

RULES AND REGULATIONS TO IMPLEMENT REPUBLIC ACT NO. 6948, “AN ACT STANDARDIZING AND UPGRADING THE BENEFITS OF MILITARY VETERANS AND THEIR DEPENDENTS”

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Pursuant to Section 29 of Republic Act No. 6948, "An Act Standardizing and Upgrading the Benefits of Military Veterans and their Dependents," hereby promulgated are these Rules and Regulations for the effective implementation thereof.

PART I

General Provisions

SECTION 1. Declaration of State Policy — It is the policy of the State to help foster the socio-economic security and general well-being of the country's veterans in recognition of their patriotic services in times of war and peace for the cause of freedom and democracy, for the attainment of national unity, independence and socio-economic advancement; and for the maintenance of peace and order, in keeping with the goals of the Government and the aspirations of the people.

SECTION 2. Definition of Terms — For the purpose of and as used in these Rules and Regulations, the following terms shall be construed in the sense indicated hereunder unless the context of a particular Rule clearly indicates that a different sense is intended:

- a. **Veteran** any person who rendered honorable military service in the land, sea, or air forces of the Philippines during the revolution against Spain, the Philippine-American War, World War II, including Filipino citizens who served in Allied Forces in the Philippine territory and foreign national who served in Philippine forces, the Korean Campaign, the Vietnam Campaign, the Anti-Dissidence Campaign, or other wars and military campaigns; or who rendered military service in the Armed Forces of the Philippines (AFP) and has been honorably discharged or separated after at least six (6) years total cumulative active service, or sooner separated due to death or disability arising from a wound or injury received or sickness or disease incurred in line of duty while in the active service.
- b. **Military personnel** officers, enlisted personnel, draftees and trainees in the active service of the AFP.
- c. **Officer** any person holding a commission in the regular or reserved components of the AFP, or probationary officer, or cadet of the Philippine Military Academy or of the flying or naval schools of the AFP.
- d. **Enlisted Person** any person enlisted in the AFP.
- e. **Draftee** any person who, upon completion of trainee service, is drafted into selective emergency military service for eighteen (18) months or more.
- f. **Trainee** any person who, after reaching twenty years of age, is conscripted into the AFP for military training.
- g. **Political Prisoner** a person who, for acts punishable for public rather than for private reason which were directed against the welfare, safety and security of the enemy occupation forces during World War II in connection with underground activities or the resistance movement, was imprisoned, maltreated, and killed/executed, or died in prison due to ailment or injury.

- h. Active Service any active duty in the regular or reserve components of the AFP.
- i. Total cumulative active service includes all period of active service as an officer, enlisted person, draftee, or trainee in the regular or reserve components of the AFP.
- j. Overseas Service includes any period of military service commencing from the date of departure from the Philippines for service in foreign territory and terminating upon the date of permanent return to Philippine soil.
- k. Dependent the veteran's legal spouse, child, or parent who is wholly under the care and support of the veteran.
- l. Surviving Spouse the lawful widow or widower of the deceased veteran, or the innocent spouse if she/he was legally separated by final judicial decree from the deceased.
- m. Children includes any child entitled to support from the veteran under existing laws.
- n. Minor Children those who are below eighteen (18) years of age and unmarried.
- o. Incompetent describes the state of legal, physical, or mental incapacity which makes one wholly dependent upon another for care and support.
- p. Parents includes, in the absence of parents by nature, a father or mother by adoption and, in absence of a legal parent, any person who stood in loco parentis to the veteran at least one (1) year prior to his entry into the active service.
- q. Indigent Parents those whose aggregate income from all sources is deemed inadequate for daily sustenance or place them in the class of those below the poverty line, as determined by the Philippine Veterans Affairs Office based on official figures released by the National Economic and Development Authority or other appropriate government agency.
- r. Anti-Dissidence Campaign, or other wars and military campaigns those conducted by the AFP starting from July 4, 1946.
- s. Administrator the Administrator or the Philippine Veterans Affairs Office (PVAO).

SECTION 3. Processing and Adjudication of Claims — All claims for benefits granted under R.A. No. 6948 and these Rules shall be processed and adjudicated as herein prescribed.

SECTION 4. Non-Prescription of Claims — Except as herein otherwise provided in these Rules, the application for the benefits and compensation granted under R.A. 6948 and these Rules shall not prescribe.

SECTION 5. Applications — All applications for benefits shall be filed with the PVAO except those for disability pensions of military personnel which shall be filed with the General Headquarters, Armed Forces of the Philippines (AFP) to be docketed and processed prior to transmittal to PVAO. Payment of claims, as finally adjudicated by the Administrator, shall be made by PVAO.

SECTION 6. Authority of Officers to Administer Oath and Take Testimony — The legal officers, investigators, regional veterans assistance representatives, and organic contact officers of the PVAO may administer such oaths as may be necessary in the conduct of investigations or in the performance of such other duties as the Administrator may expressly authorize pertaining to claims for benefits granted under these Rules. Other officials not mentioned herein may administer oath only when properly authorized by the Administrator and only for documents in support of claims for benefits under these Rules.

