

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

House Bill No. ____ 06

Introduced by **Hon. Rodolfo G. Biazon**

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.

With the foregoing considerations, the passage of this bill is earnestly sought.


RODOLFO G. BIAZON
Representative

Lone District, Muntinlupa City

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

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

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

SEC. 2. *Term of Office of the Chief of Staff.* - The Chief of Staff of the AFP shall have a fixed term of office of three (3) years. The term shall commence on the date of appointment by the President, regardless of the date of confirmation by the Commission on Appointments: *Provided*, That no officer shall be appointed Chief of Staff if said officer has less than one (1) year remaining in the active service: *Provided, further*, That no extension of term shall be allowed, except in cases of war or national emergencies as Congress may declare.

When the officer appointed to the position of Chief of Staff (AFP) reaches the compulsory retirement age before the end of the three-year term, the statutory compulsory

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

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

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

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

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

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

Approved,