

AN ACT PROVIDING FOR THE RETIREMENT AND SEPARATION FROM SERVICE OF COMMISSIONED OFFICERS OF THE BUREAU OF COAST AND GEODETIC SURVEY, ESTABLISHING A "COAST SURVEY OFFICERS RETIRE...

REPUBLIC ACT NO. 5976, June 21, 1969

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

TITLE I—RETIREMENT

SECTION 1. Short Title.—This Act shall be known and cited as the "Coast Survey Officers Retirement and Separation Act of 1969."

SEC. 2. Optional and Compulsory Retirement.—Retirement of commissioned officers of the Bureau of Coast and Geodetic Survey under this Act is optional or compulsory, and the ages and periods of service for eligibility therefor are fixed as follows:

(a) Optional retirement: Upon the completion of at least twenty-five years of accumulated government service, the last fifteen years of which is continuous active service, as a commissioned officer of the Bureau of Coast and Geodetic Survey, such commissioned officer, may, at his own request and with the approval of the President of the Philippines, be retired from active service.

(b) Compulsory retirement: Commissioned officers of the Bureau of Coast and Geodetic Survey shall be retired compulsorily from the service upon attaining fifty-six years of age, with a minimum of fifteen years of continuous service as such, for officers up to the grade of captain or its equivalent; or upon attaining fifty-nine years of age with a minimum of eighteen years of continuous service as such, for flag officers or their equivalent: Provided, That the President may, in his discretion extend the service of an officer: Provided, further, That if an officer completes the length of service and attains the age for compulsory retirement, and he is under trial or investigation for an offense or misconduct or grave deficiency affecting his fitness to be member of the Officers Corps of the Bureau of Coast and Geodetic Survey, he shall automatically cease on active duty on the date he becomes due for compulsory retirement. However, no retirement benefits shall be paid to him unless he is finally acquitted or cleared of the charges, or unless the case is dismissed or dropped or terminated without any approved finding warranting the forfeiture of his retirement benefits.

SEC. 3. Principal retirement benefits.—When an officer is retired under the provisions of Section two above, he shall, at his option, receive a gratuity equivalent to one month of the base and longevity pay corresponding to his retirement or adjusted grade pursuant to Section five of this Act for every year of government service, such gratuity to be payable in one lump sum, or a monthly retirement pay equivalent to two and one-half per cent of the monthly base and longevity pay corresponding to such retirement or adjusted grade for each year's government service rendered, but not exceeding seventy-five per cent of the total base and longevity pay of such retirement or adjusted grade: Provided, however, That such retirement pay shall be subject to adjustment based on the prevailing scale of base pay of officers in the active service. The benefits under this

section shall not be applicable to the officers separated from the service through the action of Efficiency and Separation Boards or other boards of investigation, or as a result of their own misconduct or of resignation.

SEC. 4. Survivor retirement benefits.—Upon the death of an officer who has been retired, or would, at the time when he, died, have been entitled to retire under Section two of this Act, the surviving legitimate, adopted or acknowledged natural children of such officer and his spouse, or if he was single, his surviving parents, shall be entitled to receive, in equal shares and with the right of accretion, seventy-five per centum of the monthly retirement pay which the officer was receiving or would have been entitled to receive if he had not died: Provided, That no payment under this section shall be made to children after they have attained the age of twenty-one years or have married, nor to the surviving spouse after one remarries or if her marriage to the deceased officer was contracted after the retiree's retirement from the service.

SEC. 5. Retirement grades and benefits.—An officer below the grade of captain who is entitled to retire under this Act, shall be retired in the grade next higher to the grade he holds at the time of retirement and his retirement benefits shall be computed upon such next higher grade. Captains and flag officers shall be retired in the grade they held at the time of their retirement, without any adjustment in grade; but the retirement benefits due an officer in the grade of captain or commodore shall be computed on the basis of the base and longevity pay of the next higher grade. However, any officer retired under subparagraph (b) of Section eleven of this Act shall be retired only in the grade held by him at the time of retirement, without any adjustment in grade or retirement benefits. Officers holding permanent grade of rear admiral or higher at the time of retirement shall receive retirement benefits computed upon such grade.

