

INCREASING THE BENEFITS OF MILITARY PERSONNEL WHO BECOME PHYSICALLY DISABLED OR DIE IN LINE OF DUTY BEFORE COMPLETING 20 YEARS OF ACTIVE SERVICE

PRESIDENTIAL DECREE NO. 1044, October 28, 1976

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WHEREAS, pursuant to Proclamation No. 1081, dated September 21, 1972 and Proclamation No. 1104, dated January 17, 1973, martial law is in effect throughout the land;

WHEREAS, it is to the best interest of the military service in particular and to the country in general to insure the welfare of those who are serving in the Armed Forces of the Philippines;

WHEREAS, benefits authorized under Republic Act No. 340, as amended, to an officer or enlisted person who may incur physical disability or dies in line of duty before completing twenty years of active service is deemed inadequate;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution as Commander-in-Chief of all Armed Forces of the Philippines, and pursuant to Proclamation No. 1104, dated January 17, 1973, and General Order No. 1, dated September 22, 1972, as amended, do hereby order and decree as part of the law of the land the following:

SECTION 1. Separation due to physical disability incurred in line of duty. —

a. Any officer or enlisted person who incurs total permanent physical disability in line of duty before completing twenty years of active service shall be compulsorily separated from the service in the next higher grade than the permanent grade last held.

For purposes of this Decree, "total permanent physical disability" shall mean the anatomical loss, or the permanent loss of use of the one hand or both hands, or of one hand or both hands, or of one foot or loss of both feet or both legs or one eye or both eyes having only light perception, or mental faculties.

b. Any officer or enlisted person who incurs physical disability in line of duty other than total permanent disability as defined above, before completing twenty years of active service, shall be compulsorily separated from the service in the next higher grade than the permanent grade then held.

c. Any trainee or draftee who incurs physical disability in line of duty shall be separated from the service in the grade of Private.

d. The degree of physical disability shall be determined by a Medical Board, to be created for the purpose, of the military hospital which provided medical treatment to the military personnel concerned.

SECTION 2. Separation due to death in line of duty. — An officer or enlisted person who dies in line of duty before completing twenty years of active service shall be considered as separated under Section 1a.

SECTION 3. Benefits due upon separation by reason of physical disability incurred in line of duty.—

a. Any officer or enlisted person who incurs total permanent physical disability in line of duty before

completing twenty years of active service under Section 1 of this Act shall be entitled to a monthly life annuity the amount of which shall be fifty per centum of the base and longevity pay computed on the basis of the next higher grade than the permanent grade last held at the time of its separation. Provided, That nothing herein shall prevent any officer or enlisted person from claiming benefits under Republic Act 340, as amended, in lieu of the benefits herein provided if the former are advantageous to him.

b. Any officer or enlisted person who incurs in line of duty physical disability other than total permanent disability before completing twenty years of active service shall be entitled to separation pay equivalent to one month's base and longevity pay for every year of active service rendered computed on the basis of the next higher grade than the permanent grade last held at the time of separation and payable in one lump sum which in no case shall be less than six months of such pay. Provided, That nothing herein shall prevent any officer or enlisted person from claiming benefits herein provided if the former are advantageous to him.

c. Any trainee or draftee who incurs total permanent physical disability in line of duty shall be entitled to a monthly life annuity the amount of which shall be fifty per centum of the monthly base pay of a private in the Regular Force.

d. Any trainee on service tour or draftee who incurs in line of duty physical disability other than total permanent disability shall be entitled to a separation pay equivalent to one month's base pay for every year of active service rendered, computed on the basis of the grade of a Private in the Regular Force, payable in one lump sum which in no case shall be less than three (3) months, provided that the period of six (6) months shall be considered as one (1) year.

e. The benefits provided in this Section shall be in addition to the disability benefits provided in Republic Act Numbered Six Hundred Ten as amended by Republic Act Numbered Five Thousand Eight Hundred Eighty-Nine or Republic Act Numbered Five Hundred Seventy-Three whichever is applicable or as may hereafter be provided by law.

f. Upon the death of an officer or enlisted person who has been separated under Section 1a, his survivor shall receive benefits with right of accretion, equivalent to the monthly life annuity then being received by the deceased officer or enlisted person or under any of the options provided in existing AFP Retirement and Separation System.

g. Upon the death of a trainee or draftee who has been separated under Section 1c, his survivor shall receive benefits, with right of accretion, equivalent to the monthly life annuity then being received by the deceased trainee or draftee or under any of the options provided in existing Retirement and Separation System.

SECTION 4. Death in line of duty before completion of twenty years of active service —

a. If, before completing twenty years of active service, an officer or enlisted person dies in line of duty, he shall be considered as separated, and his survivors shall be entitled with right of accretion, to a monthly life annuity, the amount of which shall be fifty per cent of the base and longevity pay, computed on the basis of the next higher grade than the permanent grade held by the officer or enlisted person at the time of his separation, or under any of the options that they may elect under the existing AFP Retirement and Separation System.

b. If a trainee or draftee dies in line of duty, his survivors shall be entitled with right of accretion, to a monthly life annuity, the amount of which shall be fifty per cent of the monthly base pay of a Private in the Regular Force.

c. The benefits provided in this Section shall be in addition to the benefits provided under Republic Act Numbered Six Hundred Ten as amended by Republic Act Numbered Five Thousand Eight Hundred Eighty-Nine or Republic Act Numbered Five Hundred Seventy-Three whichever is applicable or as may hereafter be provided by law.

SECTION 5. Survivors. — For purposes of this Decree, the term "survivors" as used herein shall include:

The survivor's spouse, only if she/he was living with the deceased at the time of the latter's death or was actually dependent upon him/her, totally or partly: Provided, That receipt of benefits under this decree shall automatically terminate upon the remarriage of the surviving spouse;

The surviving legitimate, adopted or acknowledged natural children: Providing, That no payment shall be made to them after they have attained the age of twenty-one years or have married;

The surviving parents or parent only if the deceased had never married and if they/he/she were/was totally or partly dependent upon the deceased.

SECTION 6. Effectivity. — This Decree shall take effect upon approval, provided that those who incurred physical disability or died in line of duty since the imposition of Martial Law shall be entitled to these benefits.

DONE in the City of Manila, this 28th day of October, in the year of Our Lord, Nineteen Hundred and Seventy-Six.

(Sgd.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(Sgd.) JUAN C. TUVERA
Presidential Executive Assistant

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