SECTION 7. Service Fee or Compensation — Unless otherwise expressly authorized by the Administrator, no fee or compensation shall be charged any veteran or beneficiary for any service rendered in the course of official

business or transaction relating to any claim, nor shall any retention or deduction of any amount from any pension be allowed.

SECTION 8. Determination of Military Status — The military status of a veteran shall be determined on the basis of the following documents:

a. For veterans of the Revolution Against Spain and Philippine American War —

1)

Original appointment or induction papers, but in the absence thereof;

2)

Sworn Statements of the veteran's immediate officers or comrades-in-arms regarding the period and place of his revolutionary service.

b. For Veterans of World War II, Korean Campaign, Vietnam Campaign, Anti-Dissidence Campaign, or other wars and military campaigns —

1)

Original papers received from the AFP/military Unit concerned, like assignment papers, discharge or demobilization papers, special and general orders, memoranda, circulars, personal commendation, military communications, or any written matter received while in the service; and/or

2)

Pay and allowance voucher, verification slips, original rosters, clinical records, casualty reports, extracts of service records either from the Office of the Adjutant General (OTAG), AFP or Statement from the Finance Service or Office of the Internal Auditor, AFP, showing payments for salaries or money received while in the service.

c. For Unrecognized Guerillas:

1)

Any or all of the records or documents referred to in the next preceding classes of veterans, in the case of guerillas whose services were not recognized by the United States Government or whose recognitions were later revoked; or

2)

Rosters of recognized units of guerilla organizations submitted to the U.S. Army on or before 30 June 1948, as certified to by the custodian of any government depository of such rosters;

3)

Affidavits of the veteran himself, his immediate officers and comrades-in-arms showing categorically in chronological order the veteran's military service in a recognized or deserving guerilla organization, from the date of his induction until his discharge, with the attestation that such veteran was a bona fide member of the unit in which he rendered service; and/or sworn statements of reputable citizens in the locality where the veteran was assigned or detailed and served.

d. For Political Prisoners —

1)

Affidavits of a member or members of the Philippine Army and/or guerrilla units in good standing attesting to the patriotic services or contribution rendered by the prisoner; and/or

2)

Records of political prisoners confined in Fort Santiago, Muntinlupa National Prison, and other penitentiaries;

3)

Release papers issued by the enemy occupation forces;

4)

Affidavits of eyewitness or fellow inmates concerning the incarceration, maltreatment, and killing or execution of the prisoner, or his death due to ailment or disease; or

5)

Affidavits of the Mayor, Chief of Police, and/or other municipal officials who have personal knowledge of the fact of incarceration, maltreatment and execution, or death while in prison due to ailment of injury;

6)

Death certificate of the political prisoner, if any, issued by the Local Civil Registrar.

e. In any of the foregoing, filed or spot investigations may be conducted by the PVAO for corroboration.

SECTION 9. Persons Conscripted for Military Service by the Philippine Army in World War II — Drivers, mechanics, medical aides and other persons who were conscripted for military service by the Philippine Army in World War II, but not later than 6 May 1942, shall be disputably presumed as veterans of the war with a presumed rank of Private.

SECTION 10. Persons Buried in Military Cemeteries — Persons who were buried in military cemeteries during World War II shall be presumed members of the Philippine Army or of deserving guerrilla organizations.

SECTION 11. Proof of Marriage, Identity, Filiation, and Death — Marriage, identity, filiation, and death shall be established as follows:

a. The fact of marriage — by the original certificate of marriage or a certified true copy thereof issued by the Local Civil Registrar of the place where the marriage took place.

b. Identity and/or filiation — by a certified true copy of the birth certificate of the person whose identity or filiation is sought to be proved, issued by the proper Local Civil Registrar.

c. If the beneficiary is an adopted child of a veteran, by legal adoption papers, among others.

d. If the Local Civil Registrar's record of marriage or birth is not available, by a certification of the Local Civil Registrar concerned, stating, among other things, the reason for its non-availability/non-existence, accompanied by a certified true copy of the church or civil marriage certificate or baptismal certificate duly signed and sealed by the parish priest, minister, or custodian of the said records, and affidavits of at least two (2) disinterested persons who have personal knowledge of the marriage or birth, preferably the sponsors and witnesses to the birth or baptismal or marriage ceremony.

e. The fact of death — by a certified true copy of the death certificate of the deceased issued by the Local Civil

Registrar concerned. If the record of death is not available in the office of the Local Civil Registrar concerned, by a certification and affidavits on the fact of death to be executed by the persons mentioned in next preceding sub-paragraph.

f. The fact of birth, marriage, divorce, or death of a Muslim veteran or beneficiary shall be established by a certificate issued by the Muslim Circuit Registrar concerned; but in the absence of any such registry record, by sworn statements of the Municipal Mayor, the Commanding Officer of the veteran, and of two disinterested persons who have personal knowledge of the fact of birth, marriage, divorce, or death.

g. All documents executed and official certifications issued in a foreign country, including birth, marriage and death certificates, are admissible if duly authenticated by the Philippine Consulate concerned.

h. Certified true copies of documents attesting to the fact of baptism, marriage, or death may also be admissible if issued by the military officer or chaplain who is the custodian of such records.

