

EXTENDING RETIREMENT BENEFITS TO UNMARRIED SURVIVING CHILDREN OF MAJORITY AGE, OR TO SURVIVING PARENTS, OR TO UNMARRIED BROTHERS AND SISTERS OF MILITARY PERSONNEL WHO DIE IN LIN...

PRESIDENTIAL DECREE NO. 1635, August 24, 1979

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WHEREAS, pursuant to the provisions of Section 3 of Republic Act Numbered 340, as amended, only the surviving spouse and the minor and unmarried legitimate, adopted or acknowledged natural children of retirable military personnel who die in line of duty are entitled to receive monthly pension, to the exclusion of surviving parents, unmarried children of majority age, and unmarried brothers and sisters;

WHEREAS, under Presidential Decree No. 1044, the survivor beneficiaries of military personnel who are not yet retirable, and who die in line of duty, are the minor and unmarried surviving children, and the surviving parents, to the exclusion of surviving unmarried children of majority age and surviving unmarried brothers and sisters;

WHEREAS, under the new Civil Code, the right of inheritance in intestate succession, in the absence of legitimate children and their descendants and legitimate parents and ascendants, and illegitimate children and their descendants, whether legitimate or illegitimate, is extended to brothers and sisters and even to other collateral relatives within the fifth civil degree even if there is a surviving spouse;

WHEREAS, there are instances where unmarried military personnel who dies in line of duty are survived only by their unmarried children of majority age, or their parents, or unmarried brothers and sisters;

WHEREAS, in line with the concept of intestate succession extending the right of inheritance to brothers and sisters in default of direct descendants and ascendants, and to give meaning to the Filipino tradition of family solidarity among parents and children and among brothers and sisters, it is fitting and proper to include parents, brothers and sisters as survivor beneficiaries of deceased military personnel;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the power vested in me by the Constitution, do hereby decree as part of the law of the land the following:

SECTION 1. The following provision shall be inserted as Section 3-A of Republic Act Numbered three hundred and forty, as amended:

"Section 3-A. Upon the death of an officer or enlisted man who would, at the time he dies, be entitled to retire under Section one of Republic Act No. 340, as amended or to separation under Presidential Decree No. 1044, but without any beneficiary who is eligible to receive retirement pension or benefits thereunder, his unmarried 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, shall be entitled to receive in equal shares a gratuity equivalent to one month of his base and longevity pay on the date of his death for every year of service to be payable in one lump sum."

SEC. 2. This Decree shall take effect upon approval, provided that the benefits herein granted shall extend to the

beneficiaries of military personnel who died in line of duty on or after the declaration of Martial Law on September 21, 1972.

Done in the City of Manila this 24th day of August in the year of Our Lord, nineteen hundred and seventy-nine.

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

By the President:

(Sgd.) JACOBO C. CLAVE
Presidential Executive Assistant

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