

AN ACT TO AMEND SECTIONS THREE AND FOURTEEN OF REPUBLIC ACT NUMBERED THREE HUNDRED AND FORTY, OTHERWISE AS THE ARMED FORCES RETIREMENT.

REPUBLIC ACT No. 803, June 21, 1952

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

SECTION 1. Sections three and fourteen of Republic Act Numbered Three hundred and forty, entitled "An Act to establish a uniform retirement system for the Armed Forces of the Philippines, to provide for separation therefrom, and for other purposes," are amended to read as follows:

"SEC. 3. Upon the death of an officer or enlisted man who has been retired or would, at the time when he died, have been entitled to retire under section one of this Act, the surviving legitimate, adopted or acknowledged natural children of such officer or enlisted man and/or his widow, shall be entitled to receive, in equal shares and with the right of accretion, fifty per centum of the pension which the officer or enlisted man 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 widow if she remarries: Provided, further, That no payment whatever shall be made to the widow if her marriage to the deceased officer or enlisted man was contracted after his retirement from the service.

"SEC. 14. This Act shall take effect upon its approval, but the provisions of sections two and three hereof shall be given retroactive effect with respect to—

"(a) Officers and enlisted men who died after December eight, nineteen hundred and forty-one and who did not apply for retirement under Commonwealth Act Numbered One hundred and ninety during their lifetime but were, at the time of their death and by reason of length of service, otherwise entitled to retire under said Act;

"(b) Officers and enlisted men who had been retired and given gratuity under the provisions of Commonwealth Act Numbered One hundred and ninety and were recalled to active service on or after December, eight, nineteen hundred and forty-one: Provided, That they shall be required to refund to the Government whatever gratuity may have been given them under the provisions of Commonwealth Act Numbered One hundred and ninety: Provided, further, That the rate of the retirement pay shall be computed on the basis of the rate of salary corresponding to the rank and/or grade of such officers and enlisted men as of July twenty-six, nineteen hundred and forty-eight;

"(c) Officers and enlisted men who had been retired for physical disability contracted in line of duty and given gratuity under the provisions of Commonwealth Act Numbered One hundred and ninety and had applied for commission in the reserve force on or before December eight, nineteen hundred and forty-one but whose applications were disapproved for having been found by competent authority to be physically unfit; and

"(d) Disabled officers and enlisted men who were separated from the service under subsection (g) of section twenty-two of Commonwealth Act Numbered One after December eight, nineteen hundred and forty-one, for physical disability incurred in line of duty: Provided, That their ranks shall be adjusted in the same manner as the ranks of all officers in the Armed Forces were adjusted in nineteen hundred and forty-seven: Provided, further, That if they select the first option mentioned in section two hereof, there shall be deducted from the

gratuity to be paid them in one lump sum under said section whatever gratuity may have been given them under subsection (g) of section twenty-two of Commonwealth Act Numbered One: Provided, finally, That if they select the second option mentioned in section two hereof, they shall be paid their monthly pensions under said section from the date on which they were separated, but there shall be deducted from the amount of the pensions due them from such date whatever gratuity they may have received under subsection (g) of section twenty-two of Commonwealth Act Numbered One.

"No provision of this Act shall operate to reduce the retirement pay or gratuity which any retired officer or enlisted man is receiving at the time this Act takes effect."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 21, 1952.

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