SECTION 12. Effect of Criminal Conviction —

a. Criminal conviction after discharge or separation from the military service, if not in repudiation of such service nor of his physical disability for which he has been awarded any benefit under the Rules, shall not be a ground for the denial or cancellation of such benefit.

b. Conviction by final judgment of a gross violation of human rights while in the active service, as certified to by the Commission on Human Rights, bars the Veteran concerned from receiving any benefit granted under these Rules. Such conviction, however, shall not prejudice the entitlement of his next of kin to the said benefits.

PART II

Educational Benefits

SECTION 13. Eligibility — The following persons who have never heretofore enjoyed educational benefit under Philippine law nor under United States law, who desire to study, shall, upon certification of the Administrator, be admitted to any school, college, university, or institution authorized by the Government, with all school fees, including tuition, matriculation, athletic, library, laboratory, medical, military training, diploma and matriculation fees, at the expense of the Government, subject to the rules and conditions prescribed herein:

a. Veterans of the Philippine Army or of any recognized or deserving guerrilla organization who took active participation in the resistance movement and/or in the liberation drive against the enemy during World War II from 8 December 1941 to 2 December 1945.

b. Veterans of the Philippine Expeditionary Forces to Korea (PEFTOK) during the period from 15 September 1950 to 31 May 1955.

c. Veterans of the Philippine Civic Action Group or Philippine Contingent in Vietnam (PHILCAG) during the period from 31 August 1964 to December 1969.

d. One (1) child of the veteran in whose favor he renounces his right; or

e. The unmarried surviving spouse of the deceased veteran;

f. One (1) child of the deceased veteran in whose favor such right is applied for by the surviving spouse or legal guardian of such child; or

g. One (1) child among the children of the deceased veteran from two or more marriages legally contracted by him, to be chosen by the Administrator; or

h. One (1) child of the deceased veteran, to be chosen by the Administrator if both the veteran and his wife are deceased.

SECTION 14. Change of Grantee — Waiver of a previously approved educational benefit shall, upon proper application therefor, be granted by the Administrator in any of the following cases:

- a. Where the same has not been used by the original grantee and is being waived in favor of one (1) child of the veteran; or
- b. Where the benefit has been partially used regardless of whether or not the previous grantee-user finished a course.

SECTION 15. Period of Entitlement to Educational Benefit — The length of the period of entitlement to educational benefit, both for living and deceased veterans, shall be computed as follows, but in no case shall it be less than 24 months:

a. Veterans of World War II:

1)

Philippine Army (Living) — Twelve (12) months plus length of war-time service.

2)

Philippine Army (Deceased) — Twelve (12) months plus length of war-time service, from the date of enlistment or induction into the service, whichever is earlier, but not later than 8 December 1941, up to 23 October 1944 with respect to missing military personnel, and those of non-casualty status, who were processed after 2 December 1945, and have no record of discharge.

3)

Recognized guerrilla whose name is carried in the revised reconstructed roster — Twelve (12) months plus length of war-time service, from the date of joining or induction into the service of the underground resistance movement, but not earlier than the date of recognition of his guerrilla unit, up to the date of discharge but not later than 2 December 1945.

4)

Recognized guerrilla (Deceased) — Twelve (12) months plus length of war-time service, from the date of joining or induction into service of the underground resistance movements, but not earlier than the date of recognition of his guerrilla unit, up to date of death or date he was missing in action but not later than 2 December 1945.

5)

Individually recognized guerrilla (Living and deceased) — Twelve (12) months plus length of war-time service, from the date of joining or induction into service of the underground resistance movement, but not earlier than the date of recognition of his guerrilla unit, or from the commencement of paid war-time service, up to the date of discharge or death but not later than 2 December 1945.

6)

Recognized guerrilla who was duly paid but whose name was deleted or omitted from the revised reconstructed roster — Twelve (12) months plus length of war-time service, reckoned from the date of payment by the U.S. Army authorities up to the date of discharge but not later than 2 December 1945.

7)

Member of the Military Police Command or Post Liberation Philippine Army or deserving guerrilla organization — Regardless of length of war-time service, the entitlement is 24 months.

b. Veterans of the Korean Campaign — Twelve (12) months plus length of overseas service with the Philippine Expeditionary Forces to Korea.

c. Veterans of the Vietnam Campaign — Twelve (12) months plus length of overseas service with the Philippine Civic Action Group or Philippine Contingent.

