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31 AUG 2016

DATE: \_\_\_\_\_

TIME: 12:30 PMBY: pls

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Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Constitution Hills, Quezon City

**SEVENTEENTH CONGRESS**  
*First Regular Session*

**HOUSE BILL NO. 3402**

*Introduced by: Representative JOHNNY T. PIMENTEL*

### **EXPLANATORY NOTE**

Realization of programs require a certain length of time before they are fully implemented. The person in charge thus needs to hold the appropriate length of service to adequately plan, test and execute his programs. This is the case for crucial government position of the Chief of Staff of the Armed Forces of the Philippines.

The tenure for the said position is limited by the Constitution to three years. It is further shorted by the compulsory retirement age which requires AFP personnel to retire at age 56.

It must be noted that a soldier still stands at the prime of his life at such age and is still very much capable of rendering his expertise in the interest of the nation. Furthermore, such situation also delimits the President's choices to fill in vacancies in the Armed Forces with senior officers whose dates of retirements are forthcoming.

With the position being critical to the country's national interest, public policy requires that the person who should occupy the post must be in one's best qualified capacity. A term of service must serve to allow the Chief of State to take up leadership in the Armed Forces unhampered by imminent retirement and change of officers. This Bills creates a venue for the implementation of long-term and continuous programs of the AFP.

The approval of this Bill is earnestly sought.

  
**REP. JOHNNY T. PIMENTEL**

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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 the House of Representatives of the Philippines in Congress assembled:*

**SECTION 1. Declaration of Policy** – It is the declared 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.

**SECTION 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 the said officer has one (1) year remaining in the active service. *Provided further*, Than 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 reaches the compulsory retirement age before the end of the three-year term, the statutory compulsory retirement of the Chief of Staff shall be deferred until the completion of the prescribed three-year term. *Provided however*, That the

Chief of Staff may be removed by the President as the Commander in Chief for loss of confidence at any time before the end of the three (3) – year term.

The fixed term provided herein shall apply to the Chiefs of Staff 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.

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

**SECTION 4. *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 the Act is hereby repealed, modified or amended accordingly.

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

Approved,