

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

House Bill No. _____ 09

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

EXPLANATORY NOTE

The Constitution, Executive Order No. 292 (Administrative Code of 1987) and other laws provide for the general qualifications and limitations 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 position.

Section 45 of Chapter 10, Sub-Title II, Title VIII, Book IV of the Administrative Code of 1987 provides for the general qualifications required of all department secretaries, in addition to those prescribed in their respective charters. However, in the case of the Secretary of the Department of National Defense, there is a compelling need to emphasize further the supremacy of civilian authority 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 the Armed Forces of the Philippines (AFP), the position of SND will be shielded from controversies arising from appointments, assignments, and other activities within the AFP. By having no prior personal and professional relationships with the officers, the SND would be more objective and impartial in policy formulation and determination. 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.


RODOLFO G. BIAZON
Representative

Lone District, Muntinlupa City

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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 THE NEXT THREE (3)
YEARS AFTER RELIEF, SEPARATION OR RETIREMENT FROM ACTIVE DUTY
AS A COMMISSIONED OFFICER 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 ONE. 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 THE CASE OF THE DEPARTMENT OF NATIONAL DEFENSE, NO PERSON
MAY BE APPOINTED AS SECRETARY THEREOF WITHIN THE NEXT THREE (3)
YEARS AFTER RELIEF, SEPARATION OR RETIREMENT FROM ACTIVE DUTY AS
A COMMISSIONED OFFICER 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,