

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL No. **6120**



Introduced by Rep. TEDDY A. CASIÑO

EXPLANATORY NOTE

This bill seeks to expand the granting of pension benefits to children of retired military personnel who are above twenty-one (21) years old but have serious disabilities that prevent them from supporting themselves as independent individuals.

On July 16, 2009, the Armed Forces of the Philippines (AFP) Finance Center released an order to delete children with disabilities (above 21 years old) who are under guardianship, in the AFP Pension Payroll. Twenty beneficiaries were in the delete list, including Mary Magdalena and Elizabeth Brandares who are both "mentally retarded" or have intellectual disabilities, and at the same time epileptic (Mary) and deaf (Elizabeth). Daughters of the late retired AFP officer Corajosa Brandares, they were not granted pension benefits since they were already beyond the age of 21 when their father died. However, after their mother Mariquita died in 2001, they applied for a derivative retirement pension which was granted by the AFP's Office of the Judge Advocate General in January 16, 2008 stating the following:

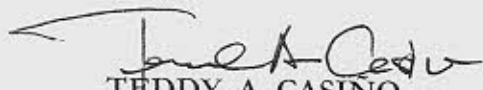
"Under the AFP Retirement Law, entitlement to derivative retirement pension by children/survivors terminates upon attaining the age of 21 or earlier upon marriage. When a child attains that age, it is assumed that he has already physically, mentally, psychologically, and emotionally matured which enables him to have full capacity for all acts of civil life. However, full capacity of all acts of civil life depends upon the favorable development of an individual. This applies to mentally retarded persons or to those whose mental faculties do not normally developed...hence, in the eyes of the law, they are treated as minors, more specifically, incompetents."

However, the decision was reversed by the same office in August 24, 2009, explaining that under Presidential Decree no. 1638 it is clear that regardless of physical, mental or emotional maturity, pension benefits will be terminated once the child reaches the age of twenty-one (21) years old.

It is therefore this bill's aim to ensure that children of retired military personnel with serious disabilities that prevent them from living independently, are included in the pension beneficiaries, same as the practice of veterans affairs offices in other countries such as the United States.

In view of the foregoing, approval of this bill is highly recommended.

Approved,


TEDDY A. CASINO
Bayan Muna Party-list

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HOUSE BILL No. 6120

Introduced by Rep. TEDDY A. CASIÑO

**AN ACT GRANTING PENSION BENEFITS FOR CHILDREN OF RETIRED
MILITARY PERSONNEL WHO ARE BEYOND TWENTY-ONE YEARS OLD BUT
ARE NOT ABLE TO SUPPORT THEMSELVES BECAUSE OF SERIOUS DISABILITY
AND AMENDING FOR THIS PURPOSE CERTAIN SECTIONS OF
PRESIDENTIAL DECREE NO. 1638**

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

SECTION 1. Short Title. - This Act shall be known as the "Pension Benefits for Retired Military Personnel Offspring with Disabilities Act of 2012."

SEC. 2. Declaration of Policy. - The State recognizes the rights and privileges of persons with disabilities, their contributions to society, as well as their needs. As already enshrined in laws such as the Magna Carta for Persons with Disabilities, the State shall give full support to the improvement and the well-being of persons with disabilities.

SEC. 3. Section 25 of Presidential Decree No. 1638, otherwise known as the "AFP Military Personnel Retirement and Separation Decree of 1979," is hereby amended to read as follows:

SEC. 25. For the purposes of this Decree

a. xxx

b. Survivors shall mean

1. xxx

2. Surviving 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 benefits shall terminate when such children get married or attain twenty-one (21) years of age, UNLESS PRIOR TO THE RETIREMENT, THE CHILD BECAME PERMANENTLY UNABLE TO SUPPORT HIMSELF/HERSELF BECAUSE OF SERIOUS DISABILITIES IN WHICH CASE A STATEMENT FROM AN ATTENDING PHYSICIAN OR OTHER MEDICAL EVIDENCE WHICH SHOWS

THE NATURE AND EXTENT OF THE PHYSICAL OR MENTAL DISABILITY
SHALL BE SUBMITTED.

SECTION 4. *Implementing Rules and Regulations.* – The Armed Forces of the Philippines, within sixty (60) days from the effectivity of this Act, shall issue the necessary rules and regulations for the implementation of this Act.

SECTION 5. *Constitutionality.* – Should any provision of this Act be declared invalid or unconstitutional, the validity or constitutionality of the other provisions shall not be affected thereby.

SECTION 6. *Repealing Clause.* – All laws, decrees, letters of instructions, resolutions, orders, ordinances or parts thereof which are inconsistent with the provisions of this Act, are hereby repealed, amended, or modified accordingly.

SECTION 7. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,