

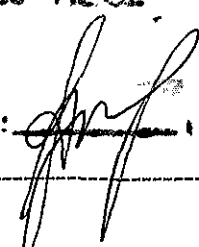
FOURTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

SENATE
OFFICE OF THE SECRETARY

7 JAN 30 12:32

SENATE

S. No. 31

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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 a key government position such as the AFP Chief of Staff who leads the AFP and 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 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 of the Armed Forces of the Philippines (AFP) in order to promote the stability of the institution of the AFP.

SEC. 2-A. *Term of Office of the Chief of Staff.* - The Chief of Staff of the AFP shall have a fixed term of office of three (3) years. The term shall commence on the date of appointment by the President, regardless of the date of confirmation by the Commission on Appointments: *Provided*, That no officer shall be appointed Chief of Staff if said officer has less than one (1) year remaining in the active service.

No extension of term shall be allowed except in cases of war or national emergencies as Congress may declare.

When the officer appointed to the position of Chief of Staff (AFP) reaches the compulsory retirement age before the end of the three-year term, the statutory compulsory retirement of the Chief of Staff (AFP) shall be deferred until the completion of the prescribed three-year term: *Provided, however*, That the Chief of Staff (AFP) may be removed by the President as Commander in Chief for loss of confidence as determined solely by the President even before the end of the term of three (3) years.

The fixed term provided for herein shall apply to the Chiefs of Staff (AFP) appointed by the President after the effectivity of this Act.

The President shall select from among the officers in the grades of Major General/Rear Admiral to Lieutenant General/Vice Admiral the officer who, in the judgment of the President, is best qualified for the position of Chief of Staff.

SEC. 3. *Rules and Regulations.* - The Secretary of National Defense shall formulate the rules and regulations necessary to implement the provisions of this Act.

SEC. 4. *Repealing Clause.* - All issuances, laws, decrees, orders, rules and regulations, or parts thereof not consistent with this Act are hereby repealed or modified accordingly.

SEC. 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,