

10 JUL 26 1979

FIFTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )

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SENATE

S.B. No. 2041

**Introduced by Senator EDGARDO J. ANGARA**

**EXPLANATORY NOTE**

This bill seeks to amend 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 P.D. No. 1638 defines the survivors of a deceased retiree who are entitled to survivors' benefits under this law. This provision excludes from entitlement the widow who was married to the retiree after his retirement, the children born 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. But it does not distinguish nor does it discriminate against the surviving dependents, putting only the elements of re-marriage and attainment of legal age as limiting factors to entitlement of the retirement and separation benefits.

Verily, there is a need to correct the inequitable portions of PD 1638 and allow the same to conform to the provisions of RA 6948, the latter exemplifying the policy of fairness for our veterans' and military dependents.

With this end in view, the immediate approval of this measure is earnestly sought.

  
**EDGARDO J. ANGARA**

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

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

1           **SECTION 1. *Entitlement of Surviving Spouse and Surviving Children to***

2    ***Benefits.*** - Section 25 of Presidential Decree No. 1638 is hereby amended to read as  
3 follows:

4           “SEC. 25. For [the] purposes of this Decree -

5           x x x

6           b. Survivors shall mean -

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

13          (2) Surviving children of an officer or enlisted man [born of his  
14          marriage contracted prior to his retirement/separation from  
15          the service, and children, adopted or acknowledged, while

1                   the deceased parent was still on active military service];  
2                   Provided, That entitlement to benefits shall terminate when  
3                   such children attain twenty-one (21) years of age or get  
4                   married.

5  
6                   **SEC. 2. Repealing Clause.** All laws and rules and regulations or parts thereof  
7                   inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

8  
9                   **SEC. 3. Effectivity.** This Act shall take effect fifteen (15) days following the date  
10                  of its publication in the Official Gazette or in at least two newspapers of general  
11                  circulation.

12  
13                  ***Approved,***