SECTION 16. Bases for Computation of Period of Entitlement of World War II Veterans — Except as regards the members of the Military Police Command during the liberation period of World War II, post-liberation Philippine Army and deserving guerrilla veterans who are entitled to 24 months, the computation of the length of entitlement to educational benefits shall be based on the following documents:

a. Records from the OTAG, AFP (MSR, MPF, SPAV, Discharge Certificate, Special Orders, Retirement Orders);

b. Backpay Acknowledgment Certificate (RA 304 or RA 897);

c. Order of payment of backpay under the Veterans Claims Settlement Fund;

d. Records of the U.S. Department of the Army and/or certification of the military service from the U.S. Veterans Administration;

e. Decree of Final Distribution from the Judge Advocate General's Office (JAGO), AFP;

f. Prisoner of War records.

SECTION 17. Effectivity of Educational Benefit — Any and all awards of educational benefit, whether for initial enjoyment by the veteran, or waiver by the veteran in favor of one (1) child, or waiver of the balance of the period of entitlement in favor of the veteran's child, or change of course, shall take effect at the beginning of the semester, trimester, quarter, or summer during which the educational benefit was approved, except in the following cases:

a. Where the benefit will be used in the elementary school or high school, it shall take effect at the beginning of the school year during which it was approved;

b. Where the grantee-user fails to enroll after the release of the award, he may avail himself of the same in any subsequent semester, trimester, quarter, summer, or school year; or

c. Where the grantee-user has been duly notified of the award but fails to comply with the requirements for the release thereof, the benefit shall take effect only in the semester, trimester, quarter, summer, or school year when the said award is released.

SECTION 18. Authorized Educational Institutions — An authorized educational institution is any school, college, university, or institute recognized and/or permitted by the Department of Education, Culture and Sports (DECS). It does not include an institution operating either in Philippine territory or abroad by authority of the proper office or agency of a foreign government.

SECTION 19. Measure of School Year — A school year is composed of two (2) semesters (five months each) and one (1) summer term (two months), or three trimesters (four months each), or four (4) quarters (three months each).

SECTION 20. Course — A course is understood to be a complete post-secondary, tertiary or higher level program of study authorized by the DECS. It does not refer to elementary or secondary level study programs.

SECTION 21. Manifestation of Course to be Pursued — The manifestation of the specific course to be pursued by the grantee-user shall outright be indicated in the prescribed form or by his informing in writing the PVAO of the course, whether terminal vocational course, baccalaureate, masteral, or doctoral, to be pursued during the enjoyment of the basic period of entitlement. If the course to be pursued requires a preparatory course as defined by the DECS, the grantee-user shall manifest at the outset the course proper in accordance with the condition and requirement hereinabove mentioned, otherwise the preparatory course shall be considered as a separate or distinct course by itself.

SECTION 22. Change of Course — Change of course, upon proper application thereafter, may be granted in the following cases:

- a. Where there is a remaining balance of the basic period of entitlement, whether or not the grantee-user finished a course under the award.
- b. Where the grantee-user has chosen the wrong course or has decided later to pursue another course for plausible reasons, such as scholastic standing, health, financial condition, location of employment, job opportunity, aptitude or mental capacity, or marriage, upon proper counseling by the Administrator or his designated staff. The change of course shall not be authorized during the enjoyment of the privilege of extension except in cases where at least 75% of the units earned in the previous course is credited to the new course which is neither longer nor more expensive.

SECTION 23. Course Priesthood — Educational benefit for the course leading to priesthood or ministry of the gospel in any religious sect or denomination may be allowed only to the extent of the secondary and liberal arts portion of said course: Provided, however, That the school is authorized and/or recognized by the DECS.

SECTION 24. Extension of Benefit — Extension of educational benefit beyond the basic period of entitlement may be granted to a grantee-user to allow him to further pursue and/or finish the course, but the same shall take effect only in the semester or school year when the application is filed as hereunder prescribed:

- a. Automatic extension — If the balance of the basic period of entitlement is not sufficient to cover a summer, quarter, trimester, semester, review, or yearly school term, extension for such number of months as may be necessary to complete a summer, quarter, trimester, review or yearly school term shall ipso facto be granted notwithstanding the scholastic grades of the grantee-user concerned and whether or not the previous grantee-user concerned and whether or not the previous grantee-user finished a course under the benefit.
- b. Extension of expired educational benefit — After utilizing the basic period of entitlement, a grantee-user may be entitled to the extension of his educational benefit to allow him to finish his course, or to take one review course only, subject to the following requirements and conditions:
 - He has no failure or deficiency in any academic subject required in the curriculum during the enjoyment of the basic period of entitlement; that is, if the basic period covers five semesters, he should present passing grades for all the subjects required during said five (5) semesters. If a grantee-user fails in any academic subject while enjoying the extension, the benefits shall be suspended in the meantime as of the end of the semester under extension.
 - If the grantee-user has incomplete or conditioned grades only, further extension may be granted upon completion or removal thereof at his expense.

- If the failure, conditioned or incomplete grade, or dropped subject, is not required for the course being pursued as certified by the school registrar, the grantee-user shall refund the payment made therefore by the PVAO before extension can be granted.

