

REPUBLIC OF THE PHILIPPINES  
HOUSE OF REPRESENTATIVES  
Quezon City

EIGHTEENTH CONGRESS  
First Regular Session

House Bill No. 1213



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Introduced by **MAGDALO Party-List Representative**  
**HON. MANUEL DG. CABOCHAN III**

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**EXPLANATORY NOTE**

Article II, Section 3 of the 1987 Philippines Constitution states that the Armed Forces of the Philippines is the protector of the people and the State; and, whose goal is to secure the sovereignty of the State and the integrity of the national territory.

The acquisition of military status by a recruit involves a commitment to the Armed Forces of the Philippines (AFP), the country, and the Filipino people one has sworn to protect. Thus, it is but proper that stringent guidelines be put in place to ensure that military personnel possess the necessary competence, integrity and character required by their lofty calling.

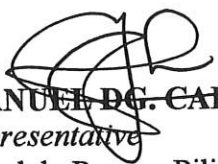
In cognizance of the aforementioned declaration of policy, this measure sets standards and procedures to guarantee the competence of those who are recruited into the AFP through the establishment of a new procurement process for enlisted military personnel while providing for their orderly administrative promotion and separation.

Specifically, this bill seeks to accomplish the following objectives:

1. Selectively recruit and retain the best qualified soldiers in the force through evaluation of their performance and potential for continued service;
2. Rationalize the pension system for new enlisted personnel through compulsory membership to the Government Service Insurance System (GSIS); and
3. Ease the transition of personnel denied retention in the force from military to civilian life through the provision of education, training and scholarships and a commensurate separation pay, as a way of thanking them for their military service. Although a substantial number of the provisional enlisted personnel may not be selected to stay in the regular force, five (5) years of training, experience and practice of military discipline and values can prove relevant in the outside world, and the government must see to it that those years will not go to waste.

It is hoped that the passage of this bill will redound to the following benefits: reduce the ballooning costs in terms of pay and retirement benefits, and provide for a long term solution to the looming military pension crisis; and, boost the morale of members of the Armed Forces thereby inspiring dedicated soldiers to consistently meet the AFP's high standards of duty, performance, honor and discipline.

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



**MANUEL DG. CABOCHAN III**  
*Representative*  
Magdalo Para sa Pilipino Party-List

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**AN ACT**  
**PROVIDING FOR AN INCREASE IN THE STANDING FORCE OF THE ARMED**  
**FORCES OF THE PHILIPPINES THROUGH THE RECRUITMENT AND SPECIAL**  
**ENLISTMENT OF PROVISIONAL ENLISTED PERSONNEL**

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

1       **SECTION 1.***Short Title.* – This act shall be known as the "*Provisional Enlisted*  
2       *Personnel Act*".  
3

4       **SEC. 2.***Declaration of State Policy.* – The Armed Forces of the Philippines is the  
5       protector of the people and the State. Its goal is to secure the sovereignty of the State and the  
6       integrity of the national territory. It shall keep a regular force necessary for the security of the  
7       State.  
8

9       The State duly recognizes the vital role of the military in traditional security matters,  
10      such as providing internal and external defense; and, their ever expanding role in non-  
11      traditional security matters, such as humanitarian assistance and disaster response.  
12

13      It shall, therefore, be the prime concern of the State to ensure that the Armed Forces  
14      of the Philippines shall maintain a standing force necessary to adequately and effectively  
15      address present and future security threats to the State.  
16

17      **SEC. 3.***Definition of Terms.* – For the purposes of this Act, the following definition of  
18      terms shall apply:  
19

20      a. *Regular Enlisted Personnel (Regular EP)* – those currently enlisted to the Armed  
21      Forces of the Philippines with the following grades: Private (E-1), Private First Class  
22      (E-2), Corporal (E-3), Sergeant (E-4), Staff Sergeant (E-5), Technical Sergeant (E-6),  
23      Master Sergeant (E-7), and its equivalent in the Air Force, Navy and Marines.  
24      *Provided, That the same are not covered by this Act.*  
25

26      b. *Provisional Enlisted Personnel (PEP or Provisional EP)* – those who are enlisted into  
27      the Armed Forces of the Philippines by virtue of this Act.  
28

1       **SEC. 4. *Provisional Enlisted Personnel.*** – An increase in the standing force of the  
2       Armed Forces of the Philippines (AFP) shall be undertaken through the recruitment and  
3       special enlistment of twenty thousand (20,000) *Provisional Enlisted Personnel (PEP)*.

