

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
THIRD REGULAR SESSION)

'04 JUN 30 P12:33

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SENATE

S.B. No. 09

Introduced by **SENATOR LUISA "LOI" P. EJERCITO ESTRADA**

EXPLANATORY NOTE

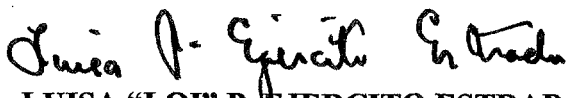
The onslaught of terrorist activities and the seeming proliferation of violent acts perpetrated against the government and other related establishments place soldiers' lives in jeopardy.

Admittedly or not, these individuals are at high risk, now more than ever. In fact, in the Southern part of the country, a number of recent incidents involving alleged abduction and worse, slaughter of soldiers, while performing duties, has been recorded both in official reports and major newspapers.

While the government currently undertakes effort to protect the lives of its employees, the proposed measure aims to provide assistance to immediate families of soldiers, who were killed while performing their solemn task of protecting the people and defending our country.

Through this bill, these immediate families shall not be displaced in the event of any untoward incident that may happen to their loved ones working in government.

Hence, immediate passage of this bill is earnestly sought.


LUISA "LOI" P. EJERCITO ESTRADA
Senator

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**AN ACT
TO PROVIDE ASSISTANCE TO THE IMMEDIATE FAMILY OF A SOLDIER
KILLED WHILE PERFORMING DUTIES AND FOR OTHER PURPOSES**

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 "Victims' Family Assistance Act of 2004."

SECTION 2. *Victim Family Assistance.* - The immediate family of a soldier killed while performing duties shall receive the following amounts and forms of assistance:

- (1) **FUNERAL ASSISTANCE-** A payment of up to P150,000.00 to the surviving spouse, dependent child, or other next of kin, as determined in accordance with appropriate laws, to assist with any funeral expenses of the victim.
- (2) **DEATH BENEFIT-** A payment of P150,000.00 to the surviving spouse, dependent child, or other next of kin, as determined in accordance with appropriate laws.
- (3) **LIVING ASSISTANCE-** Beginning one year after the date of death of the victim, a payment of--

- (A) P2,000.00 per month to the surviving spouse, until the earlier of the spouse's death or remarriage; and
 - (B) P500.00 per month to each dependent child, until reaching the age of 18 years.
- (4) **DEPENDENT UNDERGRADUATE EDUCATION ASSISTANCE-**
- (A) **IN GENERAL-** For each dependent child enrolled or accepted for enrollment in a part-time or full-time program of undergraduate instruction at any state college and university, an annual amount not to exceed the lesser of P5,000.00 or half the total annual cost of attendance at such institution.
 - (B) **DURATION OF ASSISTANCE-** A dependent child may receive assistance under this paragraph for not more than a total of 5 years.
 - (C) **GOOD STANDING REQUIRED-** The dependent child must maintain good standing at the institution in order to receive assistance under this paragraph.
 - (D) **EFFECT OF PARENTAL DEATH OR REMARRIAGE-** The death or remarriage of the surviving spouse does not affect a dependent child's eligibility for assistance under this paragraph.

SECTION 3. *Assistance supplements, not supplants other benefits* - No assistance provided under this Act may supplant any benefit or other compensation paid or payable

to the surviving spouse, dependent child, or other next of kin of the victim by the victim's employer, school, school district, or local or State government, or by any insurance coverage of the victim.

SECTION 4. *Funding requirements* – An initial amount necessary to implement the provisions of this Act shall be drawn from the budget of the Office of the President. Thereafter, beginning the implementation of the next annual budget, the same shall be incorporated in the annual appropriations allocated for the Government Service Insurance System and Commission on Higher Education to implement the provisions of Section 2, pars. 1, 2, 3, and Section 2, par. 4 respectively.

SECTION 5. *Separability clause.* – If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law of the provision not otherwise affected shall remain valid and subsisting.

SECTION 6 *Repealing clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

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

Approved,