- For reasons or causes beyond the grantee-users control and deemed justified, further extension may be granted if within thirty (30) days from the occurrence of any event constituting such causes of reasons, such as illness, transfer of military station or calamity that may affect his scholastic standing, he accordingly notified the PVAO and the registrar of the school.

c. Extension to a second course — Extension may be granted to a grantee-user if 75% of the units earned in the first course are credited to the second course subject to the following conditions:

- No course of study has been finished under the benefits.

- The amount of school fees corresponding to the units not credited shall be refunded.

- The grantee-user who has finished a Graduate Nurse Course is taking up the course for Bachelor of Science in Nursing.

d. Extension of benefits previously enjoyed by one or more grantees — Extension may be granted to the second or subsequent grantee, subject to the following conditions:

- The benefit has not been enjoyed by the previous grantee for an aggregate period of not more than 25% of the basic period of entitlement.

- No course of study has been finished under the benefit.

- In the case of a first grantee-user who died while enjoying the educational benefit, extension may be granted to the second grantee for a period not exceeding one (1) school year which may be granted within the last year of his course.

- He has no failing grades during the enjoyment of the educational benefit; that is, the first grantee-user, if living, could have been entitled himself to the privilege of extension.

SECTION 25. Manner of Granting Extension — The grant of extension shall be by semester, trimester, quarter, or summer term, as the case may be, except in the following cases:

a. Where the course is being pursued is Medicine or Medical Technology, the extension for clerkship or internship shall be for one (1) year or twelve (12) months.

b. Where the benefit is to be used for the elementary or high school, extension shall be for ten (10) months.

SECTION 26. Enjoyment of Educational Benefit in the Elementary or High School — Enjoyment of educational benefit in the elementary school and high school shall not be deducted from the basic period of entitlement, subject to the following conditions:

a. If two or more grantees shall enjoy the benefit in the elementary and high school, one after the other, there will in no case be an overlapping of enrollment for the same grade or year.

b. In the case of the waive who shall pursue a course lower than the grade or year attained or finished by the veteran himself, whether in the elementary or high school, the enjoyment of the benefit by said waive shall be deducted from the basic period of entitlement and that the privilege of extension shall be to the extent only of allowing the waive to finish the elementary or high school course, as the case may be.

SECTION 27. Payment of School Fees — The PVAO shall pay the total school fees incurred in the enrollment of any grantee-user based on the scheduled of fees authorized by the DECS and appearing in the prospectus, catalogue, or brochure of the school concerned, including tuition, matriculation, registration, athletic, library, medical and dental, clinical, affiliation, military training, diploma and graduation fees: Provided, however, that the payment of school fees for a review course may be allowed only for one extension of the benefit; Provided, further, that the grantee-user is entitled to the corresponding graduation and diploma fees for every diploma earned during the enjoyment of the benefit.

SECTION 28. Refund of School Fees by the Student-ward for Dropped or Failed Subjects and Restoration of Period of Entitlement Used — The grantee-user shall be required to refund the school fees paid by the PVAO in the following cases:

- a. Where the grantee-user has used the benefit for the first time and it is shown that he has chosen a wrong course and has dropped all his subjects as evidence by his scholastic record, in which case, the period used shall be restored in favor of the student who may then be allowed to pursue a new course.
- b. Where the grantee-user, who is requesting for extension of the benefit, has dropped or withdrawn subjects, including other deficiencies such as incomplete, conditioned or failing grades, which subjects as certified by the school registrar or his authorized representative are no longer required for the course.

SECTION 29. Cases Where No Refund is Required — No refund of the school fees shall be required of a grantee-user in the case where all subjects were dropped or withdrawn due to ill-health of calamity, or due to transfer of military station where the grantee-user is a member of the AFP, subject to the following conditions:

- a. The illness shall be supported by a medical certificate of the attending physician, or in case of calamity or transfer of military station by a certification or assignment orders issued by the authorities concerned, as the case may be.
- b. The necessary certification or order shall be submitted to the PVAO within thirty (30) days from the date of the dropping of the subjects, together with a certification by the registrar or his authorized representative regarding the reason or cause thereof.
- c. The corresponding months enjoyed for the particular school term shall be deducted from the basic entitlement.

For failure to comply with conditions (a) and (b) above for reasons or causes deemed beyond his control, the grantee-user may elect to refund to the PVAO the whole charges for the particular school term, in which case the period paid shall be restored.

SECTION 30. Non-Restoration of Periods Enjoyed — Except as otherwise specifically provided in Sections 28 and 29 hereof, the restoration of the period of entitlement or any portion thereof shall not be granted notwithstanding any payment made by the grantee concerned of the fees due his school while the benefit is in effect. The PVAO shall pay all fees authorized by law and thereupon the grantee shall claim for the refund from his school of whatever amount he paid in advance.

PART III

Disability Pension

SECTION 31. Eligibility — The disability pension granted under these Rules shall apply to any veteran who was disabled owing to sickness, disease, wounds, or injuries sustained in line of duty and while in the active military service of the —

1. Philippine Army or guerrilla forces between 8 December 1941 and 3 July 1946;

2. AFP and Philippine Constabulary between 4 July 1946 and 8 April 1990;
 3. Philippine Expeditionary Forces to Korea between 15 September 1950 and 31 May 1955; and
 4. Philippine Civic Action Group or Philippine Contingent in Vietnam between 31 August 1964 and 20 December 1969;
- b. It shall also apply to military personnel of the AFP who are disabled on or after 9 April 1990.

