



HOUSE OF REPRESENTATIVES

H. No. 772

BY REPRESENTATIVES CASTELO, CO, BATOCABE AND BIAZON

AN ACT EXEMPTING SURVIVING CHILDREN OF MILITARY PERSONNEL WHO ARE MENTALLY INCAPACITATED FROM TERMINATION OF BENEFITS UPON REACHING THE AGE OF TWENTY-ONE (21), AMENDING FOR THE PURPOSE SECTION 25 OF PRESIDENTIAL DECREE NUMBERED SIXTEEN HUNDRED AND THIRTY-EIGHT, OTHERWISE KNOWN AS THE AFP MILITARY PERSONNEL RETIREMENT AND SEPARATION DECREE OF 1979, AS AMENDED

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “AFP
2 Derivative Retirement Pension for Children/Survivors Act of 2014”.

3 SEC. 2. *Derivative Retirement Pension.* – Section 25(b), paragraph 2
4 of Presidential Decree No. 1638 shall read as follows:

5 “Section 25. For the purposes of this Decree

6 “a. x x x

7 “b. Survivors shall mean

8 “1. x x x

9 “2. Surviving children of an officer or enlisted man born of
10 his marriage contracted prior to his retirement/separation from the
11 service, and children, adopted or acknowledged, while the

1 deceased parent was still on active military service: Provided,
2 That **EXCEPT FOR CHILDREN WHO, BY REASON OF THEIR**
3 **MENTAL INCAPACITY, ARE CERTIFIED BY THE AFP MEDICAL**
4 **BOARD TO BE INCAPABLE OF EMPLOYMENT,** entitlement to
5 benefits shall terminate when such children attain twenty-one (21)
6 years of age or get married.

7 “x x x.”

8 SEC. 3. *Implementing Agency.* – The Secretary of the Department of
9 National Defense and the Chief of Staff, Armed Forces of the Philippines shall
10 promulgate the necessary rules and regulations for the effective
11 implementation of this Act within thirty (30) days from its effectivity.

12 SEC. 4. *Separability Clause.* – The provisions of this Act are hereby
13 deemed separable. If any provision thereof is declared invalid or
14 unconstitutional, such invalidity or unconstitutionality shall not affect the other
15 provisions which shall remain in effect.

16 SEC. 5. *Repealing Clause.* – All laws, decrees, executive orders, rules
17 and regulations or parts thereof inconsistent with the provisions of this Act are
18 hereby repealed.

19 SEC. 6. *Effectivity.* – This Act shall take effect thirty (30) days
20 following its publication in the *Official Gazette* or in at least three (3)
21 newspapers of general circulation.

 Approved,