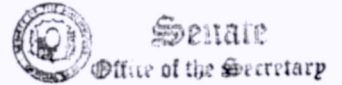


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



'18 MAR -5 P 4 :40

SENATE
S. B. No. 1727

RECEIVED BY: _____

Introduced by Senator Aquilino "Koko" Pimentel III

AN ACT
REMOVING THE BAN ON THE APPOINTMENT OF A
RETIRED OR RESIGNED MILITARY OFFICER OR POLICE
OFFICIAL AS SECRETARY OF THE DEPARTMENT OF THE
INTERIOR AND LOCAL GOVERNMENT (DILG) WITHIN ONE
(1) YEAR FROM SUCH RETIREMENT OR RESIGNATION,
AMENDING FOR THE *PURPOSE SECTION 8 OF REPUBLIC
ACT NO. 6975, AS AMENDED, OTHERWISE KNOWN AS THE
"DILG ACT OF 1990"*

EXPLANATORY NOTE

The Constitution vests executive power in the President of the Philippines. Accordingly, the President's power to appoint the heads of the executive departments should remain unfettered.

The ban on appointing retired or resigned military officers or police officials to the Department of Interior and Local Government (DILG) within one year of their retirement or resignation is an infringement on the President's power to appoint his alter-ego. This ban serves no purpose other than to delay the appointment of otherwise competent individuals, as the Commission on Appointments already serves as a check on the fitness of any appointee.

In the interest of respecting executive power and ensuring that appointments to vital positions of Government are not unnecessarily

delayed, this measure seeks to lift the ban on the appointment of retired or resigned military officers or police officials to the position of Secretary of the DILG within one (1) year from their retirement or resignation. This shall not alter the civilian character of the Philippine National Police (PNP) nor undermine the principle of civilian supremacy over the military, since active members of both the Armed Forces of the Philippines and the PNP remain barred from occupying the position of Secretary.

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


AQUILINO "KOKO" PIMENTEL III

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“DILG ACT OF 1990”*

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

1 **SECTION 1.** *Section 8 of Republic Act No. 6975, as amended,*
2 *otherwise known as the “Department of the Interior and Local*
3 *Government Act of 1990” is hereby amended to read as follows:*

4
5 **“Section 8. Head of Department.** – The head of the
6 Department, hereinafter referred to as the Secretary, shall
7 also be the *ex-officio* Chairman of the National Police
8 Commission and shall be appointed by the President subject
9 to confirmation of the Commission on Appointments. [No
10 retired or resigned military officer or police official may be
11 appointed as Secretary within one (1) year from the date of
12 his retirement or resignation.]”
13

1 **SEC. 2. *Repealing Clause.*** All other laws, decrees, orders,
2 issuances, rules or regulations, or portions thereof, which are
3 inconsistent with the provisions of this Act are hereby repealed,
4 amended, or modified accordingly.

5
6 **SEC. 3. *Effectivity.*** This Act shall take effect fifteen (15) days
7 after its complete publication in the *Official Gazette* or in two (2)
8 newspapers of national circulation.

Approved,