

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

7 JUL -3 110 :45

SENATE

RECEIVED BY: 

Senate Bill No. 704

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The highly delicate and sensitive functions of the Chief of Staff of the armed forces demand judicious appointment to said post, on the part of the President, of a qualified officer, with exemplary leadership qualities, exceptional intellectual capabilities and outstanding military expertise.

The Constitution, R.A. No. 291, a.k.a. the "Armed Forces officer Personnel Act," and other appropriate laws already provide for qualifications for such position. However, these laws are silent as to the minimum length of service for such tour of duty, while providing a maximum period of three years.

As a result, the President is given discretion to make appointment albeit the same is only for a very limited period, such as what has happened during the current administration, where the previous Chief of Staff, for instance, was mandated to serve for only three months.

While this may not have any repercussion at face value, it may have serious implications anent the successful implementation of various programs of the AFP. For certainly these programs could be disrupted, hampered and even worse, possibly abandoned by a swift and sudden change of command.

Considering the present campaign of the AFP against insurgency and terrorism and its apparent thrust towards civil military operations, it is significant to ensure that there is smooth continuity and institutionalization of adopted programs and strategies to realize its objectives.

Hence, the proposed measure seeks to prohibit appointment of an officer as Chief of Staff of the Armed Forces when said officer has less than a year remaining in the active service.

Immediate approval of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

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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.

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

SECTION 1. Amendment. – Paragraph (b) of Section nine (9) of Republic Act No. 291 is hereby amended to read as follows:

“Sec. 9. Promotion to grade of major general and lieutenant general. – (b) The officer designated as Chief of Staff shall hold office for a term of three years, unless sooner terminated by the President; PROVIDED THAT NO OFFICER SHALL BE APPOINTED AS CHIEF OF STAFF IF SAID OFFICER HAS LESS THAN A YEAR REMAINING IN THE ACTIVE SERVICE.”

SEC. 2. Separability Clause. - If any provision, or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 3. Repealing Clause. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to.

SEC. 4. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,