SECTION 32. Pension Rates — The disabled veteran or military personnel of the AFP shall be given a monthly pension in accordance with the rates prescribed hereunder, unless he is actually receiving a similar pension for the same disability from other Philippine government funds or from the United States Government:

- a. If and while the disability is rated anywhere from ten to thirty per centum, the monthly pension shall be six hundred pesos (P600.00);
- b. If and while the disability is rated forty per centum, the monthly pension shall be six hundred seventy-five pesos (P675.00);
- c. If and while the disability is rated sixty per centum, the monthly pension shall be seven hundred fifty pesos (P750.00);
- d. If and while the disability is rated sixty per centum, the monthly pension shall be eight hundred twenty-five pesos (P825.00);
- e. If and while the disability is rated seventy per centum, the monthly pension shall be nine hundred pesos. (P900.00);
- f. If and while the disability is rated eighty per centum, the monthly pension shall be nine hundred seventy-five pesos (P975.00);
- g. If and while the disability is rated ninety per centum, the monthly pension shall be one thousand fifty pesos (P1,050.00); and
- h. If and while the disability is total or rated one hundred per centum, the monthly pension shall be one thousand one hundred twenty-five pesos (P1,125.00) plus one hundred fifty pesos (P150.00) each for the legal spouse and unmarried minor children.

SECTION 33. Effectivity of Pension — The date of the monthly disability pension granted under these Rules that may be awarded to an applicant will be based on the conditions specified hereunder.

- a. Military personnel of the Philippine Army and guerrilla organizations of World War II - on the day the application is received but in no case earlier than 9 April 1990.
- b. All other veterans:
 - On the date immediately following the date of discharge if the application was filed within one year after the veteran's separation from the service; or
 - On the day the application was received if the application was filed beyond one (1) year after the veteran's separation from the service.

SECTION 34. Re-evaluation — Periodic re-evaluation or redetermination of a veteran's disability, in appropriate cases, shall be the responsibility of the Disability Rating Board (DRB) of the PVAO. The AFP Medical Center and the Veterans Memorial Medical Center (VMMC), upon request of the DRB, PVAO, shall make available the

clinical records, disability worksheets and other pertinent papers and documents and shall conduct x-ray, laboratory tests, and other examinations on the veteran concerned. Such medical examinations and tests may also be undertaken by any other government hospital nearest the residence of the veteran concerned, upon request by the DRB, PVAO.

SECTION 35. Exemption from Re-Rating — A disabled veteran shall be exempted from periodic examination and re-rating in the following cases:

- a. When the disability is considered as static;
- b. When the disability is permanent in nature or of such character that there is no likelihood of improvement; or
- c. When the veteran is already fifty-seven (57) years of age or over.

SECTION 36. Employment and/or Retirement in the Government Service of a Disability Pensioner — Employment in and/or retirement from the government service, including government-owned and/or controlled corporations including their subsidiaries shall not be a bar to the veteran's right to the disability pension granted under these Rules: Provided, however, that the restoration of disability pension previously suspended due to said employment before the ratification of the 1987 Constitution shall be effective only on the date of approval of the application for the lifting of such suspension.

PART IV

Death Suspension

SECTION 37. Eligibility — a. For the death of a veteran in line of duty or at any time after honorable discharge or separation from the service as a result of wounds or injury received or sickness or disease incurred in line of duty or as a consequence of the performance of such duty, or of a political prisoner, the surviving spouse and unmarried minor children, or in default thereof, the indigent parents, except those who for the same reason, are actually receiving a similar pension from other Philippine government funds or from the United States Government, may be given the following monthly pensions:

1. Surviving spouse — P500.00 until he/she remarries or dies.
2. Unmarried minor children — P250.00 for each child until he/she reaches the age of eighteen, marries, or dies.
3. Indigent parents — P250.00 for each indigent parent, with the right of accretion, until they die.

b. Only fifty (50%) of the rates prescribed above shall be awarded to the surviving spouse and unmarried minor children, or indigent parents of a veteran of the AFP, who, in line of duty, or of a military personnel of the AFP who, in line of duty, dies, of injury or ailment which was or is not incurred in war or in a military campaign against aggression, dissidence, rebellion or sedition or as a direct result of such war or military campaign.

SECTION 38. Death Pension for the Surviving Spouse of a Veteran of the Revolution — The surviving spouse of a veteran of the revolution against Spain or the Philippine-American War shall be entitled to a monthly pension of six hundred pesos (P600.00) until she/he remarries or dies, the provisions of the next preceding section notwithstanding, unless she is actually receiving a similar pension from other government funds.

