

Republic of the Philippines
Congress of the Philippines
Metro Manila
Sixteenth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-seventh day of July, two thousand fifteen.

[REPUBLIC ACT NO. **10882**]

AN ACT EXEMPTING SURVIVING CHILDREN OF MILITARY PERSONNEL WHO ARE MENTALLY INCAPACITATED FROM TERMINATION OF BENEFITS UPON REACHING THE AGE OF TWENTY-ONE (21), AMENDING FOR THE PURPOSE SECTION 25 OF PRESIDENTIAL DECREE NUMBERED SIXTEEN HUNDRED AND THIRTY-EIGHT, OTHERWISE KNOWN AS THE AFP MILITARY PERSONNEL RETIREMENT AND SEPARATION DECREE OF 1979, AS AMENDED

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

SECTION 1. *Short Title.* — This Act shall be known as the "AFP Derivative Retirement Pension for Children/Survivors Act of 2016".

SEC. 2. *Derivative Retirement Pension.* – Section 25(b), paragraph 2 of Presidential Decree No. 1638 shall read as follows:

"Section 25. For the purposes of this Decree

"a. x x x

"b. Survivors shall mean

"1. x x x

"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 except for children who, by reason of their mental incapacity, are certified by the AFP Medical Board to be incapable of employment, entitlement to benefits shall terminate when such children attain twenty-one (21) years of age or get married.

"x x x."

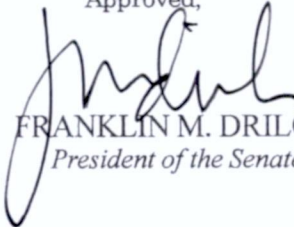
SEC. 3. *Implementing Agency.* – The Secretary of the Department of National Defense and the Chief of Staff, Armed Forces of the Philippines shall promulgate the necessary rules and regulations for the effective implementation of this Act within thirty (30) days from its effectivity.

SEC. 4. *Separability Clause.* – The provisions of this Act are hereby deemed separable. If any provision thereof is declared invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions which shall remain in effect.


SEC. 5. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed.

SEC. 6. *Effectivity.* – This Act shall take effect thirty (30) days following its publication in the *Official Gazette* or in at least three (3) newspapers of general circulation.

Approved,



FRANKLIN M. DRILON
President of the Senate

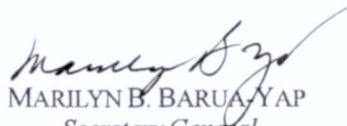


FELICIANO BELMONTE JR.
*Speaker of the House
of Representatives*

This Act which originated in the House of Representatives was passed by the House of Representatives on September 10, 2014, amended by the Senate on February 1, 2016, and which amendment was concurred in by the House of Representatives on May 23, 2016.



OSCAR G. YABES
Secretary of the Senate



MARILYN B. BARUA YAP
*Secretary General
House of Representatives*

Approved:

BENIGNO S. AQUINO III
President of the Philippines

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Lapsed into law on JUL 17 2016
Without the signature of the President
In accordance with Article VI, Section
27 (1) of the Constitution.