

Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 5712



Introduced by
REPS. EMMI A. DE JESUS and ARLENE D. BROSAS
(Gabriela Women's Party)
CARLOS ISAGANI T. ZARATE (Bayan Muna), ANTONIO L. TINIO and
FRANCE L. CASTRO (ACT Teachers Partylist),
ARIEL B. CASILAO (Anakpawis Partylist), and
SARAH JANE I. ELAGO (Kabataan Partylist)

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.

The Philippine Center for Investigative Journalism (PCIJ) noted military and police officials occupying civilian posts in the executive branch in the past administrations. For instance, the Arroyo administration had appointed former Armed Forces of the Philippines (AFP) vice chief of staff Eduardo Ermita as its Executive Secretary. Former Philippine National Police director generals Leandro Mendoza and Hermogenes Ebdane also served as transportation secretary and public works secretary, respectively during the Arroyo regime.¹ Meanwhile, a 2006 paper of the Center for People Empowerment in Governance (CenPEG) noted that six (6) of the nine (9) Defense secretaries that we had after the downfall of Marcos until the Arroyo regime were either former AFP generals or PNP chiefs.² The previous administration of Benigno Aquino III likewise had a former Philippine Army commanding general and former Presidential Security Guard (PSG) chief during the Cory Aquino administration serving as Defense Secretary.

This practice continues as the current regime has already appointed twelve (12) former and active military or police personnel to different posts and agencies in the

¹ Jaemark Tordecilla, "A Politicized Military," Philippine Center for Investigative Journalism, accessed from <<http://pcij.org/stories/a-politicized-military/>>, date of access (23 May 2017).

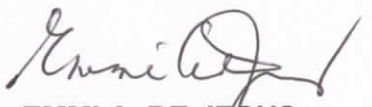
² "A Continuing Preference for Ex-Generals," Philippine Center for Investigative Journalism, accessed from <<http://pcij.org/blog/2007/02/02/a-continuing-preference-for-ex-generals>>, date of access (23 May 2017).

government. Recently, President Duterte has named retired Brigadier General Danny Lim as head of the Metro Manila Development Authority (MMDA) after appointing AFP Chief of Staff and former Philippine Army commander, General Eduardo Ano as the Department of Interior and Local Government (DILG) Secretary and former AFP Chief Staff Roy Cimatu as the Environment Secretary, among others.

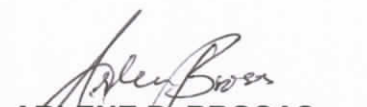
Military personnel are trained to work within a structure where the rule of thumb is to "follow now and question later." Military men are trained under a discipline that is necessary in a war situation. Military and police personnel including officers bring their military training, culture and practices 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."³

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 dignity of the AFP, dubbed as the protectors of the people and State is now in question, as it is marred with charges of graft and corruption and complaints of grave human rights violations through counter-insurgency programs Oplan Bantay Laya, Oplan Bayanihan and Oplan Kapayapaan. 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 practice also affords and ensures impunity to military men accountable for the commission of these violations that took place under their watch. We underscore the charges of grave human rights violations, which include extrajudicial killings, enforced disappearances, harassment, forced surrender, destruction of property, grave threats, hamletting and encampment of schools and places of worship, against National Irrigation Administration (NIA) chief Brig. Gen. Ricardo Visaya and DILG Secretary Gen. Eduardo Año.

This bill aims to uphold civilian supremacy as provided for in the Constitution. Thus, approval of this bill is therefore, earnestly and urgently sought.



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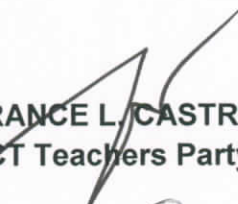
³ Ibid.



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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,