

## COMMITTEE ON NATIONAL DEFENSE AND SECURITY

*Joint with*

### COMMITTEE ON CONSTITUTIONAL AMENDMENTS, REVISION OF CODES AND LAWS COMMITTEE ON FINANCE

*Thursday, September 30, 2004*

*Senator Claro M. Recto Room*

*9:10 a.m. – 11:04 a.m.*

**Senators Present** : Senators Biazon (Chairman and presiding), Flavio and Lapid.

**Resource Persons/Guests:** Vice Admiral Ariston de los Reyes, Vice Chief of Staff, Armed Forces of the Philippines (AFP); Lt. Gen. Ernesto Carolina, AFP (Ret.), Undersecretary, Department of National Defense (DND); MGen. Edilberto P. Adan, The Deputy Chief of Staff, AFP; Lt. Gen. Jose L. Reyes, Commanding General, Philippine Air Force (PAF); Lt. Gen. Efren L. Abu, Commanding General, Philippine Army (PA); Vice Admiral Ernesto H. de Leon, Flag Officer-in-Command, Philippine Navy; Commodore Emilio C. Marayag, Assistant Deputy Chief of Staff for Personnel (J-1), AFP; Col. Arthur I. Tabaquero PA (GSC), Assistant Chief of Staff for Personnel (G-1); Capt. Riel D. Evangelio, PAF; Capt. Ramon T. Punzalan PN (GSC), Assistant Chief of Naval Staff for Personnel (N-1); Col. Efren L. Daquil PAF (GSC), Assistant Chief of Air Staff for Personnel (A-1); Col. Stim Munasque (Ret.), Chairman, Philippine Military Academy Alumni Association; BGen. Jose C. Bello (Ret.), Chairman, Association of Generals and Flag Officers; Chief Master Sgt. Mario M. Gabriel PA, Sergeant Major, AFP; Chief Master Sergeant Eduardo L. Aguhayon PAF, Sergeant Major, PAF; Master Chief Petty Officer Leonardo R. Apruebo PN, Sergeant Major, PN.

### AGENDA

**SENATE BILL NO. 67** - AN ACT AMENDING SECTION NINE OF RA NO. 291 SO AS TO PROVIDE THAT NO OFFICERS SHALL BE APPOINTED CHIEF OF STAFF IF SAID OFFICER HAS LESS THAN A YEAR REMAINING IN THE ACTIVE SERVICE. *(Introduced by Senator Ejercito Estrada, L.)*

**SENATE BILL NO. 1284** - AN ACT PRESCRIBING A FIXED TERM FOR THE CHIEF OF STAFF AND MAJOR SERVICE COMMANDERS OF THE AFP AND FOR OTHER PURPOSES. *(Introduced by Senator Biazon)*

**SENATE BILL NO. 1286** - AN ACT CREATING THE RANK OF FIRST CHIEF MASTER SERGEANT / FIRST MASTER CHIEF PETTY OFFICER IN THE ENLISTED RANKS OF THE AFP, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES. *(Introduced by Senator Biazon)*

### HIGHLIGHTS

The Committees on National Defense and Security, Constitutional Amendments, Revision of Codes and Laws, and Finance, conducted a joint public hearing on the two bills (SB 67 and SB 1284) which seek to fix the term of a Chief of Staff of the Armed Forces and also on a bill (SB 1286) which seeks to create the rank of First Chief Master Sergeant/First Master Chief Petty Officer. The hearing was held on 20 September 2004 at the Senator Recto Room, Senate of the Philippines, GSIS Bldg., Pasay City.

Senator Biazon stated that the hearing would take into consideration three bills which are included in the package of reforms being recommended by some sectors, including the Feliciano Commission, which aim to improve the AFP as an institution as well as the welfare of the rank and file uniformed personnel.

At the outset, Vice Admiral Ernesto H. De Leon, Flag Officer-in-Command of the Philippine Navy, expressed support for the three bills under consideration.

With regard to the two bills (SB 67 and SB 1284) which stipulate a term of office for the Chief of Staff of the Armed Forces of the Philippines (CSAFP), he said that a provision should be made that would apply to a situation where the senior officers who are contenders to the position of a CSAFP could opt to retire if said position was taken by a junior officer. He added that the retirement under this case should be considered as compulsory but subject to the limitation of the retirement pay based on the number of years rendered. He then mentioned the problem encountered by the retirees in relation with the prioritization on the release of funds by the Department of Budget and Management (DBM).

Vice Admiral Ariston De los Reyes, vice chief of Staff, AFP, commented that the proposed position of First Chief Master Sergeant/First Master Chief Petty Officer under SB 1286 should retire with the rank of a 2<sup>nd</sup> Lieutenant but with a retirement pay of a 1<sup>st</sup> Lieutenant.

Retired BGen. Rosalino Alquiza, executive director, PMA Alumni Association, for his part, said that he would prefer that the proposed FCMSG/FCPO should retire with the rank and pay of a 2<sup>nd</sup> Lieutenant.

Lt. Gen. Efren Abu, commanding general of the Philippine Army, opined that there should also be a proposed measure to fix the term of office for the major service commanders, adding that existing law would not allow them to stay in their posts beyond three years.

At this juncture, Senator Biazon recalled that his assumption to post and rendition of service as CSAFP for about three month enabled him to lay down a program regarding the modernization of the AFP. He also mentioned that the proposed measures on fixing the term of a CSAFP would prevent the continuance of the "revolving door policy". However, he stressed that there should be a mechanism for the removal of the CSAFP in case said appointee would not measure up to the demands of his responsibilities.

