

H. No. 10521
S. No. 2376

Republic of the Philippines
Congress of the Philippines
Metro Manila
Eighteenth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-sixth day of July, two thousand twenty-one.

[REPUBLIC ACT NO. 11709]

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:

TITLE I

DECLARATION OF POLICY

SECTION 1. *Declaration of Policy.* – In pursuit of modernization of the Armed Forces of the Philippines (AFP), it is hereby declared the policy of the State to:

(a) Enhance professionalization in the organization by strengthening the merit system, allow the new leadership a longer period to implement reforms, and institutionalize sound policies that will redound to the improvement of the AFP;

(b) Promote the most qualified officers to higher ranks;

(c) Obviate revolving door accommodation promotions to successfully create a new culture of excellence in leadership and accountability in the AFP; and

(d) Refine and improve the rules on retirement and commissionship.

Towards this end, the State shall:

(a) Fix the tour of duty of the Chief of Staff and other officers holding key positions;

(b) Adjust the mandatory retirement age of officers of the AFP;

(c) Raise the age of commission of officers of the AFP;

(d) Ensure the implementation of merit-based promotion and attrition system that will assure the AFP of a continuous pool of qualified and effective leaders; and

(e) Modify the Grade Distribution of Officers.

TITLE II

TOUR OF DUTY

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

(a) Chief of Staff;

(b) Vice-Chief of Staff;

(c) The Deputy Chief of Staff;

(d) Commanding General, Philippine Army;

(e) Commanding General, Philippine Air Force;

(f) Flag Officer in Command, Philippine Navy;

(g) Unified Command Commanders; and

(h) Inspector General.

The tour of duty of the aforementioned officers shall commence on the date the appointment is signed and shall be for three (3) consecutive years unless sooner terminated by the President: *Provided*, That those mentioned in Section 2(b) to 2(h) shall not be eligible for any other position in the AFP unless promoted to the position of Chief of Staff.

SEC. 3. *Tour of Duty of the Superintendent of the Philippine Military Academy (PMA).* – A General/Flag Officer of proven competence and academic excellence shall be appointed as Superintendent, Philippine Military Academy (PMA) and shall be exempt from the application of the maximum tenure-in-grade defined under this Act. The PMA Superintendent shall have the rank of Lieutenant General/Vice Admiral and be given a tour of duty of four (4) years unless sooner terminated by higher authority: *Provided*, That except for the position of Chief of Staff, the PMA Superintendent shall not be eligible for any other position in the AFP and shall be compulsorily retired after completion of the fixed tour of duty or upon relief from office: *Provided, further*, That no General/Flag Officer who is more than fifty-eight (58) years of age shall be appointed as PMA Superintendent.

SEC. 4. *Prohibition on the Extension of Tour of Duty.* – Except as provided for under Section 5 of this Act, no extension of tour of duty of the Key Officers mentioned in Sections 2 and 3 shall be allowed.

SEC. 5. *Tour of Duty of the Chief of Staff.* – The tour of duty of the Chief of Staff shall not exceed three (3) years.

However, in times of war or other national emergency declared by Congress, the President may extend such tour of duty.

TITLE III

RETIREMENT

SEC. 6. *Compulsory Retirement for Military Personnel.* –

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

(1) Those in the grades of Second Lieutenant/Ensign (O-1) to Colonel/Captain (O-6), upon reaching the age of fifty-six (56) or accumulation of thirty (30) years of satisfactory active duty, whichever is later;

(2) Those in the grades of Brigadier General/Commodore (O-7) to Lieutenant General/Vice Admiral (O-9), upon reaching the age of fifty-nine (59) or the maximum tenure-in-grade as defined in this Act, whichever comes earlier;

(3) Those occupying a key position, as defined in Section 2 of this Act, upon completion of the fixed tour of duty regardless of age, unless promoted to Chief of Staff or who is relieved from post and is not designated to or occupying any position in the AFP Table of Organization; and

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

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

SEC. 7. *Optional Retirement.* – Upon accumulation of at least twenty (20) years of satisfactory active duty, an officer or enlisted personnel may request to be retired from military service, subject to the approval of either the President, the Secretary of

National Defense, or the AFP Chief of Staff, or Major Service Commander as appropriate, as provided for in the rules and regulations to be issued to implement this Act.

