


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

7 OCT -2 25:

SENATE

RECEIVED BY: 

COMMITTEE REPORT NO. 12

Submitted by the Committee on National Defense and Security on OCT 02 2007.

Re: Senate Bill No. 233, taking into consideration S. No. 283.

Recommending its approval without amendment.

Sponsors: Senators Biazon and Gordon

MR. PRESIDENT:

The Committee on National Defense and Security to which was referred Senate Bill No. 233, introduced by Senator Biazon, entitled:

**“AN ACT  
AMENDING THE ADMINISTRATIVE CODE OF 1987  
BY PROHIBITING A PERSON FROM BEING  
APPOINTED AS THE SECRETARY OF THE  
DEPARTMENT OF NATIONAL DEFENSE WITHIN  
THREE (3) YEARS AFTER RETIREMENT FROM  
ACTIVE DUTY AS A COMMISSIONED OFFICER OF  
A REGULAR COMPONENT OF THE ARMED  
FORCES OF THE PHILIPPINES (AFP)”**

and taking into consideration Senate Bill No. 283, introduced by Senator Gordon, entitled:

**AN ACT  
AMENDING SECTION 42 CHAPTER 7 SUBTITLE II TITLE VIII  
OF EXECUTIVE ORDER NO. 292, AS AMENDED,  
OTHERWISE KNOWN AS THE ADMINISTRATIVE CODE OF  
1987**

has considered the same and has the honor to report this bill back to the Senate with the recommendation that it be approved without amendment.

Respectfully submitted.



**RODOLFO G. BIAZON**  
Chairman  
Committee on National Defense and Security

**RICHARD J. GORDON**  
Vice Chairman  
Committee on National Defense and Security

**Members:**



**EDGARDO J. ANGARA**



**JUAN MIGUEL F. ZUBIRI**



**ALAN PETER "COMPAÑERO" S. CAYETANO**

**JUAN PONCE ENRILE**



**"COMPAÑERA" PIA S. CAYETANO**



**RAMON "BONG" REVILLA, JR.**



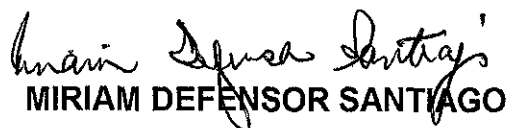
**GREGORIO B. HONASAN**



**FRANCIS JOSEPH G. ESCUDERO**



**MANUEL "LITO" M. LAPID**



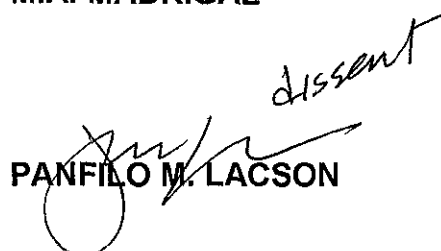
**MIRIAM DEFENSOR SANTIAGO**

**JOKER P. ARROYO**

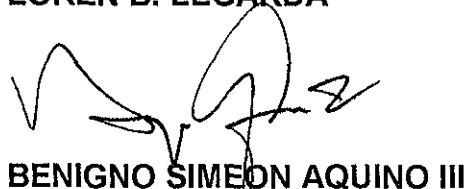
**M.A. MADRIGAL**



**LOREN B. LEGARDA**



**PANFILO M. LACSON**




**BENIGNO SIMEON AQUINO III**

**ANTONIO F. TRILLANES IV**

*Ex-Officio Members*

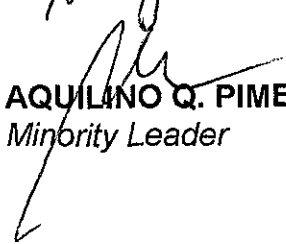


**JINGGOY EJERCITO ESTRADA**  
*President Pro Tempore*



**FRANCIS N. PANGILINAN**  
*Majority Leader*

*may amend:*



**AQUILINO Q. PIMENTEL, JR.**  
*Minority Leader*

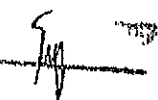
**HON. MANNY VILLAR**  
*The Senate President*

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

7 JUN 30 P4:20

SENATE

S. No. 233

RECEIVED BY: 

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Introduced by Senador Biazon

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#### EXPLANATORY NOTE

The Constitution, Executive Order No. 292 or the Administrative Code of 1987 and other laws provide for the general qualifications and inhibitions of the members of the Cabinet. The purpose of such requirements is to ensure that the appointees possess the necessary skills, expertise and integrity essential to the job.

Section 45 of Chapter 10, Sub-Title II, Title VIII, Book IV of Executive Order No. 292, otherwise known as the Administrative Code of 1987, provides for the general qualifications required of all department secretaries in addition to those prescribed in their respective charters, if there is any. However, in case of the Secretary of the Department of National Defense, there is a need to further emphasize the constitutional mandate regarding civilian supremacy over the military.

By prohibiting a former military officer from being appointed as Secretary of National Defense (SND) within three (3) years after relief from active duty as a commissioned officer of a regular component of the Armed Forces of the Philippines (AFP), the position of SND will be shielded from controversies arising from appointments and assignments within the AFP. By having no prior personal and professional relationships with the officers, the SND would be more objective and impartial in policy determination and recommendations. On the part of former military officers, the prohibition shall also afford them sufficient time to adapt to civilian life.

