

AN ACT TO EXTEND THE BENEFITS OF REPUBLIC ACT NUMBERED THREE HUNDRED FORTY, AS AMENDED, TO CERTAIN MILITARY PERSONS HERETOFORE RETIRED UNDER COMMONWEALTH ACT NUMBERED ONE HUNDRE...

REPUBLIC ACT NO. 1862, June 22, 1957

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

SECTION 1. The provisions of existing law to the contrary notwithstanding, and subject to the special provisions and limitations hereinafter provided, the provisions of Republic Act Numbered Three hundred forty, including all amendments thereto on the date this Act takes effect, shall be and are hereby made applicable to persons (1) retired under the provisions of Commonwealth Act Numbered One hundred ninety, or (2) honorably separated with gratuity under subsection (g), section twenty-two of Commonwealth Act Numbered One, otherwise known as the National Defense Act, or (3) retired under Republic Act Numbered Three hundred forty with effective date of retirement prior to January one, nineteen hundred fifty-five, or (4) retired under Act Numbered Forty-one hundred fifty-one, and which persons—

- were in the active service of the Philippine Army or any guerrilla organization duly recognized as a component thereof, at any time between December eight, nineteen hundred forty-one and September two, nineteen hundred forty-five; and

- had completed at least twenty years' active service on the date of their original retirement or separation: Provided, That persons separated with gratuity on account physical disability under subsection (g), section twenty-two of Commonwealth Act Numbered One who had less than twenty years' active service on the date of their original separation, shall be entitled to the benefits of the proviso contained in section eight of Republic Act Numbered Three hundred forty.

SEC. 2. Person who were retired paid gratuity under said Republic Act Numbered Three hundred forty, as amended, with effective date of retirement prior to January one, nineteen hundred fifty-five, and who within the purview of clauses (a) and (b) of the proceeding section may, at their option, elect to receive in lieu of such gratuity paid, to them the annual retirement pay as provided in section two of the said Act; and upon making such election, said persons shall, subject to the provisions and limitations hereinafter provided, be entitled to receive said annual retirement.

SEC. 3. The retirement pay, gratuity or pension payable to any person by operation of this Act shall be based upon (1) the same rank and rate of salary upon which his original retirement pay, pension or gratuity was computed; or (2) the rank in which he is entitled to be retired under section ten of Republic Act Numbered Eight hundred forty, as amended by Republic Act Numbered Eight hundred seventy-eight, and the rate of base and longevity pay which he would have been entitled to receive had he been in the active service on July twenty-six, nineteen hundred forty-eight, whichever amount is greater: Provided, That if the pre-war permanent rank of such person was not readjusted on account of his death, retirement or honorable separation, he shall be retired in the

rank to which he would have been promoted had his pre-war permanent rank been readjusted in the manner prescribed for the readjustment of ranks of all other officers of his rank in the Armed Forces of the Philippines in nineteen hundred forty-seven and nineteen hundred forty-eight, and his retirement pay, pension or gratuity under this act shall be computed on the basis of the base and longevity pay prescribed for such higher rank on July twenty-six, nineteen hundred forty-eight, unless he shall be entitled to a higher retirement pay, pension or gratuity under this section: Provided, further, That if a person entitle to the benefits of the next preceding proviso was in the active service for at least one year after the effective date when his permanent rank would have been readjusted, in nineteen hundred forty-seven or nineteen hundred forty-eight, then he shall be retired in the rank next higher to that determined in accordance with the next preceding proviso, but in no case higher than the rank of colonel.

SEC. 4. The monthly pension payable to any person retired by authority of this Act shall be paid from July twenty-six, nineteen hundred forty-eight: Provided, That if, during any period for which the monthly pension would be so payable, the retired person received any salary or compensation from the Government or any of its branches, agencies or instrumentalities, and such salary or compensation has not been previously refunded to the Government, then he shall choose between receiving the monthly pension for that period and retaining the salary or compensation received by him for the same period, and he shall not be entitled to receive both: Provided, further, That there shall be deducted from the retirement pay, pension or gratuity received by any person under this any other retirement pay, pension or gratuity received by him from the Government and which accrued and corresponds to a period after July twenty-six, nineteen hundred forty-eight: Provided, finally, That the amount if certificates of indebtedness issued or to be issued in favor of any such person under the provisions of Republic Act Numbered Three hundred four and all its amendatory supplementary Acts shall not be acceptable as payment the refund of any pension, retirement pay or gratuity required to be refunded under this Act, any provision of to the contrary notwithstanding.

SEC. 5. Nothing in this Act shall operate or be construed to—

- reduce or adversely affect the retirement benefits, or privileges authorized for any retired person or beneficiaries on the date this Act takes effect;
- authorize the payment of any back monthly retirement pay or pension corresponding to any period during which the retired or separated person was in the active service of the Philippine Army or any guerrilla organization duly recognized as a component thereof; or
- restore any retired or separated person to the military service, or credit him with additional active military service.

SEC. 6. The provisions of paragraph (e), section of Republic Act Numbered Three hundred forty, as amended by Republic Act Numbered Thirteen hundred eighty, shall be and are hereby made applicable to all persons heretofore retired or separated under any of the provisions of the said Republic Act Numbered Three hundred forty or who shall be retired under this Act: Provided, That no back pension or retirement pay shall be payable to such persons by virtue of the said provisions of section nine of Republic Act Numbered Three hundred forty, for any period prior to July twenty-six, nineteen hundred forty-eight.

SEC. 7. No back pension, retirement pay or gratuity shall be payable to any person under this Act on the date it takes effect.

SEC. 8. The sum of one million two hundred thousand pesos and any sum appropriated by law for the retirement of members of the Armed Forces of the Philippines, shall be and are hereby appropriated and made available for

carrying out the provisions of this Act.

SEC. 9. This Act shall take effect upon its approval.

Approved, June 22, 1957.

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