

MALACAÑANG
M a n i l a

PRESIDENTIAL DECREE No. 1650

**AMENDING SECTIONS 3 AND 5 OF PRESIDENTIAL DECREE NO. 1638 ENTITLED
"ESTABLISHING A NEW SYSTEM OF RETIREMENT AND SEPARATION FOR
MILITARY PERSONNEL OF THE ARMED FORCES OF THE PHILIPPINES AND
FOR OTHER PURPOSES"**

WHEREAS, Presidential Decree No. 1638 was promulgated to improve and consolidate the various laws pertaining to the retirement of members of the Armed Forces of the Philippines;

WHEREAS, in the implementation of the AFP Military Personnel Retirement and Separation Decree of 1979, certain ambiguities were observed which may result in inequities and/or situational inconsistencies; and

WHEREAS, there is a cogent need to clarify such ambiguities in order to effectively attain the spirit and intent of the aforesaid Decree;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines by virtue of the powers vested in me by the Constitution, do hereby order and decree:

Section 1. Section 3 of Presidential Decree No. 1638 is hereby amended to read as follows:

"Sec. 3. For the purpose of this Decree, active service of a military person shall mean active service rendered by him as a commissioned officer, enlisted man, cadet, probationary officer, trainee or draftee in the Armed Forces of the Philippines and service rendered by him as a civilian official or employee in the Philippine Government prior to the date of his separation or retirement from the Armed Forces of the Philippines, for which military and/or civilian service he shall have received pay from the Philippine Government and/or such other as may hereafter be prescribed by law as active service; Provided, That for purposes of retirement, he shall have rendered at least ten (10) years of active service as an officer or enlisted man in the Armed Forces of the Philippines; and Provided further, That no period of such civilian government service no longer than this active military service shall be credited for purposes of retirement.

Section 2. Section 5 of Presidential Decree No. 1638 is hereby amended to read as follows:

"Sec 5 (a). Upon attaining fifty-six (56) years of age or upon accumulation of thirty (30) years of satisfactory active service, whichever is later, an officer or enlisted man shall be compulsorily retired; Provided, That such officer or enlisted-man who shall have attained fifty-six (56) years of age with at least twenty (20) years of active service shall be allowed to complete thirty (30) years of service but not beyond his sixtieth (60th) birthday; Provided, however, That such military personnel compulsorily retiring by age shall have at least twenty (20) years of active service: Provided, further, That the compulsory retirement of an officer serving in a statutory position shall be deferred until completion of the tour of duty prescribed by law; and, Provided,

finally, That the active service of military personnel may be extended by the President, if in his opinion, such continued military service is for the good of the service."

"(b) Notwithstanding the provisions of Section 5 (a), military personnel in the active service, who otherwise will retire compulsorily under Section 1 (b) of Republic Act Numbered Three Hundred Forty, as amended, during the first, second, third, fourth, fifth, and sixth calendar years of the effectivity of this Decree, shall be retired compulsorily under this Decree on the dates they shall complete and additional period of service of one, two, three, four, five, and six years, respectively; Provided, That such additional period of service shall not extend beyond their fifty-sixth (56th) birthday or completion of thirty (30) years of active service, whichever is later. Provided, further, That such military personnel who have attained fifty-six (56) years of age but have not completed thirty (30) years of active service on the effectivity of this Decree shall be allowed to complete thirty (30) years of active service but not beyond their sixtieth (60th) birthday: Provided, finally, That such military personnel should have completed at least fifteen years of active service."

Section 3. This Decree shall take effect immediately.

Done in the City of Manila, this 8th day of November, in the year of Our Lord nineteen hundred and seventy-nine.