

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



FIFTEENTH CONGRESS

Second Regular Session

House Bill No. 5968

Introduced by **Hon. Rodolfo G. Biazon and Maria Isabelle Climaco**

EXPLANATORY NOTE

This bill seeks to further amend certain provisions of Presidential Decree No. 1638, which provides for the retirement and separation benefits of military personnel who retired from the Armed Forces of the Philippines.

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 borne 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 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 Filipino privileges to Filipino veterans of World War II who acquired United States citizenship.

Republic Act No's. 6948, 7696, and 7837 illustrate the current policy of consideration for our veterans of wars and military campaigns and their widows and orphans. This proposed measure, if enacted will correct the inequitable aspects of PD 1638 and provide fairness and equal treatment to all concerned.

Due to the foregoing, early passage of this bill is earnestly sought.


MARIA ISABELLE G. CLIMACO

Representative
1st District, Zamboanga City


RODOLFO G. BIAZON

Representative
Lone District, Muntinlupa City

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AN ACT
FURTHER AMENDING PRESIDENTIAL DECREE NO. 1638, OTHERWISE
KNOWN AS THE AFP MILITARY PERSONNEL RETIREMENT AND
SEPARATION DECREE OF 1979, AS AMENDED, AND FOR OTHER PURPOSES

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.”

Sec. 2. *Entitlement of Surviving Children to Benefits.* – Section 25 b (2) of the same law 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.”

Sec. 3. *Benefits of Retired Military Personnel Who Lose Filipino Citizenship.* – Section 27 of the same law 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 SHALL CONTINUE RECEIVING HIS RETIREMENT BENEFITS."**

Sec. 4. *Repealing Clause.* – All laws, executive orders, rules and regulations inconsistent with or contrary to this Act, are hereby deemed accordingly repealed or amended.

Sec. 5. *Separability Clause.* – If any provision of this Act or the application of such provision is declared unconstitutional or invalid, the provisions not affected thereby shall remain in full force and effect.

Sec. 6. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days from its publication in at least two (2) newspapers of national circulation.

Approved,