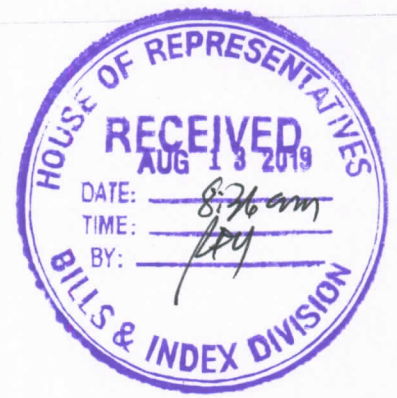


EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. **3831**

EXPLANATORY NOTE

This bill seeks to amend certain provisions of 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 to such benefits the widow who was married to the retiree after his retirement, the children who were born out 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 un-remarried widow and minor unmarried children, regardless of when the veteran was married and when the children were born.

Such exclusions are very prejudicial to the family of the retiree who are not entitled to receive benefits simply because the marriage happened after retirement. It is unfair and unjust. There is no reason for such exclusion to exist as long as the marriage is valid.

In view of the foregoing, the approval of this Bill is earnestly requested.


RUFUS B. RODRIGUEZ

EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
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HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 3831

AN ACT

AMENDING SECTION 25 OF PRESIDENTIAL DECREE NO. 1638 "ESTABLISHING A NEW SYSTEM OF RETIREMENT AND SEPARATION FOR MILITARY PERSONNEL OF THE ARMED FORCES OF THE PHILIPPINES AND FOR OTHER PURPOSES"

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

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

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

b. Survivors shall mean

1. Surviving spouse [if married to the deceased prior to the latter's retirement/separation and] not legally separated by judicial decree from the deceased issued on grounds not attributable to said spouse: provided, That entitlement to benefits shall terminate upon the re-marriage of said spouse.

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

3. In default of those mentioned in paragraph b(1) and (2), above, surviving, legitimate, adopted or acknowledged natural children, who have reached twenty one years of age, or in their absence, his surviving parent or parents, or in default thereof, his surviving unmarried brothers and sisters.

XXX XXX XXX

SECTION 2. Repealing Clause. - All laws, decrees, executive orders, rules and regulations and other issuances or part thereof, which are inconsistent with this Act, are hereby repealed, amended, or modified accordingly.

SECTION 3. Effectivity Clause. - This Act shall take effect fifteen (15) days following the completion of its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,