

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. 8756



Introduced by AKBAYAN Party List Representative Tomasito S. Villarin

EXPLANATORY NOTE

Article II, Section 3 of the 1987 Philippine Constitution mandates that civilian authority is at all times supreme over the military. The same Section also decree that the Armed Forces of the Philippines (AFP) is the protector of the people and the State.

The immediate appointment of AFP officers after their retirement or resignation to government agencies poses a great concern over civilian supremacy. The service that these former men and women in uniform providing will no longer be protecting and defending the sovereignty of the people; rather, they will have to provide a greater scope of public service which would require the knowledge and experience of expert civilians in their respective fields. Furthermore, this will have an effect of militarizing the departments and agencies.

This bill seeks to provide a three-year cooling-off period for men and women in uniform prior to their appointment to key civilian positions. The purpose of such period is primarily to avoid a perception of "militarization" of the civilian bureaucracy; and second, to give them the opportunity to immerse and adapt to the growing needs of the civilian community.

Accordingly, the passage of this bill is earnestly sought.

A handwritten signature in blue ink, appearing to be "Tomasito S. Villarin".

TOMASITO S. VILLARIN

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**An Act Amending Section 45, Chapter 10, Book IV of Executive Order No. 292,
Otherwise Known as the Administrative Code of 1987, as Amended.**

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

SECTION 1. Section 45, Chapter 10, Book IV of Executive Order No. 292, otherwise known as the Administrative Code of 1987, as amended; is hereby amended as follows:

SECTION 45. Qualifications of Secretaries. — The Secretaries shall be citizens of the Philippines and not less than twenty-five years of age. **A RETIRED OR RESIGNED MILITARY OFFICER CANNOT BE APPOINTED AS SECRETARY WITHIN THREE (3) YEARS FROM THE DATE OF HIS RETIREMENT OR RESIGNATION.**

SECTION 2. All laws, presidential decrees, executive orders, issuances, rules and regulations which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 3. This Act shall take fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general publications.

Approved,