SEC. 8. *Retirement Grade.* – Officers and enlisted personnel shall be retired one rank higher from the last rank held: *Provided*, That retirement benefits shall be based on the permanent grade last held: *Provided, however*, That this section shall not apply to those who are in active duty prior to the effectivity of this Act: *Provided, further*, That said retirees shall form part of the Reserve Force.

TITLE IV

ATTRITION SYSTEM FOR THE PERSONNEL OF THE AFP

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

(a) *Active Duty* refers to the service or duty as a commissioned officer, enlisted personnel, cadet, probationary officer, trainee or draftee in the regular force of the AFP.

(b) *Enlisted Personnel* refer to members of the AFP with the rank of Private up to First Chief Master Sergeant or their equivalent in the other services.

(c) *Forced Attrition* refers to a mode of attrition wherein an officer or enlisted personnel who, after having been considered for promotion to the next higher grade, failed to qualify on account of his/her own fault, failure or negligence or lack of individual merit, or who has completed the maximum tenure-in-grade without being promoted, is subsequently separated or retired from military service.

(d) *Grade* refers to the military rank of a commissioned officer and enlisted personnel. Commissioned officers, from the lowest to highest, are:

- (1) Second Lieutenant/Ensign (PN);
- (2) First Lieutenant/Lieutenant Junior Grade (PN);

- (3) Captain/Lieutenant (PN);
- (4) Major/Lieutenant Commander (PN);
- (5) Lieutenant Colonel/Commander (PN);
- (6) Colonel/Captain (PN);
- (7) Brigadier General/Commodore (PN);
- (8) Major General/Rear Admiral (PN);
- (9) Lieutenant General/Vice Admiral (PN); and
- (10) General/Admiral (PN).

Enlisted personnel, from lowest to highest, are:

- (1) Private;
- (2) Private First Class;
- (3) Corporal;
- (4) Sergeant;
- (5) Staff Sergeant;
- (6) Technical Sergeant;
- (7) Master Sergeant;
- (8) Senior Master Sergeant;
- (9) Chief Master Sergeant; and
- (10) First Chief Master Sergeant or their equivalent in the Philippine Navy and Philippine Air Force.

(e) *Officers* refer to commissioned personnel in the regular force of the AFP.

(f) *Primary Zone* refers to officers who are on promotable status in the uppermost portion of the promotion list equivalent to the number of declared vacancies.

(g) *Procurement* refers to the process of obtaining personnel through recruitment, selection, and appointment.

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

SEC. 10. *Forced Attrition of Officers.* – Officers who are subjected to forced attrition as defined in Section 9(c) of this Act shall be subsequently separated or retired from military service. In addition, officers with contractual service obligations who are recommended for separation on account of their own fault, failure or negligence, shall be required to refund the government the amount equivalent to the cost of training proportionate to the remaining period to be served as stipulated in the training contract.

The following are the instances of forced attrition of officers:

(a) *Attrition by Non-Promotion.* –

(1) *Deferment of Promotion.* – An officer in the grade of Second Lieutenant/Ensign (PN) whose promotion is deferred once shall be separated in the permanent grade the officer holds on the first day of the third month after the President shall have approved the promotion of officers recommended by the Selection Board which recommended the deferment of such an officer for the first time.

(2) *Twice Deferment of Promotion.* – An officer in the grade of First Lieutenant/Lieutenant Junior Grade (PN) to Lieutenant Colonel/Commander (PN) whose promotion to the next higher grade is deferred twice shall be separated in the permanent grade the officer holds on the first day of the third month after

the President shall have approved the promotion of officers recommended by the Selection Board which recommended the deferment of the promotion of such officer for the second time. This subsection applies only to officers in the primary zone of consideration because they were considered or deliberated upon by the Selection Board but failed to qualify for promotion to the next higher grade.

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

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

Grade	Maximum Tenure-in-Grade
General/Admiral (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)	Three (3) years

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

Grade	Maximum Tenure-in-Grade
Colonel/Captain (PN) (O-6)	Eight (8) 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

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

SEC. 11. *Forced Attrition of Enlisted Personnel.* –

(a) *Failure of Promotion.* – An enlisted personnel who fails to qualify or fails to satisfy any of the conditions for promotion to the next higher grade as determined by the appropriate Enlisted Personnel Promotion Board shall be referred to the concerned Review and Evaluation Board for evaluation and subsequent recommendation to the Major Service Commanders for attrition or retention. The grounds for referral shall be provided in the rules and regulations to be issued for the effective implementation of this Act.

