

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

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SENATE

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S. No. 1284

Introduced by Senator Biazon

EXPLANATORY NOTE

Many government objectives are subordinated to conformity to rules and regulations that hamper their realization.

Programs of whatever nature, whether government or private, usually require a certain length of time to realize its goals. The person at the helm should thus enjoy a length of service – even better, a security of tenure – that would allow him/her adequate time to plan, test, execute matters to best achieve a desired end. This is even more imperative in the case of key government positions such as the Chief of Staff and the Major Service Commanders that constitute the core leadership of the AFP, whose tenure, though limited by the Constitution to three years, is even shortened by compulsory retirement laws.

Such situation thus puts a damper on the selection of individuals for vacancies as the President's choices are limited to senior officers whose retirements draw near and thus casts a shadow on the President's action as being politically driven.

With the positions in question being critical to the country's interests, it is perhaps only correct that the persons chosen to serve in such capacity be the best, not necessarily among the most senior, and enjoy a period of service that will allow him/her to implement programs and thus deliver on the objectives of the armed forces.

This bill endeavors to shield the selection process for such positions from political and personal considerations, by ensuring that merit and fitness prevail. It also grants security of tenure to ensure continuity of programs and better, free from patronage, performance.

With the foregoing considerations, the passage of this bill is earnestly sought.


Rodolfo G. Biazon
Senator

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AN ACT
PRESCRIBING A FIXED TERM FOR THE CHIEF OF STAFF AND MAJOR
SERVICE COMMANDERS OF THE ARMED FORCES OF THE PHILIPPINES
AND FOR OTHER PURPOSES

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

Section 1. *Declaration of Policy.* – It is hereby declared the policy of the State to give due recognition to the significance of the positions of the Chief of Staff and the Major Service Commanders of the Armed Forces of the Philippines.

Section 2. *Terms of Office.* - The Chief of Staff of the Armed Forces of the Philippines shall have a fixed term of office of three (3) years, and the Major Service Commanders shall each have a fixed term of office of two (2) years. The terms shall commence on the date of appointment by the President.

No extension of term shall be allowed, except for the position of Chief of Staff, which may be extended in cases of war or national emergencies as declared by Congress.

When compulsory retirement age is reached before the end of term for any of the abovesaid positions, he shall be allowed to complete his term but shall be deemed compulsorily retired upon completion of the same.

Section 3. *Rules and Regulations.* – The Department of National Defense shall formulate the rules and regulations necessary to implement the provisions of this Act.

Section 4. *Repealing Clause.* – Section 4 of R. A. No. 8186, with respect to the maximum tenure in the position of Major Service Commanders, is hereby amended accordingly.

All other issuances, laws, decrees, orders, rules and regulations, or parts thereof not consistent with this Act are hereby repealed or modified accordingly.

Section 5. *Effectivity.* – This Act shall take effect fifteen (15)* days following its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,