SIXTEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES

First Regular Session



*13 JUL -8 A11:46

SENATE S. No. **574**

RECEIVED BY:

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Presidential Decree No. 1638 as amended, otherwise known as "Establishing A New System Of Retirement And Separation For Military Personnel Of The Armed Forces Of The Philippines And For Other Purposes" as amended, enumerates the benefits for military retirees and the conditions for entitlement thereto. Through the years, this law has been the source of rights for our retirees through which they could avail themselves of the benefits that they rightfully deserve.

Section 27 thereof, however, provides that 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. At first glance, this provision seems justified since the retiree has lost his Filipino citizenship anyway and therefore should not be qualified to receive any monetary benefit from the government. However, with the passage of RA No. 9225, otherwise known as "Citizenship Retention and Re-Acquisition Act of 2003," civil and political rights may now again be enjoyed by those who reacquire Philippine citizenship.

This bill therefore gives back the right to former retirees who have reacquired Philippine citizenship under RA No. 9225 the same benefits they used to receive but were cut off when they lost their Philippine citizenship. But such re-entitlement to the retirement benefits will only accrue upon the date of such reacquisition of Philippine citizenship.¹

MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed by Sen. Rodolfo G. Biazon during the First Regular Session of the Fourteenth Congress.

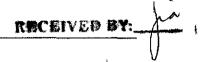


SIXTEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES First Regular Session

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SENATE 4



Introduced by Senator Miriam Defensor Santiago

AN ACT
AMENDING PRESIDENTIAL DECREE NO. 1638, OTHERWISE KNOWN AS
"ESTABLISHING A NEW SYSTEM OF RETIREMENT AND SEPARATION FOR
MILITARY PERSONNEL OF THE ARMED FORCES OF THE PHILIPPINES AND FOR
OTHER PURPOSES," BY GRANTING THE RIGHT TO RECEIVE RETIREMENT
BENEFITS TO RETIREEES WHO HAVE REACQUIRED PHILIPPINE CITIZENSHIP

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

SECTION 1. Section 27 of Presidential Decree No. 1638, otherwise known as

"Establishing A New System Of Retirement And Separation For Military Personnel Of The

Armed Forces Of The Philippines And For Other Purposes," 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. IN CASES WHERE A RETIREE RE-ACQUIRES PHILIPPINE CITIZENSHIP UNDER REPUBLIC ACT NUMBER NINETY-TWO TWENTY FIVE, OTHERWISE KNOWN AS THE 'CITIZENSHIP RETENTION AND RE-ACQUISITION ACT OF 2003,' HIS NAME SHALL BE REINSTATED IN THE RETIRED LIST AND HE SHALL LIKEWISE CONTINUE TO RECEIVE HIS RETIREMENT BENEFITS BUT EFFECTIVE ONLY UPON THE DATE OF SUCH REACQUISITION OF PHILIPPINE CITIZENSHIP."

- SECTION 2. Repealing Clause. Any law, presidential decree or issuance, executive
- 2 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.
- 4 SECTION 3. Effectivity Clause. This Act shall take effect fifteen (15) days after its
- 5 publication in at least two (2) newspapers of general circulation.

Approved,