

**DIRECTING UNEQUIVOCAL COMPLIANCE WITH SECTION 5(4),
ARTICLE XVI, OF THE 1987 CONSTITUTION PROVIDING THAT
“NO MEMBER OF THE ARMED FORCES IN THE ACTIVE
SERVICE SHALL, AT ANY TIME,...**

EXECUTIVE ORDER NO. 371, September 28, 1989

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I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

1. All departments, bureaus, offices, agencies and instrumentalities of the Government, including government-owned or controlled corporations or any of their subsidiaries, shall comply unequivocally with Section 5(4), Article XVI, of the 1987 Constitution providing that "No member of the armed forces in the active service shall, at any time, be appointed or designated in any capacity to a civilian position in the Government including government-owned or controlled corporations or any of their subsidiaries."

2. Executive Order No. 41, dated September 2, 1966, "Promulgating Rules And Regulations Governing The Detail Or Assignment Of Military Personnel To Civilian Offices and Officials," is hereby reiterated, Provided, That such permissible detail/assignment shall not, directly or indirectly, be practised as a prohibited appointment/designation envisaged by the Constitution.

3. For purposes of this Executive Order, a civilian position means:

(a) A plantilla item where the Civil Service Commission has prescribed the corresponding qualifications and civil service eligibilities for appointment thereto;

(b) A Career Executive Service (CES) position where the position and compensation are prescribed by law and regulations; or

(c) Although non-plantilla or a non-CES position, the very nature of the job does not require military training, experience and/or expertise or the functions of the position are obviously civilian in nature.

4. This Executive Order shall take effect immediately.

Done in the City of Manila, this 28th day of September in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

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