4       **SEC. 5. *Tour of Duty.*** – The tour of duty of PEP shall be limited to a continuous term  
5       of five (5) years, without further reenlistment. *Provided, however,* That the Secretary of  
6       National Defense (SND), upon the recommendation of the Chief of Staff of the Armed  
7       Forces of the Philippines (CSAFP), may authorize the retention of a maximum of thirty  
8       percent (30%) of the PEP for reenlistment as Regular EP, in accordance with and subject to  
9       Section 13 hereof.

10  
11       **SEC. 6. *Qualifications and Disqualifications.*** –The PEP must possess the required  
12       qualifications and none of the disqualifications for recruitment and enlistment as regular EP  
13       to the AFP.

14  
15       **SEC. 7. *Training.*** – The PEP shall undergo the same training required of Regular EP.  
16       *Provided,* That upon graduation from training, the PEP shall attain the rank of Private,  
17       Airman, Apprentice Seaman/Fireman or Marine. *Provided further,* That all PEP who attain  
18       the rank of Private, Airman, Apprentice Seaman/Fireman or Marine shall acquire the rights,  
19       benefits, obligations, and duties accorded to similarly ranked Regular EP, subject to Sections  
20       10 and 11 hereof.

21  
22       **SEC. 8. *Promotion.*** – The rules and regulations applicable to Regular EP for  
23       promotion shall apply to PEP. *Provided,* That the highest rank attainable by the PEP shall be  
24       that of Private 1<sup>st</sup> Class, Airman 2<sup>nd</sup> Class, Seaman/Fireman 2<sup>nd</sup> Class, or Marine 2<sup>nd</sup> Class.  
25       *Provided further,* That PEP who attain the rank of Private 1<sup>st</sup> Class, Airman 2<sup>nd</sup> Class,  
26       Seaman/Fireman 2<sup>nd</sup> Class, or Marine 2<sup>nd</sup> Class shall acquire the rights, benefits, obligations,  
27       and duties accorded to similarly ranked Regular EP, subject to Sections 10 and 11 hereof.

28  
29       **SEC. 9. *Salary.*** – The amount of salary paid to PEP, regardless of rank, shall be based  
30       on the current pay grades of similarly ranked Regular EP; and, shall be scaled accordingly to  
31       accommodate any increase thereto.

32  
33       **SEC. 10. *Termination and Separation.*** – All PEP shall be immediately terminated  
34       from their service at the end of their tour of duty, except for those who are reenlisted as  
35       Regular EP under Section 13 hereof; *Provided,* That the PEP, prior to the end of their tour of  
36       duty, may be separated from their service on the same grounds as Regular EP; *Provided*  
37       *further,* That the PEP, whether terminated or separated from their service, shall not be entitled  
38       to receive the retirement and separation payor benefits provided for in Presidential Decree  
39       1638, as amended by Presidential Decree 1650; *Provided, finally,* That PEPs who fail to meet  
40       the qualifications for retention as Regular EPs, shall receive a separation gratuity pay  
41       equivalent to one month of his base and longevity pay on the date of separation for every year  
42       of service.

43  
44       **SEC. 11. *Training and Educational Benefits.*** – A PEP who fail to meet the  
45       qualifications for retention as a Regular EP shall be entitled to receive training and  
46       educational benefits in accordance with the rules and regulations to be promulgated by the  
47       Technical Education and Skills Development Authority (TESDA) and Commission on  
48       Higher Education (CHED).



