

---

Introduced by Senator Miriam Defensor Santiago

---

EXPLANATORY NOTE

Strict conformity to rules and regulations often hampers the immediate fulfillment of government objectives.

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 term – that would allow him/her adequate time to plan, test and 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 oftentimes delimits the President's choices to fill in vacancies in the Armed Forces of the Philippines with senior officers whose dates of retirements draw near and provides the perception 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 proper that the persons chosen to serve in such capacity be the best qualified and, not necessarily among the most senior, and should be able to enjoy a period of service that will

allow him/her to implement programs and policies and thus deliver on the objectives of the AFP.

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 that is free from patronage and geared only towards good performance.

This bill was originally filed by Sen. Rodolfo G. Biazon in the Fourteenth Congress.

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
*aos*

---

Introduced by Senator Miriam Defensor Santiago

---

1 AN ACT  
2 PRESCRIBING A FIXED TERM FOR THE CHIEF OF STAFF OF THE ARMED  
3 FORCES OF THE PHILIPPINES AND FOR OTHER PURPOSES

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

4 SECTION 1. *Declaration of Policy.* - It is hereby declared the policy of the State to  
5 give due recognition to the significance of the position of the Chief of Staff of the Armed  
6 Forces of the Philippines (AFP) in order to promote the stability of the AFP as an institution  
7 thereby enabling it to perform its constitutional mandate.

8 SEC. 2. *Term of Office of the Chief of Staff.* - The Chief of Staff of the AFP shall  
9 have a fixed term of office of three (3) years. The term shall commence on the date of  
10 appointment by the President, regardless of the date of confirmation by the Commission on  
11 Appointments: *Provided*, That no officer shall be appointed Chief of Staff if said officer has  
12 less than two (2) years remaining in the active service: *Provided, further*, That no extension  
13 of term shall be allowed, except in cases of war or national emergencies as Congress may  
14 declare.

15 When the officer appointed to the position of Chief of Staff (AFP) reaches the  
16 compulsory retirement age before the end of the three-year term, the statutory compulsory  
17 retirement of the Chief of Staff (AFP) shall be deferred until the completion of the prescribed

1 three-year term: *Provided, however,* That the Chief of Staff, AFP may be removed by the  
2 President as Commander in Chief for loss of confidence at any time before the end of the  
3 term of three (3) years.

4 The fixed term provided herein shall apply to the Chiefs of Staff, AFP appointed by  
5 the President after the effectivity of this Act.

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

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

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

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

Approved,