



HOUSE OF REPRESENTATIVES

H. No. 1561

BY REPRESENTATIVES GIDAYA, BANAAG, GOLEZ, MANGUDADATU,
VILLAROSA, OLAÑO, MAGSAYSAY (E.), LOPEZ (J.), DE GUZMAN,
FIGUEROA, UY (R.), VELARDE AND ABAYON

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

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

1 SECTION 1. *Entitlement of Surviving Spouse to Benefits.* – Section 25b

2 (1) of Presidential Decree No. 1638 is hereby amended to read as follows:

3 “(1) Surviving spouse if [married to the deceased prior to
4 the latter’s retirement/separation and] not legally separated by
5 judicial decree from the deceased issued on grounds not
6 attributable to said spouse: *Provided*, That entitlement to
7 benefits shall terminate upon the re-marriage of said spouse.”

1 SEC. 2. *Entitlement of Surviving Children to Benefits.* – Section 25b
2 (2) of Presidential Decree No. 1638 is hereby amended to read as follows:

3 “(2) Surviving **LEGITIMATE, ADOPTED OR**
4 **ACKNOWLEDGED** children of an officer or enlisted man [born of
5 his marriage contracted prior to his retirement/separation from
6 the service, and children, adopted or acknowledged, while the
7 deceased parent was still on active military service]: *Provided,*
8 That entitlement to benefits shall terminate when such children
9 attain twenty-one (21) years of age or get married.”

10 SEC. 3. *Benefits of Retired Military Personnel Who Loses Filipino*
11 *Citizenship.* – Section 27 of Presidential Decree No. 1638 is hereby amended
12 to read as follows:

13 “SEC. 27. Military personnel retired under Sections 4, 5,
14 10, 11 and 12 shall be carried in the retired list of the Armed
15 Forces of the Philippines. The name of a retiree who loses his
16 Filipino citizenship shall be removed from the retired list [and
17 his retirement benefits terminated upon such loss.] **BUT HE/SHE**
18 **SHALL BE ENTITLED TO CONTINUE RECEIVING HIS/HER**
19 **RETIREMENT BENEFITS.”**

1 SEC. 4. *Repealing Clause.* – All existing laws or parts thereof
2 inconsistent with the provisions of this Act are hereby repealed or modified
3 accordingly.

4 SEC. 5. *Effectivity.* – This Act shall take effect fifteen (15) days from
5 the date of its publication in the *Official Gazette* or in at least two newspapers
6 of general circulation.

Approved,

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