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

  
RODOLFO G. BIAZON  
Senator

FOURTEENTH CONGRESS OF THE REPUBLIC  
OF THE PHILIPPINES  
First Regular Session

7 JUN 30 P 4:20

SENATE

S. No. 233

RECEIVED BY: 

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Introduced by Senator Biazon

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AN ACT  
AMENDING THE ADMINISTRATIVE CODE OF 1987 BY PROHIBITING A  
PERSON FROM BEING APPOINTED AS THE SECRETARY OF THE  
DEPARTMENT OF NATIONAL DEFENSE WITHIN THREE (3) YEARS AFTER  
RETIREMENT FROM ACTIVE DUTY AS A COMMISSIONED OFFICER OF A  
REGULAR COMPONENT OF THE ARMED FORCES OF THE PHILIPPINES  
(AFP)

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

SECTION ONE. Section 45 of Chapter 10, Sub-Title II, Title VIII, Book IV  
of Executive Order No. 292, otherwise known as the Administrative Code of  
1987, is hereby amended by inserting a paragraph after the first paragraph  
thereof, to read as follows.

"Section 45. Qualifications of Secretaries. – The Secretaries shall be  
citizens of the Philippines and not less than twenty-five years of age.

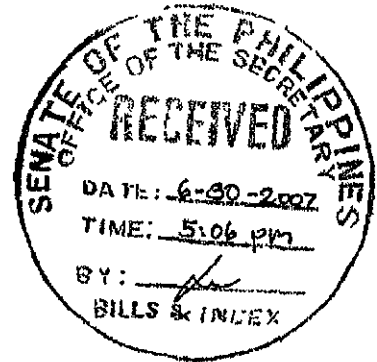
IN CASE OF THE DEPARTMENT OF NATIONAL DEFENSE, NO  
PERSON MAY BE APPOINTED AS THE SECRETARY THEREOF WITHIN  
THREE (3) YEARS AFTER RELIEF FROM ACTIVE DUTY AS A  
COMMISSIONED OFFICER OF A REGULAR COMPONENT OF THE ARMED  
FORCES OF THE PHILIPPINES (AFP)."

SEC. 2. *Repealing Clause.* – All laws, rules, regulations, orders, circulars  
and memoranda inconsistent with this Act are hereby repealed or modified  
accordingly.

SEC. 3. *Effectivity.* – This Act shall take effect immediately upon  
approval.

Approved,

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



SENATE  
S. No. 283

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Introduced by **Senator Richard J. Gordon**

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### EXPLANATORY NOTE

The Secretary of the Department of National Defense (DND) and the Chief of Staff of the Armed Forces of the Philippines (AFP) are very sensitive and powerful positions in government that, when monopolized by the same person who just served as AFP Chief of Staff and thereafter immediately appointed as DND Secretary, may lead to apprehensions of corruption or betrayal of public trust.

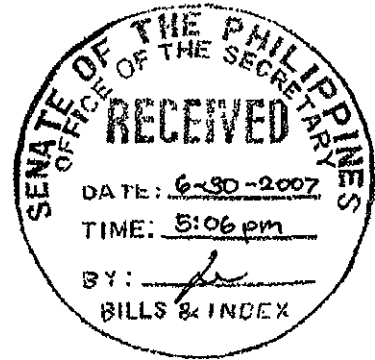
To ensure that public service shall be dictated by no other consideration than the public good, this proposed legislative measure seeks the disqualification of the AFP Chief of Staff from being eligible for appointment to the position of DND Secretary for a period of three (3) years from his tour of duty as AFP Chief of Staff based on precepts of propriety and ethics.

This prohibition seeks to show integrity to the public and lend effectiveness to the principle that a public office is a public trust.



**RICHARD J. GORDON**  
Senator

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



SENATE  
S. No. 283

---

Introduced by Senator Richard J. Gordon

---

**AN ACT AMENDING SECTION 42 CHAPTER 7 SUBTITLE II TITLE VIII OF  
EXECUTIVE ORDER NO. 292, AS AMENDED, OTHERWISE KNOWN  
AS THE ADMINISTRATIVE CODE OF 1987**

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

1           **SECTION 1.** Section 42 Chapter 7 Subtitle VIII of Executive Order No. 292, as  
2 amended, otherwise known as the Administrative Code of 1987, is hereby amended to read  
3 as follows:

4                   "Sec. 42. The Chief of Staff. -

5                                 XXX

6                   (4) NO CHIEF OF STAFF OF THE ARMED FORCES OF THE  
7 PHILIPPINES SHALL BE ELIGIBLE FOR APPOINTMENT TO THE  
8 SECRETARY OF THE DEPARTMENT OF NATIONAL DEFENSE WITHIN A  
9 PERIOD OF THREE YEARS FOLLOWING HIS TOUR OF DUTY."

10           **Sec. 2. Repealing Clause.** - All laws, decrees, orders, rules and regulations or other  
11 issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or  
12 modified accordingly.

13           **Sec. 3. Effectivity.** - This Act shall take effect after fifteen (15) days following the  
14 completion of its publication in the Official Gazette or in a newspaper of general circulation  
15 in the Philippines.

16           Approved,