

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

SENATE

COMMITTEE REPORT NO. 8

Submitted by the Committee on National Defense and Security on
OCT 01 2007

Re: Senate Bill No. 31, taking into consideration S. Nos. 704 and 758.

Recommending its approval with amendments.

Sponsor: Senator Biazon

MR. PRESIDENT:

The Committee on National Defense and Security to which was referred
Senate Bill No. 31, introduced by Senator Biazon, entitled:

**“AN ACT
PRESCRIBING A FIXED TERM FOR THE CHIEF OF
STAFF OF THE ARMED FORCES OF THE
PHILIPPINES AND FOR OTHER PURPOSES”**

and also taking into consideration **Senate Bill No. 704**, introduced by Senator
Ejercito Estrada, *entitled:*

**AN ACT
AMENDING SECTION NINE (9) OF REPUBLIC ACT NO. 291
SO AS TO PROVIDE THAT NO OFFICER SHALL BE
APPOINTED CHIEF OF STAFF IF SAID OFFICER HAS LESS
THAN A YEAR REMAINING IN THE ACTIVE SERVICE**

and **Senate Bill No. 758**, introduced by Senator Trillanes IV, *entitled:*

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

has considered the same and has the honor to report this bill back to the Senate with the recommendation that it be approved with the following amendments:

1. On line 5, page 1, the provision that reads "Sec. 2-A. Term of Office of the Chief of Staff." is amended to read as "Sec. 2. Term of Office of the Chief of Staff."

Respectfully submitted.



RODOLFO G. BIAZON

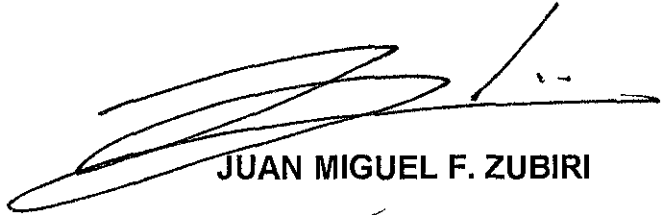
Chairman

Committee on National Defense and Security

Members:



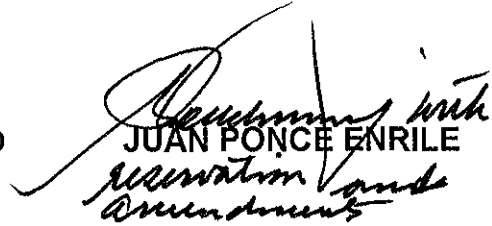
EDGARDO J. ANGARA



JUAN MIGUEL F. ZUBIRI



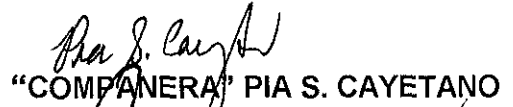
ALAN PETER "COMPAÑERO" S. CAYETANO



JUAN PONCE ENRILE
Reservations and Amendments



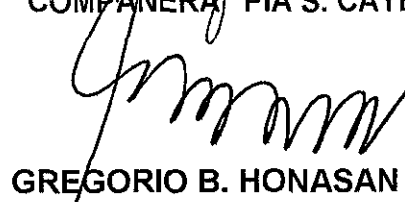
RICHARD J. GORDON



"COMPANERA" PIA S. CAYETANO
Pia S. Cayetano



RAMON "BONG" REVILLA, JR.



GREGORIO B. HONASAN




FRANCIS JOSEPH G. ESCUDERO
Reservations



MANUEL "LITO" M. LAPID

MIRIAM DEFENSOR SANTIAGO



JOKER P. ARROYO
Reservations + amendments

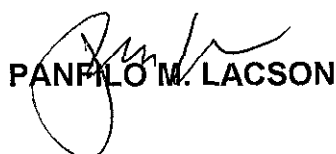
M.A. MADRIGAL

LOREN B. LEGARDA



BENIGNO SIMEON AQUINO III

ANTONIO F. TRILLANES IV




PANFILO M. LACSON

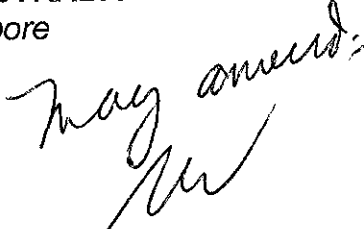
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FOURTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

SENATE
OFFICE OF THE SECRETARY

7 JAN 30 12:32

SENATE

S. No. 31

RECEIVED BY: 

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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OF THE PHILIPPINES)
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7 JUN 30 12:32

SENATE

S. No. 31

RECEIVED BY: 

Introduced by Senator Biazon

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:*

1 SECTION 1. *Declaration of Policy.* - It is hereby declared the policy of the State
2 to give due recognition to the significance of the positions of the Chief of Staff of the
3 Armed Forces of the Philippines (AFP) in order to promote the stability of the institution
4 of the AFP.

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

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

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

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

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

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

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

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

Approved,