SEC. 6. Retirement due to total physical disability.—Any officer below the grade of commodore, who suffers permanent and total physical disability incurred in the service and in line of duty and has completed at least twenty-five years of government service, shall be retired under Section two of this Act. His retirement Benefits shall be computed on the basis of the base and longevity pay of the grade next higher to that determined under Section five of this Act. For the purpose of this section, permanent and total disability means the anatomical loss, or the loss of use, of both hands, or both feet or both legs, or of one hand and one foot or leg, or both eyes, or permanent loss of mental faculty.

SEC. 7. Retired list.—Officers heretofore or hereafter retired from the service under this or any other Act shall continue to be borne on the Register of Commissioned Officers of the Bureau of Coast and Geodetic Survey, and shall be placed in the retired list. At any time, the President, when in his opinion the exigencies of the service so require, may recall any retired officer to active service in the grade he held immediately prior to his retirement. Refusal on the part of any officer to perform such services shall terminate his right to further participation in the benefits of this Act provided he resides in the Philippines and is physically and mentally fit for service. Such fitness for service shall be determined by applicable regulations.

SEC. 8. Other retirement privileges.—When called for active service, retired officers shall receive the full pay and allowances of their grade. While on retired status, they shall be entitled to the same privileges such as commissary, hospitalization, etc. as officers in the active service, subject to such rules and regulations as the President may promulgate.

SEC. 9. Recall to active service.—An officer placed on the retired list shall be withdrawn from the active seniority list. When he is recalled to active service, his name shall continue to be carried in the retired list, and he shall thereafter be eligible for promotion in the retired list as long as he continues on such active service and provided he is declared eligible for promotion in accordance with pertinent rules and regulations provided therefor: Provided, That such promotion shall be governed by seniority in the corresponding grade, seniority to be

determined by the length of active service rendered in such grade: And provided, further, That such promotion shall be coincident with the promotion of the first regular officer of less service in grade who may be promoted.

TITLE II.—SEPARATION

SEC. 10. Termination of service through action of Efficiency and Separation Board.—

(a) No officer shall be retired or separated under this section except by order of the President and upon the recommendation of the Efficiency and Separation Board as herein provided and the Secretary of National Defense.

(b) Such number of Efficiency and Separation Boards as the President may prescribe, each composed of at least five commissioned officers above the grade of lieutenant commander, shall be convened to receive evidence and make findings and recommendations as to the fitness of officers to be retained in the active service, or to retain their appointments and commissions. The members of each Board shall be senior to the officer whose case is under consideration by that Board. The Boards shall hear and determine cases wherein the fitness of an officer is in question due to:

(1) Charges or official reports of specific acts of intentional misconduct, willful failure or neglect, or vicious or immoral habits;

(2) His failure to achieve the standard of performance which the Secretary of National Defense shall prescribe by regulations.

(c) The Secretary of National Defense shall, at least once a year, require the review of the records of each officer in the active service to determine whether he shall be required, because of failure to achieve the prescribed standards of performance, to show cause before an Efficiency and Separation Board for his continued retention on the active list.

(d) Any officer whose fitness is under consideration by an Efficiency and Separation Board is entitled to a fair and impartial hearing, which shall include as a minimum:

(1) Written notice of the pendency of any proceeding against him, and the specific cause or causes for inquiring into his fitness;

(2) Reasonable time to prepare his defense;

(3) The right to appear at the proceedings and to defend himself in person and by counsel; and

(4) The right to full access to, and to be furnished copies of, records relevant to his case at all stages of the proceedings.

(e) The Efficiency and Separation Board shall recommend specifically in each case that the officer be separated from or retained in the active service. If retention is recommended and concurred in by the Director of the Bureau of Coast and Geodetic Survey, the case shall be considered closed and the officer shall be notified thereof in writing. If the Director does not concur with the recommendation for retention, the case shall be forwarded to the Secretary of National Defense for review and determination.

