

[REPUBLIC ACT NO. 9188, February 10, 2003]

**AN ACT STRENGTHENING THE PROFESSIONALISM IN THE
ARMED FORCES OF THE PHILIPPINES BY INCREASING THE
PERCENTAGE DISTRIBUTION OF GENERALS/FLAG OFFICERS IN
THE AFP TABLE OF ORGANIZATION, AMENDING FOR THIS
PURPOSE REPUBLIC ACT NUMBERED EIGHTY-ONE EIGHTY-SIX
(R. A. 8186), AND FOR OTHER PURPOSES**

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

SECTION 1. Section 1 of Republic Act No. 8186 is hereby amended to read as follows:

"SECTION 1. *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 Armed Forces: *Provided*, That effective 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: One point one two five *per centum* (1.125%) in the General/Flag Officer grade; six *per centum* (6%) in the grade of Colonel/Captain (PN); twelve *per centum* (12%) in the grade of Lieutenant Colonel/Commander (PN); eighteen *per centum* (18%) in the grade of Major/Lieutenant Commander (PN); twenty *per centum* (20%) in the grade of Captain/ Lieutenant (PN) and forty-two point eight seven five *per centum* (42.875%) in the grades of First Lieutenant/Lieutenant Junior Grade (PN) and Second Lieutenant/Ensign (PN): *Provided, further*, That such distribution is based on the total officer strength authorized for the AFP: *Provided, furthermore*, 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, but not limited to, 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 general/flag rank 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. 2. Section 2 of the same law is likewise amended to read as follows:

"SEC. 2. *Distribution of General/Flag Officers.* - The number of general/flag officers herein authorized shall be distributed to the various general/flag officer grades in accordance with the schedule of percentage as hereunder prescribed:

General/Admiral (0-10)	1 <i>per centum</i>
Lieutenant General/Vice Admiral (0-9)	7 <i>per centum</i>
Major General/Rear Admiral (0-8)	30 <i>per centum</i>
Brigadier General/Commodore (0-7)	<u>62 <i>per centum</i></u>
Total	100 <i>per centum</i>

"*Provided,* That there shall only be one officer with a grade of General/Admiral at any time: *Provided, further,* That the number corresponding to the schedule of percentage prescribed for the grades of Major General/Rear Admiral, Lieutenant General/Vice Admiral, and General/Admiral shall be the maximum: *Provided, furthermore,* 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 the lower grade: *Provided, finally,* That no officer shall be promoted to the grade of Brigadier General/Commodore or higher unless there is an existing vacancy, and the officer is occupying a position in the Table of Organization that requires the grade or rank of which he is being considered for promotion."

SEC. 3. *Determination and Allocation of Key Positions.* — The Secretary of the Department of National Defense upon the recommendation of the Chief of Staff, AFP shall determine and allocate the number of key positions among the major services, headquarters and support units of the AFP based on the technical nature of the organization, position, task, scope and area of responsibilities, equipment, prevailing internal and external threats and other considerations as the exigencies of the service may require, subject to review by Congress.

SEC. 4. *Promotion and Designation/Assignment.* — No officer shall be promoted nor designated/assigned to the grade of Brigadier General/Commodore or higher unless there is an existing vacancy and the officer is occupying a position in the TOE that requires the grade or rank for which he is being considered for promotion or