

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1561



Introduced by Honorable Ernesto S. Gidaya

EXPLANATORY NOTE

This bill seeks to amend certain provisions of Presidential Decree No. 1638, as amended by Presidential Decree No. 1650, which provides for the retirement and separation benefits of military personnel who retired from the Armed Forces of the Philippines after 10 September 1979

Section 25 of PD 1638 defines the survivors of a deceased retiree who are entitled to survivors' benefits under this law. This provision excludes from entitlement to such benefits the widow who was married to the retiree after his retirement, the children who were born out of such marriage and the children adopted or acknowledged after retirement.

In contrast, Republic Act No. 6948, as amended by Republic Act No. 7696, provides benefits to a veteran's unmarried widow and minor unmarried children, regardless of when the veteran was married and when the children were born.

Section 27 of PD 1638 provides that a retiree who loses his Philippine citizenship shall have his retirement benefits terminated upon such loss.

Again in contrast, Republic Act No. 6948, as amended by Republic Act No. 7696, does not withdraw the benefits of beneficiaries who acquire citizenship in another country and even provides benefits to foreign nationals who served in Philippine forces during World War II.

It is further noted that Republic Act No. 7837 specifically grants permanent resident status, land ownership, practice of profession and other privileges to Filipino veterans of World War II who acquired United States citizenship.

Republic Act Nos. 6948, 7696 and 7837 illustrate the current policy of consideration for our veterans of wars and military campaigns and their widows and orphans.

The approval of this Bill will correct the inequitable aspects of PD 1638 and provide fairness and equal treatment to all concerned.

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HON. ERNESTO S. GIDAYA

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AN ACT
TO AMEND PRESIDENTIAL DECREE NO. 1638, KNOWN AS THE
AFP MILITARY PERSONNEL RETIREMENT AND SEPARATION
DECREE OF 1979.

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

SECTION 1. Entitlement of Surviving Spouse to Benefits. - Section 25 b (1) of Presidential Decree No. 1638 is hereby amended to read as follows:

"(1) Surviving spouse if [married to the deceased prior to the latter's retirement/separation and] not legally separated by judicial decree from the deceased issued on grounds not attributable to said spouse: *Provided*, That entitlement to benefits shall terminate upon re-marriage of said spouse."

SECTION 2. Entitlement of Surviving Children to Benefits. - Section 25 b (2) of Presidential Decree No. 1638 is hereby amended to read as follows:

"(2) Surviving LEGITIMATE, ADOPTED OR ACKNOWLEDGED children of an officer or enlisted man [born of his marriage contracted prior to his retirement/separation from the service, and children, adopted or acknowledged, while the deceased parent was still on active military service]. *Provided*, That entitlement to benefits shall terminate when such children attain twenty-one (21) years of age or get married."

SECTION 3. Benefits Of Retired Military Personnel Who Loses Filipino Citizenship. - Section 27 of Presidential Decree No. 1638 is hereby amended to read as follows:

"SECTION 27. Military personnel retired under Sections 4, 5, 10, 11 and 12 shall be carried in the retired list of the Armed Forces of the Philippines. The name of a retiree who loses his Filipino citizenship shall be removed from the retired list [and his retirement benefits, terminated upon such loss.] BUT HE/SHE SHALL BE ENTITLED TO CONTINUE RECEIVING HIS/HER RETIREMENT BENEFITS.

SECTION 4. Repealing Clause. - All existing laws or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

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