(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

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

SEC. 12. *Separation or Retirement from the AFP.* – Any officer or enlisted personnel who is removed from the AFP pursuant to this Title shall be:

(a) *separated*, if one has rendered less than twenty (20) years of satisfactory active duty and shall receive separation benefits pursuant to law, or

(b) *retired*, if one has rendered at least twenty (20) years of satisfactory active duty and shall receive retirement benefits pursuant to law, unless the concerned service member is disqualified by law to receive such benefits.

TITLE V

PROCUREMENT OF OFFICERS/ENLISTED PERSONNEL
AND GRADE DISTRIBUTION

SEC. 13. *Age Requirement for Commissionship.* – Unless otherwise provided herein, all officers appointed to the Regular Force shall have an initial appointment in the grade of Second Lieutenant (O-1) and shall not be less than twenty-one (21) but not more than twenty-eight (28) years old: *Provided*, That the original appointment in the Nurse Corps and Medical Administrative Corps, and in the Dental Service and Veterinary Corps shall be in the grade of Second Lieutenant (O-1) and First Lieutenant (O-2), respectively, from among applicants who at the time of appointment shall be at least twenty-one (21) but not more than thirty (30) years old: *Provided, further*, That those commissioned under Presidential Decree No. 1908, namely, the original appointments in the Judge Advocate General's Service, Medical Corps, and the Chaplain Service, and those appointed in the Corps of Professors shall be not less than twenty-five (25) but not more than forty (40) years old at the time of appointment and shall be in the grade of Captain (O-3).

In accordance with this Act and other pertinent laws, rules and regulations, noncommissioned officers of the Regular Force of the AFP, who have shown outstanding ability and have rendered exceptional service may be appointed in the grade of Second Lieutenant (O-1) in the Regular Force by the President upon recommendation of the Secretary of National Defense.

SEC. 14. *Age Requirement for Enlistment.* – Enlisted personnel shall not be less than eighteen (18) nor more than twenty-six (26) years old at the time of enlistment: *Provided*, That the AFP may offer special enlistment to an individual whose technical or skills qualifications, including excellence in athletics, are highly desirable to the organization and who at the time of enlistment is not less than eighteen (18) nor more than thirty-five (35) years old.

SEC. 15. *Officer Grade Distribution.* – The Secretary of National Defense 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 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 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, 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 Navy, they shall be allocated a higher officer to enlisted personnel ratio which shall not exceed fifteen percent (15%) of the officer to enlisted personnel ratio allocated in the Philippine Army: *Provided, furthermore*, That as far as practicable, officers in the technical or administrative services such as surgeon general, chief dental service and chief nurse may be eligible for promotion to General/Flag Officer grade: *Provided, furthermore*, That the quota limitation provided herein shall not apply in the promotion to the rank of General/Flag Officer of reserve officers in the inactive service: *Provided, finally*, That if the actual number in a grade is less than the number prescribed, the difference may be applied as an increase to the number prescribed in a lower grade.

TITLE VI

GENERAL PROVISIONS

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

SEC. 17. *Officer Lineal List.* – There shall be only one seniority lineal list for the officers of the Major Services and each of the Technical Services.

SEC. 18. *Prohibited Appointment.* – No retired or resigned military officer may be appointed as Secretary of National Defense within one (1) year from the date of the officer's retirement or resignation.

SEC. 19. *Annual Personnel Management Report.* – The AFP Chief of Staff shall submit to the Department of National

Defense an accurate, comprehensive, and up-to-date Personnel Management Report, which shall include information on the number of military personnel, rank, place of designation, and list of attrited personnel, on an annual basis on or before the end of April of every year: *Provided*, That the Secretary of National Defense shall furnish a copy of the report to the Committee on National Defense and Security, Peace, Unification, and Reconciliation of the Senate of the Philippines and the Committee on National Defense and Security of the House of Representatives. The Personnel Management Report and any information contained therein shall be confidential in nature.

TITLE VII

MISCELLANEOUS PROVISIONS

SEC. 20. *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. 21. *Construction and Interpretation.* – To protect the State policy and public interest as stated in Section 1 of this Act, this Act shall be given a liberal construction in favor of its provisions so as to further the accomplishment of its declared policies.

