


FOURTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

SECRETARY

7 JUL 29 1975

SENATE

RECEIVED BY: 

S. No. 1498

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Introduced by Senator Biazon

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#### 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 anymore to receive any monetary benefit from the government.

But 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 re-acquisition of Philippine citizenship.


With the foregoing considerations, the passage of this bill is earnestly sought.

  
Rodolfo G. Biazon  
Senator

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AN ACT

FURTHER AMENDING 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" BY GRANTING THE RIGHT TO RECEIVE RETIREMENT BENEFITS TO RETIREES WHO HAVE REACQUIRED PHILIPPINE CITIZENSHIP.

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

SECTION ONE. Section 27 of 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, is hereby further 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. *Separability Clause.* — If, for any reason, any part or provision of this Act shall be declared as unconstitutional or invalid, such parts or provisions not affected thereby shall remain in full force and effect.

SECTION 3. *Repealing Clause.* — All other laws, executive orders, presidential decrees, letters of instruction, rules and regulations, or parts thereof which are inconsistent with any of the provisions of this Act are hereby repealed and/or amended accordingly.

SECTION 4. *Effectivity.* — This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,