1       **SEC. 12. *Preference and Priority in Hiring.*** – In recognition of their contribution to  
2 the safety and security of the State, Provisional Enlisted Personnel released from active duty  
3 in accordance with Section 10 shall be given preference and priority in hiring in the Civil  
4 Service, particularly in the law enforcement services and related agencies (i.e., Philippine  
5 National Police, Bureau of Fire Protection, Bureau of Jail Management and Penology,  
6 Philippine Drug Enforcement Agency, National Bureau of Investigation, Philippine Coast  
7 Guard, the intelligence and law enforcement services of the Bureau of Customs, Commission  
8 on Immigration, etc.) and the field operations offices of National Government Agencies  
9 (NGA) and Government Owned and Controlled Corporations (GOCC), as well as in the  
10 private sector, particularly in the security and services sectors, where the training, skills and  
11 discipline they acquired as former members of the AFP are relevant and/or appropriate.  
12

13       **SEC. 13. *Reenlistment as Regular Enlisted Personnel.*** – The requirements for the  
14 eligibility and the process of selection of PEP for reenlistment as regular EP shall be in  
15 accordance with the rules and regulations to be promulgated by the Department of National  
16 Defense (DND) and AFP under Section 16 hereof. The actual number of PEP to be reenlisted  
17 as Regular EP shall be determined by the CSAFP based on the vacancies and requirements of  
18 the AFP for recruitment and enlistment of Regular EP during the year the tour of duty of the  
19 Provisional EP ends.  
20

21       Provisional EP who are eligible, selected, and authorized to be reenlisted as Regular  
22 EP shall retain the highest rank they previously held at the end of their tour of duty as  
23 Provisional EP; and, they shall acquire the rights, benefits, obligations, and duties accorded to  
24 similarly ranked Regular EP, except the retirement and separation pay or benefits provided  
25 for in Presidential Decree 1638, as amended by Presidential Decree 1650.  
26

27       **SEC. 14. *Compulsory Membership in the GSIS.*** – Membership in the Government  
28 Service Insurance System (GSIS) shall be compulsory for all Provisional EP, and all  
29 reenlisted Regular EP of the AFP under Section 13 hereof; *Provided*, That it shall be  
30 mandatory for the member and the AFP to pay the monthly contributions similar to the  
31 schedule applicable to employees of the national government agencies; *Provided, further*,  
32 That it shall be mandatory and compulsory for the AFP to include the payment of the subject  
33 contributions in its annual appropriations.  
34

35       **SEC. 15. *Special Trust Fund; Appropriations.*** – There is hereby created a Special  
36 Trust Fund, which shall be managed by the GSIS, out of which the gratuity separation pay  
37 due to separated military personnel under this Act shall be paid. Subject to actuarial studies,  
38 the DND shall include in its annual budget such amounts as may be necessary to build up  
39 said Special Trust Fund to ensure that there would be adequate funds to pay the separation  
40 gratuity pay of military personnel separated under this Act as the same would fall due. Said  
41 amounts shall be included in the annual General Appropriations Act (GAA).  
42

43       **SEC. 16. *Implementing Rules and Regulations.*** – Within sixty (60) days from the  
44 enactment of this Act, the DND and the AFP shall issue the required Implementing Rules and  
45 Regulations (IRR) as may be necessary to ensure the efficient implementation of the  
46 provisions of this Act.  
47

48       Likewise within a period of sixty (60) days from the enactment of this Act, the Civil  
49 Service Commission (CSC) and the Department of Labor and Employment (DOLE), in  
50 coordination and consultation with the DND and the AFP and the Governance Commission

1 for Government Owned and Controlled Corporations (GCG), shall issue the appropriate  
2 memorandum order(s) and/or circular(s) as may be necessary and appropriate to ensure the  
3 proper enforcement and effective implementation of the public policy on the priority and  
4 preference in the hiring of separated military personnel mandated in Section 10 hereof.

5       **SEC. 17. Separability Clause.** – If any provision of this Act is declared invalid by a  
6 competent court, the other provisions not affected by such declaration shall continue to be in  
7 full force and effect.

8  
9       **SEC. 18. Repealing Clause.** – All laws, decrees, orders, rules and regulations, or  
10 parts thereof, specifically inconsistent with any provision of this Act shall be deemed  
11 repealed, amended or modified accordingly.

12  
13       **SEC. 19. Effectivity.** –This act shall take effect fifteen (15) days after the date of its  
14 publication in the Official Gazette or in at least two (2) newspapers of general circulation.

*Approved,*