SEC. 22. *Implementing Rules and Regulations.* – The Department of National Defense shall formulate the rules and regulations necessary to implement the provisions of this Act within ninety (90) days from its effectivity: *Provided*, That such rules and regulations shall provide for a systematic, methodical, and efficient transition to the new retirement and separation system provided for under this Act based on the following basic principles:

(a) The fixed tour of duty provided herein shall apply to General/Flag Officers appointed by the President after the effectivity of this Act: *Provided*, That incumbent officers occupying key positions shall be compulsorily retired pursuant to

the provisions of Presidential Decree No. 1638, as amended, unless said officer is appointed to the position of Chief of Staff;

(b) The maximum tenure-in-grade shall only apply to officers and enlisted personnel promoted after the effectivity of this Act;

(c) The transition system shall allow all officers and enlisted personnel an opportunity to compete for promotions and/or complete the requirements for retirement, as may be necessary; and

(d) The rules and regulations shall give full respect to the services of the officers and enlisted personnel and provide for adequate separation and/or retirement benefits as may be allowed by existing laws, rules, and regulations.

SEC. 23. *Review and Assessment.* – The Department of National Defense shall conduct a systematic review, evaluation and impact assessment of this Act within five (5) years of its effectivity. A report shall be submitted to the Committee on National Defense and Security, Peace, Unification and Reconciliation of the Senate of the Philippines and the Committee on National Defense and Security of the House of Representatives within thirty (30) days after its review and assessment.

SEC. 24. *Separability Clause.* – If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions thereof.

SEC. 25. *Repealing Clause.* – Subject to the provisions of Section 22 of this Act, the following laws or provisions of laws are hereby repealed or amended:

(a) Sections 3 and 4 of Republic Act No. 8186, as amended, which provides for the Maximum Tenure-in-Grade and Maximum Tenure in Position, are hereby repealed;

(b) Section 4 of Presidential Decree No. 1638, which deals with optional retirement, is hereby amended;

(c) Section 5(a) of Presidential Decree No. 1638, as amended by Presidential Decree No. 1650, which provides for the Compulsory Retirement for Military Personnel, is hereby amended;

(d) Sections 10, 11, and 12 of Presidential Decree No. 1638 are hereby repealed: *Provided*, That the last proviso of Section 10 shall remain in force and effect for purposes of implementation of Section 8 of this Act;

(e) Section 9 of Presidential Decree No. 1638, which provides for retirement in the next higher grade, is hereby amended;

(f) Section 17 of Presidential Decree No. 1638, which provides for retirement benefits based on the next higher grade, is hereby amended;

(g) Section 1 of Republic Act No. 9188, with respect to Officer Grade Distribution, is hereby amended;

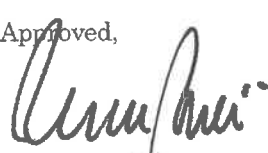
(h) Section 4(b) and (c) of Republic Act No. 291, as amended, which provides for the age of commissionship, is hereby amended;

(i) Section 27 of Commonwealth Act No. 1, which provides for the age of enlistment, is hereby amended; and

(j) All laws, executive orders, or issuances, or any part thereof, which are inconsistent herewith, are hereby repealed, amended or modified accordingly.


SEC. 26. *Effectivity.* – This Act shall take effect on July 1, 2022 and after its publication in the *Official Gazette* and in at least two (2) newspapers of general circulation.

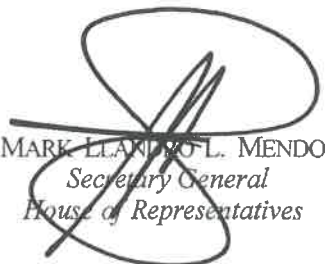
Approved,


VICENTE C. SOTTO III
President of the Senate


LORD ALLAN JAY Q. VELASCO
*Speaker of the House
of Representatives*

This Act was passed by the House of Representatives as House Bill No. 10521 on December 6, 2021 and adopted by the Senate of the Philippines as an amendment to Senate Bill No. 2376 on January 17, 2022.


MYRA MARIE D. VILLARICA
Secretary of the Senate


MARK LLANO L. MENDOZA
*Secretary General
House of Representatives*

Approved: APR 13 2022


RODRIGO ROA DUTERTE
President of the Philippines

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