

AN ACT TO PROVIDE FOR GRATUITIES AND PENSIONS FOR OFFICERS AND ENLISTED MEN WHO DIE OR ARE DISABLED AS A RESULT OF WOUNDS OR INJURIES RECEIVED OR SICKNESS OR DISEASE INCURRED IN...

REPUBLIC ACT NO. 610, May 04, 1951

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

PRELIMINARY PROVISIONS

SECTION 1. Short title.-This Act shall be known and cited as the "Armed Forces Death Gratuity and Disability Pension Act of 1951".

SEC. 2. Definitions.-For the purposes of, and when used in, this Act, the following terms shall be construed in the sense indicated in this section, unless the context of a particular provision clearly indicates that a different sense is intended:

- "Officer" shall mean any commissioned officer of the Armed Forces of the Philippines or Philippine Constabulary, whether regular or reserve, probationary second lieutenant, cadet of the Philippine Military Academy, and aviation or naval cadet.
- "Enlisted man" shall mean any person regularly enlisted in the Armed Forces of the Philippines or Philippine Constabulary, or an enlisted reservist, or any trainee who has been duly accepted and sworn in for trainee instruction pursuant to the provisions of the National Defense Act.
- "Active service" means any active duty in the Regular or Reserve Force, Armed Forces of the Philippines, or in the Philippine Constabulary, including any period of military training as cadet, trainee, probationary second lieutenant or reservist, pursuant to the provisions of the National Defense Act.
- "Child" includes any child entitled to support under the Civil Code.
- "Father" and "mother" include, in the absence of a parent by nature, a father or mother by adoption and, in the absence of a legal parent, any person who stood in "loco parentis" to the deceased at least one year prior to his entry into the active service.
- "Widow" shall include the wife or husband of Armed Forces personnel not legally separated by final judicial decree from the deceased.
- "Reasonable maintenance" includes housing, food, clothing and medical care sufficient to sustain a living suitable to and consistent with the parent's reasonable mode of living.

DEATH GRATUITY

SEC. 3. Hereinafter upon the death of any officer or enlisted man as the proximate result of wounds or injuries received or sickness or disease incurred in the active service and in line of duty, the surviving widow and/or children not emancipated shall receive a gratuity of three thousand pesos to be paid in lump sum. The widow shall receive one-half (1/2) of the amount and the other half shall be divided equally among the children entitled thereto. In the absence of a widow or child the gratuity herein provided shall be payable to the father and mother, the sum to be divided equally among the parents if both survive the deceased.

SEC. 4. The right provided for in the preceding section shall be determined as of the time of the death of the officer or enlisted man: Provided, That if, prior to the final settlement, any beneficiary should die, his or her share shall pass to the intestate heirs under the Civil Code.

DISABILITY PENSION

SEC. 5. For disability which is the proximate result of wounds or injuries received or sickness or disease incurred in the active service and in line of duty by any officer or enlisted man, the Government of the Republic of the Philippines will pay to any person so disabled, and who is honorably separated from the active service by reason of such disability, a pension in accordance with the rates specified below:

- If and while the disability is rated 25 per centum the monthly pension shall be P30.
- If and while the disability is rated 50 per centum the monthly pension shall be P50.
- If and while the disability is rated 60 per centum, the monthly pension shall be P60.
- If and while the disability is rated 70 per centum, the monthly pension shall be P70.
- If and while the disability is rated 80 per centum, the monthly pension shall be P80.
- If and while the disability is rated 90 per centum, the monthly pension shall be P90.
- If and while the disability is rated total, the monthly pension shall be P100, unless otherwise provided in the succeeding paragraphs.
- If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss or the loss of use of only one hand/or one foot, or blindness of one eye, having only light perception, the rate of the pension under the foregoing paragraphs shall be increased by P30 per month.
- If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss or the loss of use of both hands, or of both feet, or of one hand and one foot, the rate of pension under the foregoing paragraphs shall be increased by P40 per month.

GENERAL PROVISIONS

SEC. 6. Determinations and redeterminations of the line of duty and service connection of the causative wounds, injuries, disease or sickness justifying the payment of any gratuity or pension under the provisions of this Act; of the entitlement or non-entitlement of any person to receive such gratuity or pension; of the several degrees of disability corresponding to each rate of disability pension specified in Section 5 of this Act; and of any other question necessary for carrying the provisions of this Act into effect, shall be made immediately prior to the honorable discharge and in accordance with rules and regulations to be prescribed by the President from time to time. The Philippine Veterans Board shall administer the funds appropriated to carry out the provisions of this Act.

SEC. 7.

- For the purposes of this Act, any person in the active service for ninety days or more shall be deemed to have been in sound physical and mental condition at the time of his entry into the active service except as to defects, infirmities, disorder or diseases noted and made of record at the time of such entry into the active service, or where the evidence or medical judgment clearly warrants a finding that the wound, injury, disease or sickness existed prior to entry into the active service. Wounds or injuries received, or sickness or disease incurred in the active service shall be presumed to have been received or incurred in line of duty in the absence of evidence to the contrary.

- The determination prior to discharge of an officer or enlisted man as to his entitlement to gratuity or pension under section six of this Act shall be presumed final unless evidence and medical judgment clearly show otherwise, in which case a redetermination may be allowed: Provided, That the discharge or other separation from the active service shall be an honorable one.

- The employment of any pensionee under this Act in any government service or in any government owned corporation shall automatically terminate his right under this Act, but the same shall automatically be revived upon his separation from said employment.

- The disability pension provided for in section five of this Act shall apply to personnel of the Armed Forces of the Philippines and the Philippine Constabulary who were in active service on July 1, 1950.

SEC. 8. Appropriations.-The sum of four hundred thousand pesos is hereby authorized to be appropriated out of the general funds of the National Treasury for the payment of gratuities or pensions authorized under this Act.

SEC. 9. Repeal or modification of laws.-Except as hereinafter provided, any gratuity or pension received under the provisions of this Act shall be in addition to any retirement pay payable under existing laws: Provided, That no person who has received the death or disability benefits under Republic Act Numbered Five hundred seventy-three shall be entitled to the benefits of this Act. No payment shall hereafter be made to the beneficiaries of deceased officers and enlisted men of the Armed Forces of the Philippines or the Philippine Constabulary under the provisions of Republic Act Numbered Thirty or any other law granting similar benefits to officers and employees, generally, of the National, provincial, or municipal government. Commonwealth Act Numbered Four hundred, and section ninety-one-A of the National Defense Act, as amended, are hereby repealed.

SEC. 10. This Act shall take effect as of January 1, 1951.

Approved, May 4, 1951.

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