) based on the  
3 total officer strength [~~authorized for the AFP~~]  
4 UNDER THE AFP TABLE OF ORGANIZATION;

5           (4) Eighteen percent (18%) in the grade of  
6 Major/Lieutenant Commander (PN) based on the  
7 total officer strength [~~authorized for the AFP~~]  
8 UNDER THE AFP TABLE OF ORGANIZATION;

9           (5) Twenty percent (20%) in the grade of  
10 Captain/Lieutenant (PN) based on the total officer  
11 strength [~~authorized for the AFP~~] UNDER THE  
12 AFP TABLE OF ORGANIZATION; and

13           (6) [~~Forty three percent (43%)~~] FORTY-TWO  
14 AND EIGHT HUNDRED SEVENTY-FIVE  
15 THOUSANDTHS PERCENT (42.875%) in the  
16 grades of First Lieutenant/Lieutenant Junior Grade  
17 (PN) and Second Lieutenant/Ensign (PN) based on  
18 the total officer strength [~~authorized for the AFP~~]  
19 UNDER THE AFP TABLE OF ORGANIZATION.

1           *Provided, further,* That the AFP Table of  
2           Organization of units of the active force shall be  
3           adjusted in accordance with their respective missions  
4           and officer requirements, and [~~shall be gradually~~  
5           ~~decreased pursuant to this section and such~~] IN  
6           ACCORDANCE WITH rules and regulations as the  
7           Secretary of National Defense shall prescribe[,  
8           ~~subject to the condition that the schedule of~~  
9           ~~percentage for each grade as herein prescribed shall~~  
10          ~~not be exceeded~~]: *Provided, furthermore,* That in the  
11          determination of the officer to enlisted personnel  
12          ratio, the mission requirement, capabilities, scope of  
13          responsibility, technical nature of the position and  
14          task, and equipment inventory of units shall be taken  
15          into consideration: *Provided, furthermore,* That  
16          considering the highly technical nature of the Air  
17          Force and the Navy, they shall be allocated a higher  
18          officer to enlisted personnel ratio [~~which shall not~~  
19          ~~exceed fifteen percent (15%) of the officer to enlisted~~  
20          ~~personnel ratio allocated in the Philippine Army~~]:

1       *Provided, furthermore,* That as far as practicable,  
2       officers in the technical or administrative services  
3       such as surgeon general, chief dental service and  
4       chief nurse may be eligible for promotion to  
5       General/Flag Officer grade: *Provided, furthermore,*  
6       That the quota limitation provided herein shall not  
7       apply in the promotion to the rank of General/Flag  
8       Officer of reserve officers in the inactive service:  
9       *Provided, finally,* That if the actual number in a  
10      grade is less than the number prescribed, the  
11      difference may be applied as an increase to the  
12      number prescribed in a lower grade.”

13           SEC. 6. *Application.* – The maximum tour of duty,  
14      compulsory retirement and tenure-in-grade provided herein  
15      shall apply to those officers appointed and/or promoted on  
16      or after 1 July 2022 under Republic Act No. 11709.

17           EXCEPT FOR GENERALS/FLAG OFFICERS  
18      OCCUPYING POSITIONS UNDER SECTION 2(A) AND  
19      2(B) OF THIS ACT, THOSE APPOINTED AND/OR  
20      PROMOTED UNDER REPUBLIC ACT NO. 11709 SHALL

1 COMPULSORILY RETIRE AT FIFTY-SIX (56) YEARS  
2 OLD OR UPON REACHING THEIR MAXIMUM TENURE-  
3 IN-GRADE, WHICHEVER COMES EARLIER:  
4 *PROVIDED*, THAT THOSE WHO HAVE ALREADY  
5 REACHED THE AGE OF FIFTY-SIX (56) YEARS OLD  
6 SHALL CONTINUE TO BE IN SERVICE UNTIL THE  
7 AGE OF FIFTY-SEVEN (57) YEARS OLD.

8       *SEC. 7. Implementing Rules and Regulations.* – The  
9 Department of National Defense shall formulate the rules  
10 and regulations necessary to implement the provisions of  
11 this Act within thirty (30) days from its effectivity.

12       *SEC. 8. Separability Clause.* – If any provision or part  
13 of this Act is declared unconstitutional or invalid, the  
14 remaining parts or provisions not affected shall remain in  
15 full force and effect.

16       *SEC. 9. Repealing Clause.* – Sections 3 and 11 of  
17 Republic Act No. 11709 are hereby repealed. All laws,  
18 executive orders, rules and regulations or parts thereof  
19 which are inconsistent with the provisions of this Act are  
20 hereby amended or repealed accordingly.

1           SEC. 10. *Effectivity.* – This Act shall take effect fifteen  
2 (15) days after its publication in the *Official Gazette* or in a  
3 newspaper of general circulation.

Approved,