

S. No. 1849
H. No. 6517

Republic of the Philippines
Congress of the Philippines
Metro Manila
Nineteenth Congress
First Regular Session

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

— ■ —
[REPUBLIC ACT NO. **11939**]

AN ACT FURTHER STRENGTHENING PROFESSIONALISM AND PROMOTING THE CONTINUITY OF POLICIES AND MODERNIZATION INITIATIVES IN THE ARMED FORCES OF THE PHILIPPINES, AND AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 11709

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

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

“SEC. 2. *Tour of Duty and Appointment of Key Officers.* —

(a) The Chief of Staff of the Armed Forces of the Philippines shall have a maximum tour of duty of three (3) consecutive years, which shall commence on the date the appointment is signed, unless sooner terminated by the President;

(b) The following officers holding key positions in the AFP shall have a maximum tour of duty of two (2) consecutive years, which shall commence on the date the appointment is signed, unless sooner terminated by the President:

- (1) Commanding General, Philippine Army;
- (2) Commanding General, Philippine Air Force;
- (3) Flag Officer In Command, Philippine Navy; and
- (4) Superintendent of the Philippine Military Academy.

The key officers with maximum tour of duty mentioned in Section 2(b) shall not be eligible for any position in the AFP unless promoted to the position of Chief of Staff.

To be eligible for appointment or promotion to the grade of Brigadier General/Commodore (O-7) or higher, except for positions under Section 2(a) and 2(b), the officer must have at least one (1) year remaining of active service before compulsory retirement."

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

"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 Lieutenant General/Vice Admiral (O-9), upon reaching the age of fifty-seven (57) years old, or upon accumulation of thirty (30) years of satisfactory active duty, whichever comes later;

(2) The Chief of Staff of the Armed Forces of the Philippines under Section 2(a) of this Act, upon completion of the tour of duty or upon relief by the President;

(3) Those occupying a key position under Section 2(b) of this Act, upon completion of the tour of duty, or upon relief by the President; and

(4) Those commissioned under Presidential Decree No. 1908, and those appointed in the Corps of Professors upon reaching the age of sixty (60) years old 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-seven (57) years old, whichever comes later."

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

"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: *Provided*, That the period of cadetship as creditable service for foreign service academy/foreign military training institutions shall include the number of days/months/years of cadetship prior to entry to such academy/institution and the equivalent mandated period of the program instructions of the training institution attended, to include the required language course, if applicable.

x x x."

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

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

(a) x x x.

(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)	Five (5) 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)	Ten (10) 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

Provided, That the President may lengthen the tenure-in-grade of officers in the permanent grades of Captain, Major, and Lieutenant Colonel, or their equivalent, up to two (2) promotional cycles when necessary, to maintain the desirable officer rank structure and uphold the progressive professional development of the officer corps.

x x x.”

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

“SEC. 15. *Officer Grade Distribution.* – The Secretary of National Defense, in consultation with the Armed Forces of the Philippines, 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

increase or 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 such number shall not exceed the number in each grade provided hereunder:

(1) One and twenty-five hundredths percent (1.25%) in the General/Flag Officer grade based on the total officer strength under the AFP Table of Organization;

(2) Six percent (6%) in the grade of Colonel/Captain (PN) based on the total officer strength under the AFP Table of Organization;

(3) Twelve percent (12%) in the grade of Lieutenant Colonel/Commander (PN) based on the total officer strength under the AFP Table of Organization;

(4) Eighteen percent (18%) in the grade of Major/Lieutenant Commander (PN) based on the total officer strength under the AFP Table of Organization;

(5) Twenty percent (20%) in the grade of Captain/Lieutenant (PN) based on the total officer strength under the AFP Table of Organization; and

(6) Forty-two and seventy-five hundredths percent (42.75%) in the grades of First Lieutenant/Lieutenant Junior Grade (PN) and Second Lieutenant/Ensign (PN) based on the total officer strength under the AFP Table of Organization.

Provided, further, That the AFP Table of Organization of units of the active force shall be adjusted in accordance with their respective missions and officer requirements, and in accordance with rules and regulations as the Secretary of National Defense shall prescribe: *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: *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."

SEC. 6. *Application.* – The provisions of this Act shall also apply to the officers and enlisted personnel appointed and/or promoted under Republic Act No. 11709 and other pertinent laws.

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


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

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


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

Approved,


FERDINAND MARTIN G. ROMUALDEZ
*Speaker of the House
of Representatives*


JUAN MIGUEL F. ZUBIRI
President of the Senate

This Act, which is a consolidation of Senate Bill No. 1849 and House Bill No. 6517, was passed by the Senate of the Philippines and the House of Representatives on March 22, 2023.


REGINALD S. VELASCO
*Secretary General
House of Representatives*


RENATO N. BANTUG JR.
Secretary of the Senate

Approved: 17 MAY 2023


FERDINAND ROMUALDEZ MARCOS JR.
President of the Philippines



O



Office of the President
MALACAÑANG RECORDS OFFICE
CERTIFIED COPY

ATTY. CONCEPCION LEVY E. FERROLINO-ENAD
DIRECTOR IV
25-17-2023