(f) If the Secretary of National Defense determines that the officer is fit for retention, the case is closed. If he recommends the compulsory retirement or discharge of an officer, he shall send his recommendation, with the records of the proceedings of the Efficiency and Separation Board, and all other records pertinent to the case, to the President for his action.

(g) If the President approves a determination made under this section that an officer is unfit to be retained in the active list due to his failure to meet the standards of performance required of an officer, and such failure is not attributable to his intentional misconduct, willful failure or neglect, or vicious or immoral habits, such officer shall be separated from the service in accordance with the provisions of subsections (a) and (b) of Section eleven of this Act.

(h) If the President approves a determination made under this section that an officer's unfitness is due wholly or in

part to his intentional misconduct, willful failure or neglect, or vicious or immoral habits such officer shall be separated from the service. An officer so separated forfeits all benefits due on account of, or incidental to, an honorable separation from the service.

SEC. 11.—Benefits due upon separation.—A commissioned officer in the active service of the Bureau of Coast and Geodetic Survey separated from the service for causes not due to his own misconduct, willful failure or neglect, the intemperate use of drugs or alcoholic liquor, or vicious or immoral habits, shall:

- (a) If on the date of separation he has completed five or more but less than twenty-five years of government service, be honorably discharged in the grade then held with separation pay equal to one month's base and longevity pay for each year of service, computed upon such grade. (b) If on the date of separation he had completed twenty-five or more years of government service, be retired in the grade then held under Sections two and five of this Act.

SEC. 12. Compulsory retirement before completion of required minimum length of service.—When an officer attains the age of compulsory retirement as provided for in sub-paragraph (b), Section two of this Act without completing the minimum requirement of service, he shall be honorably discharged at the grade then held, with separation pay equal to one month's base and longevity pay for each year of government service, computed upon such grade.

SEC. 13. Separation due to physical disability incurred in line of duty.—(a) Any officer who is separated from the active service for total physical disability incurred in the service and in line of duty, before completing twenty-five years of government service, shall receive either (1) a gratuity, payable in lump sum, equivalent to one month's base and longevity pay of the grade next higher than the grade he held at the time of his separation, multiplied by the years of government service rendered, but which shall not, in any case, be less than six month's base and longevity pay; or (2) a monthly separation pay equivalent to two and one-half per cent of the grade next higher than the grade he held at the time of his separation, for each year's government service rendered, but not less than fifteen per cent nor more than seventy-five per cent of such base and longevity pay.

(b) Any officer who is separated from the service for partial physical disability incurred in the service and in line of duty, before completing twenty-five years of government service shall receive either (1) a gratuity equivalent to one month's base and longevity pay of the grade he held at the time of his separation, multiplied by the years of service rendered, but which shall not, in any case, be less than six month's base and longevity pay; or (2) monthly separation pay equivalent to two and one-half per cent of the monthly base and longevity pay of the grade he held at the time of his separation for each year's service rendered, but not less than fifteen nor more than seventy-five per cent of such base and longevity pay.

SEC. 14. Resignation.—Upon completion of at least fifteen years of service as a commissioned officer, an officer may be separated from the service in the grade then held, subject to the approval of the President, with separation pay equal to one month's base and longevity pay for each year of total government service computed upon such grade.

