

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

SENATE  
OFFICE OF THE SECRETARY

10 JUL -7 AM 28

SENATE

Senate Bill No. 498

RECORDED BY: 

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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#### EXPLANATORY NOTE

The 1987 Constitution, Executive Order No. 292 or the Administrative Code of 1987 and other enabling laws provide for the general qualifications and limitations in the appointment 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, provides for the general qualifications required of all department secretaries. 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.

  
JINGGOY EJERCITO ESTRADA  
Senator

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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 1.** 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,*