

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



Senate
Office of the Secretary

15 JUN -4 P2 50

SENATE
S. No. 2801

RECEIVED BY: *J*

Introduced by Senator Miriam Defensor Santiago

AN ACT
EXPANDING THE DEFINITION OF SURVIVORS OF AFP MILITARY
PERSONNEL ENTITLED TO RETIREMENT AND SEPARATION BENEFITS,
AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1638

EXPLANATORY NOTE

Presidential Decree (P.D.) 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," enumerates benefits for military retirees, and the conditions for entitlement.

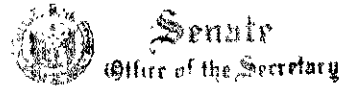
P.D. No. 1638 grants monthly annuities to survivors of the military retirees as well. These are the (1) surviving spouse, (2) surviving and unmarried legitimate, adopted and acknowledged children below 21 years of age, and (3) in default of the spouse and children below 21 years of age, children 21 years of age and above, or surviving parents, or surviving unmarried siblings.

This bill seeks to expand the definition of survivors in the Decree for two purposes. First, it promotes the trend in our welfare legislation of amelioration and declassification of illegitimate children by giving them rights equal to the legitimate children. Second, it reinforces the intent of the Decree to provide

dependents of military retirees support by including in the definition those who need the benefits the most, particularly children who are incapacitated.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 AN ACT

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3 PERSONNEL ENTITLED TO RETIREMENT AND SEPARATION BENEFITS,
4 AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1638

5 SECTION 1. Presidential Decree No. 1638, Section 25 is hereby amended to
6 read as follows:

7 Section 25. For the purposes of this Decree....

8 b. Survivors shall mean....

9 2. Surviving **AND UNMARRIED LEGITIMATE,**
10 **LEGITIMATED AND ILLEGITIMATE** child[ren] of an officer or
11 enlisted man born [of his marriage contracted] prior to his
12 retirement/separation from the service, and **SURVIVING AND**
13 **UNMARRIED child[ren]**, adopted or acknowledged, while the
14 deceased parent was still on active military service: Provided, That
15 [entitlement to benefits shall terminate when such children attain
16 twenty-one (21) years of age or get married.] **THE CHILD IS**
17 **BELOW 21 YEARS OF AGE, OR 21 YEARS OF AGE AND**
18 **ABOVE BUT INCAPABLE OF SELF-SUPPORT DUE TO A**

1 **CONGENITAL DISABILITY, EITHER PHYSICAL OR**
2 **MENTAL, OR ANY DISABILITY ACQUIRED.**

3 SECTION 2. *Separability Clause.* - If any provision or part hereof is held
4 invalid or unconstitutional, the remainder of the law or the provision not otherwise
5 affected shall remain valid and subsisting.

6 SECTION 3. *Repealing Clause.* - Any law, presidential decree or issuance,
7 executive order, letter of instruction, administrative order, rule or regulation
8 contrary to, or inconsistent with, the provision of this Act is hereby repealed,
9 modified, or amended accordingly.

10 SECTION 4. *Effectivity Clause.* - This Act shall take effect 15 days after its
11 publication in at least two newspapers of general circulation.

Approved,

/tdp29May2015