

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
FIFTEENTH CONGRESS
First Regular Session**

HOUSE BILL NO. 4566

Introduced by

**Gabriela Women's Party-List
Representatives Luzviminda C. Ilagan and Emmerenciana A. De Jesus**

EXPLANATORY NOTE

The Philippine civilian bureaucracy has been militarized since the late President Ferdinand Marcos appointed military men to civilian positions. Succeeding administrations continued this practice to ensure the loyalty of the military.

According to the Philippine Center for Investigative Journalism (PCIJ), at least 20 military officers have been assigned to the Department of National Defense (DND) and at least 26 retired and active duty military officers have also been assigned to the Department of Transportation and Communication (DOTC) since Marcos fell from power in 1986.

At least 37 military officers were appointed in government-owned and controlled corporations (GOCC's) as well as in special economic zones (free ports) under the Ramos, Estrada and Arroyo administrations. The Bureau of Customs, which is the biggest revenue-generating agency, has had at least 9 military appointees under the Aquino, Ramos, Estrada, and Arroyo administrations.

This practice continues as the current administration, which is less than a year old, has already appointed at least 7 former and active military or police personnel to different posts and agencies in the government (www.manilatimes.net/news/nation/former-military-officials-get-posts-under-aquino).

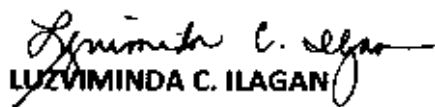
Military personnel are trained to work within a structure where the rule of thumb is to "follow now and question later." Military men are trained under a discipline that is necessary in a war situation. Military and police personnel including officers bring their military training, culture and practices even after they have been appointed to civilian positions. Such training and practices are inconsistent with democratic processes that characterize the civilian bureaucracy. As the PCIJ report said, "the blurring of line between civilian and military tasks results in the weakening of civilian institutions", which contradicts the provision of the 1987 Philippine Constitution that "Civilian authority is, at all times, supreme over the military."

The police organization has also been militarized since many of its leading officers come from the Philippine Military Academy and are therefore imbued with military discipline and culture. The AFP, currently in hot water, facing charges of massive graft and corruption among its superior officers, suffers from stained reputation. The dignity of the institution

dubbed as the protectors of the people and state is now in question. As further stated in the PCI report, "the stigma of corruption has hung over the armed forces, with the highest levels of command accused as the predators, and troops of the lowest ranks and taxpayers, their prey." This is obviously a demerit to an appointment of a military official to any civilian post having this present image that is eventually negative to the people.

This bill aims to uphold civilian supremacy as provided in the Constitution.

Approval of this bill is therefore, earnestly and urgently sought.


LUZVIMINDA C. ILAGAN


EMMERENCIANA A. DE JESUS

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AN ACT PROHIBITING ALL RETIRED AND ACTIVE MILITARY AND POLICE PERSONNEL, INCLUDING OFFICERS, FROM BEING APPOINTED IN A CONCURRENT OR ANY OTHER CAPACITY TO THE POSITIONS OF SECRETARY, UNDERSECRETARY, HEAD OR MEMBER OF GOVERNING BODIES OF GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS AND AGENCIES AND OTHER EQUIVALENT POSITIONS

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

SECTION 1. *Prohibiting military and police personnel from being appointed to civilian positions.* - All military and police personnel, including officers, shall be disqualified from being appointed in a concurrent or any other capacity to the positions of secretary, undersecretary, head or member of governing bodies of government-owned or controlled corporations and agencies and other equivalent positions. This prohibition shall apply even after the military or police officer shall have been separated from service including retirement.

SECTION 2. *Elective position.* - Nothing in this law shall prohibit military and police officers from running for any elective position after they have become separated from the service.

SECTION 3. *Repealing Clause.* - Any law, presidential decree or issuance executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION 4. *Separability Clause.* - If any portion or provision of this Act is declared void or unconstitutional, the remaining portions or provisions hereof shall not be affected by such declaration.

SECTION 5. *Effectivity Clause.* - This Act shall take effect fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever comes earlier.

Approved,