Vice Admiral De los Reyes and BGen. Alquiza suggested that there be a provision under the proposed measure stipulating that the appointed CSAFP be removed for cause by a competent authority even before expiration of the term of his office.

According to MGen. Edilberto Adan, The Deputy Chief of Staff of the AFP, the grounds for removal should not be limited to the commission of irregularities but it must also cover adherence to policy

Defense Undersecretary Ernesto Carolina expressed full support for the proposed measure providing for a fixed term for the CSAFP in order to insure continuity of implementing desired programs. He suggested that there be a provision also to include the major service commanders in the pool of contenders for the post of CSAFP to address a situation where frequent turnovers occur within a short period.

As to SB 1286 which seeks to create the rank of FCMSG/FMCPO, he said that the proposal would mean a recognition of the position and also a rationalization of the ranks between the officers and the enlisted personnel.

Retired BGen. Jose Bello, chairman of the Association of Generals and Flag Officer, commented that SB 1284 would enable the CSAFP/major service commanders to continue implementing the programs and reforms they have set as their goals; the most outstanding and most capable would be selected; competitive professionalism would be promoted; and loyalty of the chosen officers would be enhanced.

He stressed, however, that the proposal should just be limited to the position for CSAFP, and should exclude the major service commanders who are already covered by the provisions of RA 8186.

Commenting on SB 1286, he said that it would be a symbolic gesture to acknowledge the importance of the AFP Command Sergeant major who would occupy the proposed position.

He disagreed, however, to the proposed monthly compensation of the FCMSG/FMCPO which would be higher than the monthly salary of a probationary 2<sup>nd</sup> Lieutenant. Under the proposal, a FCMSG/FMCPO would receive a monthly base pay of P14,870 while a probationary 2<sup>nd</sup> Lieutenant would only get a monthly base pay of P14,538.00. He then suggested that the pay scheme of the involved personnel be rationalized.

BGen. Alquiza also provided the Committee with the following comments and suggestions:

- 1) On SB 87, the provision dealing on the selection of officer to be designated as CSAFP should be limited to those in the grade of Lieutenant General/Vice Admiral where there are now nine officers with such rank.
- 2) On SB 1284, the proposal for a fixed term for the CSAFP would provide for a security of tenure, but a provision should likewise be made so that the appointed CSAFP would be considered compulsorily retired upon expiration of his term, regardless of age required for compulsory retirement.

As for the major service commanders, their minimum term of office should be two years and their maximum should be three years, but relief from their posts could be made by appointment/promotion as CSAFP.

- 3) On SB 1286, the present set up could be maintained and there would be no need for it.

He added, however, that should the rank of E-10 be created, the corresponding pay grade should be pegged at Salary Grade 18 ½ or, at the most, Salary Grade 19. Moreover, he said that the proposed E-10 be retired with the rank of 2<sup>nd</sup> Lieutenant/Ensign (O-1), pursuant to PD 1638, as amended.

Air Force Captain Riel Evangelio expressed support for the measure which seeks to provide a fixed term for CSAFP, adding that its applicability should extend to the incumbent CSAFP.

At this juncture, Senator Flavier warned that the enactment of a legislative measure that would apply retrospectively could take the form of an *ex-post facto* law which would be a violation of the constitutional provisions.

Vice Admiral de Leon stated that he would submit to the Committee a study on the rules regarding retirement, including comparison between optional and compulsory retirees. This was in response to Senator Flavier's remark on the seeming priority or policy of the Department of Budget and Management in the release of funds for compulsory retirees. Senator Flavier also said that he would like to be properly guided so that a provision related to the release of funds for the retirees could be considered in the proposed measure.

The Council of AFP Sergeants major, represented by Chief Master Sergeant Mario Gabriel (PA), Chief master Sergeant Eduardo Aguhayon (PAF), Master Chief Petty Officer Leonardo Apruebo (PN), provided the Committee with the following comments and suggestions:

1) *On SB 1284 (fixed term of the CSAFP and Major Service Commanders)*

A strong support given was given to the proposal to fix the term of the CSAFP so that ample time could be made to implement plans, programs and projects of the AFP

A minimum of two years and a maximum of three years should be set as tenure for Major Service Commanders.

No extension of the terms of office should be made for the CSAFP and the Major Service Commanders.

The CSAFP or Major Service Commanders may be relieved by the Commander-in-Chief any time before completion of their term of office.

2) *On SB 1286 (creation of the rank of FCMSG/FMCPO)*

A strong endorsement was made for the speedy enactment of the measure. This included support for the proposed monthly basic pay at Salary Grade 19 and the retirement pay equivalent to the pay grade 1<sup>st</sup> Lieutenant/Lieutenant Junior Grade.

After the consideration of the three bills, Senator Biazon asked the resource persons to give their thoughts, comments and suggestions on the proposed grant of amnesty to those who have fought the government.

Vice Admiral De Leon said that it would be premature to make a decision at this time, but what must be taken into account are the procedures of the court, the relevant pronouncements made and the firm resolve that decision should be in accordance with law.

Defense Undersecretary Carolina, for his part, said that the country's justice should be allowed to take its course.

Retired BGen. Jose Bello stated that based on consultation made with concerned sector, it would indicate that the grant of amnesty should be taken along the line of thinking of the Supreme Court and the Feliciano Commission.

Before adjournment, Senator Biazon reminded the concerned guests and resource persons to submit documents relevant to the discussion of the proposed measures for consideration of the Committee in the preparation of its report.

*Prepared and submitted by ELPIDIO H. CALICA, MNSA, Legislative Committee Secretary,  
Committee on National Defense and Security.*