SEC. 15. Death, in line of duty before completion of twenty-five years of service.—If an officer dies in line of duty and on account of any wound, injury or illness contracted in line of duty before completing twenty-five years of government service, he shall be considered as separated for the purposes of this Act, and his surviving legitimate, adopted or acknowledged natural children and spouse, or parents if he was single, shall be entitled to receive, in equal shares and with the right of accretion, either (a) a gratuity payable in one lump sum equivalent to one month's base and longevity pay of the grade held by him at the time of his death for each year's active service rendered by him, but which shall not, in any case, be less than six month's base and longevity pay, or (b) a monthly gratuity equivalent to seventy-five per cent of two and one-half per cent of the monthly base and

longevity pay of the grade held at the time of his death for each year's government service rendered, but which shall not in any case, be less than six month's base and longevity pay: Provided, That no payment under this section shall be made to children after they have attained the age of twenty-one or have married, nor to the surviving spouse upon remarriage: Provided, further, That nothing herein shall prevent the surviving spouse and/or children or parents from claiming the benefits under Republic Act Numbered Six hundred and ten in lieu of the benefits herein provided if the former is more advantageous to them.

TITLE III.—FUNDING

SEC. 16. Coast Survey Officers' Retirement and Separation Benefits Fund.—A "Coast Survey Officer's Retirement and Separation Benefits Fund," hereinafter referred to as the "Fund" is hereby established for the purpose of providing the commissioned officers of the Bureau of Coast and Geodetic Survey a perpetual and financially stable fund that will assure to them and their beneficiaries the payment of the full benefits of this Act and any other retirement and separation benefits law that may, hereafter be provided.

The Fund shall consist of the following:

- (a) Appropriations and contributions mentioned in Sections seventeen and eighteen of this Act;
- (b) Unexpended portions of the annual appropriations of the Bureau of Coast and Geodetic Survey, which the President may set aside and transfer to the Fund, including unexpended portions of the appropriations of previous fiscal years;
- (c) All fines and forfeitures of pay imposed on the officers of the Bureau of Coast and Geodetic Survey imposed pursuant to law;
- (d) Monies in the form of donations, gifts, legacies, bequests, or otherwise which may be donated to the Fund by private individuals, organizations or corporations;
- (e) All earnings of the Fund herein created.

SEC. 17. Appropriation.—(a) There is hereby authorized to be appropriated annually the necessary amounts to meet the retirement and separation benefits requirements for each fiscal year minus the three per cent contribution of persons receiving monthly retirement or separation benefits from the Fund and one-half of the contributions of the officers on active duty, as provided in Section eighteen of this Act.

(b) The amounts authorized to be appropriated under this section shall be adjusted as necessary every fiscal year, taking into account increments to the Fund from its earnings and other sources.

SEC. 18. Contribution of Officers.—Officers in the active service shall contribute monthly to the Fund an amount equivalent to seven per cent of their monthly base and longevity pay. Persons receiving monthly retirement or separation benefits under this Act shall contribute monthly to the Fund an amount equivalent to three per cent of their monthly retirement or separation benefits. Any person entitled to any of the benefits provided under this Act may, at his option, elect to receive the full amount of his personal contributions to the Fund with interest at six per cent per annum or the benefits to which he is entitled under this Act. Any person honorably separated from the commissioned service of the Bureau of Coast and Geodetic Survey who is not entitled to any of the retirement or separation benefits provided in this Act shall be refunded the full amount of his personal contributions with interest at six per cent per annum.

SEC. 19. Administration.—(a) The Bureau of Coast and Geodetic Survey shall administer the retirement and separation benefits provided for under this Act and determine the persons entitled to such benefits. The Government Service Insurance System, as trustee, shall keep and maintain the Fund herein provided separate and distinct from all other funds and/or monies administered by the Government Service Insurance System under any other law.

(b) The Government Service Insurance System shall invest such portions of the Fund as shall not be required to

meet current payments under this Act, or any other retirement or separation benefits which by law may hereafter be provided for commissioned officers of the Bureau of Coast and Geodetic Survey.

(c) The Government Service Insurance System shall guarantee a net interest earning of the Fund of at least five per cent per annum.

(d) The Government Service Insurance System shall submit to the Bureau of Coast and Geodetic Survey an annual statement of the condition of the Fund herein created and, as often as may be necessary, of its operations under this Act.

