

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1745

Introduced by: **REP. PROSPERO A. PICHAY, JR.**

EXPLANATORY NOTE

This bill seeks to terminate services of military personnel in civilian offices and public utilities and prohibits their detail or assignment thereat.

With the triumph of the people over the dictatorship during the EDSA Revolution and the restoration of democratic processes with the ratification of the new legislature, it becomes imperative to eliminate all vestiges of authoritarianism and to uphold the will of the people at all times.

As the representatives of the people, the members of the House of Representatives are sworn to uphold the will of the people and must, therefore, effectively act as instruments for the attainment of democratization.

One of the remaining vestiges of martial law rule, which has to be dismantled as part of the process of democratization is the detail or assignment of military personnel in purely civilian offices or agencies and public utilities. This came about by virtue of Presidential letters of instructions or orders, such as the following:

Letter of Instruction No. 2 dated September 22, 1972, allowed the Armed Forces of the Philippines to take over the management, control and operation of vital public utilities.

Letter of Instruction No. 84 dated May 1973, delimited the military's span of control over said public utilities to monitoring the public utilities' operations, except in respect to the airline industry.

Presidential Order of 6 July 1973 and Presidential Order of 16 August 1973 wherein military personnel were designated as representatives of the President to and Military Supervisors of the Board of Transportation, Land Transportation Commission, Offices of the City and District Engineers, Offices of the City and Municipal Mayors, Philippine Coconut Authority, and the Philippine Sugar Commission.

LOI No. 634 issued on 9 December 1977, authorizes the Minister of National Defense, under such rules and regulations that he may promulgate, in consideration

of the prevailing peace and order condition, to terminate or cause the termination or the subsequent resumption of the services being provided by military personnel detailed/assigned with (1) the utility firms and such other public utilities in the furtherance of the objectives of LOI No. 2, as amended by LOI No. 84, except as they pertain to the airline industry and (2) the BOT, LTC, Offices of the City and District Engineers, Offices of the City and Municipal Mayors, the Philippine Coconut Authority and the Philippine Sugar Industry.

Note that the termination contemplated in LOI 634 is not final, but is left to the discretion of the Ministry of National Defense, subject to the peace and order condition. It is a fact that there are many government offices or agencies which are under the control/supervision of military officers.

There should be a final and absolute termination of such services, detail or assignment if only to prove to our people that civilian authority is indeed supreme over the military and that we are truly serious of our task to restore democracy and strengthen civilian rule.

Hence, the approval of this bill is earnestly requested.

PROSPERO A. PICHAY, JR.



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AN ACT
PROHIBITING THE DETAIL OR ASSIGNMENT OF MILITARY PERSONNEL IN CIVILIAN
OFFICES AND PUBLIC UTILITIES AND PROVIDING PENALTIES FOR VIOLATION
THEREOF

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

SECTION 1. No military personnel shall be assigned or detailed to take over
the functions of any civilian post in any civilian office or agency of the government as
well as in public utilities and in government-owned and controlled corporations except
in times of war or other national emergency.

SEC. 2. Services of military personnel in civilian offices or agencies of the
government and in government-owned or controlled corporations and/or their
subsidiaries, as well as in public utilities are hereby terminated.

SEC. 3. Any military personnel or any person who, in collusion with such
personnel, violate any provision of this Act shall be punished with imprisonment of
from one month and one day to six months, in addition to administrative charges that
may be filed against him.

SEC. 4. All laws, presidential decrees, presidential orders, letters of
instruction, rules and regulations inconsistent with the provisions of this Act are
hereby repealed or modified accordingly.

SEC. 5. This Act shall take effect upon its approval.

Approved,