

REPUBLIC ACT NO. 8220

AN ACT CREATING THE RANKS OF CHIEF MASTER SERGEANT/MASTER CHIEF PETTY OFFICER AND SENIOR MASTER SERGEANT/SENIOR CHIEF PETTY OFFICER IN THE ENLISTED RANKS OF THE ARMED FORCES OF THE PHILIPPINES, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. *Declaration of Policy.* – It is the policy of the State to develop and professionalize the Armed Forces and to provide adequate remuneration and benefits to its members. Career development and promotion systems shall be established to insure a career progression of all personnel of the Armed Forces of the Philippines and to provide them with appropriate career motivations.

SEC. 2. *Creation of Ranks.* – The grades of Chief Master Sergeant/Master Chief Petty Officer (E-9) and Senior Master Sergeant/Senior Chief Petty Officer (E-8) shall be created and shall form a component part of the noncommissioned officers' grades of the Armed Forces of the Philippines.

SEC. 3. *Distribution of Positions.* – The total number of Senior Master Sergeants/Senior Chief Petty Officer and Chief Master Sergeant/Master Chief Petty Officers shall be in accordance with the number of authorized positions in the approved Table of Organization, as provided for by Republic Act No. 7898, otherwise known as the AFP Modernization Act.

SEC. 4. *Qualifications.* – Qualifications for promotion from Master Sergeant/Chief Petty Officer to Senior Master Sergeant/Senior Chief Petty Officer and from Senior Master Sergeant/Senior

Chief Petty Officer to Chief Master Sergeant/Master Chief Petty Officer shall be based on merit, fitness and other qualifications to be determined by the Secretary of National Defense.

SEC. 5. *Compensation.* – Qualified Master Sergeants/Chief Petty Officers shall be eligible for promotion to Senior Master Sergeant/Senior Chief Petty Officer; qualified Senior Master Sergeant/Senior Chief Petty Officer to Chief Master Sergeant/Master Chief Petty Officer. A Chief Master Sergeant/Master Chief Petty Officer shall receive a monthly base pay equivalent to the monthly base pay of a Master Sergeant/Chief Petty Officer plus one-half (1/2) of the difference between the monthly base pay of a Second Lieutenant/Ensign and a Master Sergeant/Chief Petty Officer. A Senior Master Sergeant/Senior Chief Petty Officer shall receive a monthly base pay equivalent to the monthly base pay of a Master Sergeant/Chief Petty Officer plus one-half (1/2) of the difference between the monthly base pay of a Chief Master Sergeant/Master Chief Petty Officer and a Master Sergeant/Chief Petty Officer. The computation of their quarters allowance shall also be based on the same scheme.

SEC. 6. *Retirement and Separation.* – The enlisted personnel who attain the rank of Master Sergeant/Chief Petty Officer, Senior Master Sergeant/Senior Chief Petty Officer and of Chief Master Sergeant/Master Chief Petty Officer shall, upon retirement, be entitled to the retirement pay and benefits of a Second Lieutenant/Ensign: *Provided*, That a Chief Master Sergeant/Master Chief Petty Officer retired from the AFP, shall receive a gratuity equivalent to that of a Second Lieutenant/Ensign, plus one-half (1/2) of the difference between the gratuity of a Second Lieutenant/Ensign and a Master Sergeant/Chief Petty Officer, and a Senior Master Sergeant/Senior Chief Petty Officer shall receive a gratuity equivalent to that of a Second Lieutenant/Ensign, plus one-half (1/2) of the difference between the gratuity of a Chief Master Sergeant/Master Chief Petty Officer and a Master Sergeant/Chief Petty Officer, payable in one lump sum: *Provided, further*, That the Chief Master Sergeant/Master Chief Petty Officer and Senior Master Sergeant/Senior Chief Petty Officer may opt to receive a monthly retirement pay, in lieu of gratuity, the computation of which shall be based on the same scheme: *Provided, furthermore*, That upon his retirement, he

shall be entitled, at his option, to receive in advance his lump sum annual retirement pay for the first three (3) years and thereafter receive his annual retirement pay payable in equal monthly installments as they accrue: *Provided, finally*, That if he dies within the three-year period following his retirement and is survived by beneficiaries as defined in Presidential Decree No. 1638, the latter shall only receive the derivative benefits thereunder starting the first month after the aforesaid three-year period.

Nothing in this section shall be construed as authorizing adjustment of pay, or payment of any differential in retirement pay to officers and enlisted men who are already retired prior to the approval of this Act as a result of increases in salary of those in the active service: *Provided*, That retirees who are recalled to active duty may have their retirement pension adjusted based on the rank they hold and on the prevailing pay of military personnel in the active service, at the time of the termination of their recall to active duty.

SEC. 7. *Selection of AFP Command Sergeant Major.* – The AFP Command Sergeant Major shall be selected from among the Chief Master Sergeants/Master Chief Petty Officers under such rules and regulations that the Chief of Staff, AFP, may prescribe: *Provided*, That unless sooner terminated by the Chief of Staff, AFP, the AFP Command Sergeant Major shall serve for a maximum term of three (3) years.

SEC. 8. *Maximum Tenure-in-Grade.* – The Secretary of National Defense shall determine the maximum tenure-in-grade of enlisted personnel in the ranks of Master Sergeant/Chief Petty Officer, Senior Master Sergeant/Senior Chief Petty Officer, and Chief Master Sergeant/Master Chief Petty Officer.

SEC. 9. *Implementing Rules and Regulations.* – The Secretary of National Defense shall, within ninety (90) days after the approval of this Act, promulgate the necessary rules and regulations and other guidelines for the effective implementation of this Act.

SEC. 10. *Appropriations.* – The amount necessary for the effective implementation of this Act shall be charged to the appropriations of the Department of National Defense under the current General Appropriations Act. Thereafter, such sum as may be necessary for its continued implementation shall be included in the annual General Appropriations Act.

SEC. 11. *Separability Clause.* – Any portion or provision of this Act that may be declared unconstitutional shall not have the effect of nullifying other portions or provisions hereof.

SEC. 12. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations and other issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

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

Approved, October 9, 1996.