SEC. 20. Determination of adequacy of funding system.—(a) For the purpose of determining the adequacy of the funding scheme, the Bureau of Coast and Geodetic Survey shall:

(1) Make a valuation of the Fund herein established once a year during the first five years and once every three years thereafter;

(2) Publish the statement of such valuation;

(3) Keep such records as may be required or necessary for the purpose of making such valuations;

(4) Keep accounts of payments made out of the Fund.

(b) Within four months after the end of each fiscal year, the Bureau of Coast and Geodetic Survey shall submit to the Secretary of National Defense a report on operation of the preceding year under the provisions of this Act together with the appropriate legislative proposal, if necessary, in order to insure the perpetual solvency of the Fund established under this Act. The Secretary of National Defense shall furnish the Congress of the Philippines a copy of this report.

TITLE IV.—GENERAL PROVISIONS

SEC. 21. Service Credited.—(a) For the purpose of and when used in this Act, "Government Service" means and shall include all the service rendered by the person in all offices, bureaus, agencies, or instrumentalities of the national, provincial or municipal governments. "Service as a commissioned officer" shall include service as cadet of the Bureau of Coast and Geodetic Survey, and service as an officer or enlisted person of the Armed Forces of the Philippines, including recognized guerrilla units during World War II. The phrase "continuous active service" means uninterrupted services in any of the preceding categories.

(b) Whenever a provision of this Act prescribes a specified number of years of service for retirement, separation or entitlement to a benefit or mode of payment in money, it shall be understood that the years specified are complete years of three hundred and sixty-five days each. However, in computing the amount of benefits payable to an individual which is reckoned upon his years of service, a fraction of a year amounting to six months or more on his total creditable service shall be counted as a complete year, and any such fraction of less than six months shall be disregarded.

(c) Officers of the Coast and Geodetic Survey who have retired optionally and receive a lump sum retirement pay under any other Act may avail of the full benefits of this Act by having their lump sum retirement pay charged to the three years pension provided in Section twenty-three of this Act. They will then be entitled to receive an amount equal to the difference between the said three years pension and the lump sum retirement pay that they received when they retired optionally. In these cases, such officers shall be entitled to receive the monthly gratuity provided in Section three of this Act starting from the date immediately following the end of the three years pension period as provided in Section twenty-three of this Act. The accumulated amount from such date to the date immediately before the effectivity of this Act shall be paid to the officer or officers concerned, and monthly gratuity payments will be paid to such officers from the date of the effectivity of this Act.

SEC. 22. Exemption from Levy and Taxes.—The benefits herein granted shall not be subject to attachment, levy, execution, or any tax whatsoever.

SEC. 23. Advance Payment of Retirement or Separation Benefit.—Any person who is entitled to receive a monthly retirement or separation benefit under the provisions of this Act shall be entitled to receive in advance an amount equal to his pension for three years discounted for interest and mortality, effective upon his retirement or separation date.

SEC. 24. Transitional Provisions.—(a) This Act shall not abrogate, decrease, or reduce the retirement pay or gratuity, separation pay, or other money benefit which any person is receiving or is entitled to receive on the effective date of this Act, or which he shall be entitled to receive under subsection (c) of this section, except to the extent that such person may be required by law to contribute a portion of his retirement or separation benefit to a common fund to support the funding requirements of this Act.

(b) Any administrative proceeding or determination which on the date this Act takes effect shall have been terminated except for the final action of any approving, reviewing, or appellate authority, shall be finally decided and disposed of in accordance with the provisions of law under which the proceeding, transaction or question was originally heard or determined.

(c) Any person eligible, on the date this Act takes effect, for retirement or separation under Republic Act Numbered Six hundred sixty, as amended, or Republic Act Numbered Sixteen hundred sixteen, or any provision of law repealed or modified by this Act, or who shall become eligible for such retirement or separation within six months from the date this Act takes effect, may be retired or separated under the provisions of such law within three years from the date of the effectivity of this Act, subject to the provisions of subsection (a) of this section.

SEC. 25. This Act shall take effect upon its approval.

Enacted without Executive approval, June 21, 1969.

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