


FOURTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

7 JUL -3 P5:40

SENATE

RECEIVED BY: 

S.B. No. 876

Introduced by SENATOR EDGARDO J. ANGARA

EXPLANATORY NOTE

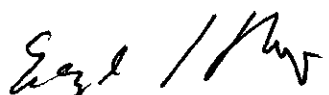
This bill seeks to amend Presidential Decree No. 1638, as amended by Presidential Decree No. 1650, which provides for the retirement and separation benefits of military personnel who retired from the Armed Forces of the Philippines after 10 September 1979.

Section 25 of PD 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
Senator

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

1 **SECTION 1. Entitlement of Surviving Spouse and Surviving**
2 **Children to Benefits.** – Section 25 PD No. 1638 is hereby amended to read
3 as follows:

5 “SECTION 25. For [the] purposes of this Decree –

6 Xxx

7 b. Survivors shall mean –

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

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

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

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9 repealed or modified accordingly.

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

14
15 *Approved,*