SECTION 39. Termination of Right to Death Gratuity and Entitlement to Death Pension — Without prejudice to the receipt of death gratuity benefits provided for under the Employees' Compensation Law, the right to death gratuity granted to the next of kin of military personnel of the AFP who died in line of duty, pursuant to the provisions of Section 6 of Republic Act No. 573 and Sections 3 and 4 of Republic Act 610, as amended, shall cease on 9 April 1990 and, in lieu thereof, they shall be eligible to the death pension as provided in these Rules subject to the following conditions:

a. Where the right to the said gratuity under the said R.A. 573 or R.A. 610, as amended, has already accrued prior to 9 April 1990, the next of kin concerned shall have the option to either waive the entitlement thereto or to receive the death pension granted under these Rules.

b. Where a next of kin has already been paid the aforesaid death gratuity, he may apply for the death pension herein granted on condition that the death gratuity received shall be refunded from such future payments of death pension in a reasonable monthly amount as may be determined by the Administrator until the death gratuity is fully refunded.

SECTION 40. Death Due to Service-Connected Disability — The death of a veteran will be considered as having been due to service-connected disability where the evidence establishes such service-connected disability as the principal cause of death, or contributory thereto or a complication thereof. The disability will be considered as the principal cause of death when, singly or jointly with some other condition, it is the immediate or underlying cause or is etiologically related thereto. A contributory cause of death is inherently one not related to the principal cause, and must be shown to have contributed substantially or materially as combining to cause death, or aiding or lending assistance to the production thereof.

SECTION 41. Presumption of Death in Line of Duty during World War II — Any officer or enlisted personnel of the Philippine Army or of any recognized guerilla organization, shall be presumed to have died in line of duty if he/she has not been heard from by his nearest of kin within one (1) year after 2 September 1945.

SECTION 42. Fact of Death During World War II is the Consideration for Entitlement to Pension — Death of any military personnel in good standing of the Philippine Army or of any recognized guerilla organization or of political prisoner, regardless of the cause thereof, entitles the surviving spouse and unmarried minor children or indigent parents to death pension under these Rules.

PART V

Pension for Veterans of the Revolution

SECTION 43. Eligibility — Any veteran who served in the revolution against Spain and the Philippine-American War any time during the period between 23 August 1896 and 2 May 1902 shall be entitled to a monthly pension of six hundred pesos (P600.00) plus one hundred fifty pesos (P150.00) each for his spouse and unmarried minor children.

PART VI

Old Age Pension

SECTION 44. Eligibility — A veteran who is at least sixty-five (65) years old shall be paid an old-age pension of five hundred pesos (P500.00) monthly unless he is actually receiving a similar pension for the same consideration from other government funds or from the United States Government.

SECTION 45. Entitlement of Surviving Spouse — The surviving spouse of a veteran who died after having received old-age pension shall be paid a pension of five hundred pesos (500.00) monthly until she remarries or dies, and the surviving spouse of a veteran who died without having received old-age pension shall, if she does not remarry, be paid a pension of five hundred pesos (P500.00) monthly when she reaches the age of sixty five (65) and until she remarries or dies, unless she is actually receiving a similar pension for the same consideration from other government funds or from the United States Government.

PART VII

Hospitalization, Medical Care and Treatment

SECTION 46. Eligibility — All veterans, military retirees, and disabled veterans receiving disability pension under these Rules, and their surviving spouses, unmarried minor children, or children who are mentally or physically incompetent regardless of age, and dependent parents or foster parents regardless of the veteran's or military retiree's civil status shall be provided by the PVAO hospitalization, medical care, and treatment in the Veterans Medical Center (VMMC), in the veterans wards of selected government hospitals, or in such other medical facility that it may designate.

SECTION 47. Order of Precedence in Confinement — Depending on the availability of patient bed space, preference in the confinement of patients in the VMMC and in the different veterans wards shall be in the following priority:

- a. Veterans and military retirees who are suffering from service-connected disabilities or diseases for which they are receiving monthly disability pension.
- b. Veterans and military retirees who are suffering from non-service connected disabilities or diseases, which need immediate medical attention.
- c. Veterans and military retirees who are suffering from non-service connected disabilities or diseases which do not require immediate medical attention.
- d. Eligible dependents of veterans and military retirees.
- e. Other persons authorized under rules and regulations of the PVAO as approved by the Secretary of National Defense.

SECTION 48. Veteran Wards — The establishment of Veterans Wards in selected government hospitals, including regional, provincial, district, and municipal hospitals, shall be in accordance with the terms and conditions of the contracts entered into between the Administrator and the Directors of the said hospitals, subject to the approval of the Secretary of National Defense and the Secretary of Health.

SECTION 49. Hospital Bills — The contracted hospital shall submit to the Administrator the monthly hospital bills for the hospitalization, medical care and treatment of veterans and military retirees and their dependents on a per diem basis covering board, lodging, medicines and medical services, together with the list of the veterans and military retirees patients and the corresponding number of patient days in a given month, subject to the following conditions:

- a. The hospital bills are attested to by the concerned PVAO Regional Veterans Assistance Representative, Contact Officer, or Accredited Contact Office.
- b. Payment shall be allowed only upon verification by the PVAO of the veteran's or military retiree's status of each veteran or military retiree patient named in the list.
- c. The list of the veterans and military retirees shall in no case exceed the authorized number of bed patients daily except in the case of any excess for any number of days to compensate for days when the quota for bed patients was short of the maximum number of bed patients.

SECTION 50. Admission in Non-Contracted Government Hospitals — The admission of veterans and military retirees and their dependents in non-contracted government hospitals in cases of urgency or whenever it is more convenient or expedient for them shall be in accordance with such arrangements as may be made with the Department of Health.

PART VIII

Burial Benefits

SECTION 51. Burial Benefits — The Administrator shall provide the following to the next of kin of each deceased veteran:

- a. Philippine flag to drape the casket of the deceased veteran, to be presented by him in appropriate manner.
- b. Unless the next of kin is entitled to a similar benefit from the United States Government burial assistance in the amount of four thousand pesos (P4,000.00) upon application therefor in due form which shall be filed within two (2) years from the veteran's death.

PART IX

Special Provisions

SECTION 52. Authority of the Administrator to Enforce Rules and Regulations — The Administrator shall issue such orders, circulars and memoranda not inconsistent with these Rules which are necessary for the effective implementation of these Rules. He shall prescribe all forms for applications, processing, adjudication, certifications, reports, records, and such other requisite forms as may be deemed necessary.

SECTION 53. Provisional Reorganization — The Administrator may effect a provisional reorganization of the PVAO, conformably to Civil Service Law and Rules and Regulations, by regrouping offices, establishing action offices and agencies, reallocating available personnel and resources, and assigning or reassigning functions for the effective implementation of these Rules and the efficient delivery of benefits and services to veterans and their dependents.

SECTION 54. Duty to Promote Honesty and Efficiency — All PVAO officials and employees shall strictly observe these Rules perform their duties with honesty and efficiency, and maintain high ethical and progressive standards of public service.

SECTION 55. Classified Nature of Records — All records, files, reports and other papers or documents pertaining to any claim, whether pending or adjudicated, shall be considered classified and no disclosure thereof shall be made, except in the following cases:

- a. When required by a competent court or in connection with any suit or proceeding therein;
- b. When officially requested by any department, agency, or instrumentality of the government in connection with any official transaction of the veteran or his next of kin or any administrative action required by law of such department, agency, or instrumentality; or
- c. When the Administrator deems it necessary in appropriate cases.

SECTION 56. Agents, Attorneys-in-Fact, and Guardians — No pension shall be transferable nor paid to any person other than the pensioner, and no authority, power of attorney, or other document executed or alleged to have been executed by the pensioner in his behalf shall be recognized: Provided, however, That pensions for minors may be made payable to their natural parents or guardians: Provided, further, That in case of physical or legal inability or incapacity of the pensioner, the pension may be made payable to the legal guardian appointed by the court or to the person designated by the Administrator or the JAGO AFP, as the case may be.

SECTION 57. Fraudulent Claims — a. When fraud is shown to have been committed by or with the knowledge of an applicant for any benefits granted under these Rules, the application shall be disapproved, or if the application is already approved, such approval and the award of the benefit shall be voided as of the date of its effectivity and all other benefits under these Rules which are due or to become due to the applicant shall be forfeited without prejudice to the filing of the necessary court action for the fraud committed.

b. The party or the parties to the fraud, upon conviction, shall be punished by a fine of not more than P2,000.00, or by imprisonment for not more than six (6) months, or by both such fine and imprisonment, at the discretion of the court, in addition to the refund of such amount the PVAO has paid in monthly pension or otherwise disbursed in connection with the fraudulent claim.

SECTION 58. Adjustment of Pensions — All pensions authorized under these Rules shall accordingly be adjusted to the same extent and with the same date of effectivity of any general adjustment of the salaries and wages of the personnel of the National Government and/or of the Armed Forces of the Philippines as may be authorized in the ensuing fiscal years and funds for this purpose shall be provided by the Department of Budget and Management.

SECTION 59. Exemption of Pension from Income Tax, Attachment, Levy, and Garnishment — Any pension granted a beneficiary under these Rules shall not, wholly or partly, be subject to income tax, attachment, execution, forfeiture, or retention under any legal or equitable proceedings, either while in the possession of the PVAO or any of its officers, while in transit, or already in the hands of the beneficiary, nor shall any lien of any kind or under any consideration be imposed thereon.

SECTION 60. Separability Clause — If any provisions of these Rules shall be held invalid, the remaining provisions shall be given force and effect as completely as if the provision held invalid had not been included herein.

SECTION 61. Rescission — All laws, rules, regulations, orders, circulars, and memoranda inconsistent with any provision of these Rules are hereby repealed or modified accordingly.

SECTION 62. Effectivity — These Rules and Regulations shall take effect fifteen (15) days after publication in a newspaper of national circulation.

Adopted: 20 May 1990

(Sgd.) FIDEL V. RAMOS

Secretary

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