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MALACAÑANG

Manila

EXECUTIVE ORDER NO. 96

FURTHER AMENDING SECTION TWO OF REPUBLIC ACT NO. 1862,
AS AMENDED, AND FOR OTHER PURPOSES

WHEREAS, there are certain retirees after June 22, 1957 but before September 10, 1979 who were paid gratuity under Republic Act No. 340, as amended and/or Republic Act No. 1616, as amended, but were excluded from the coverage of Republic Act No. 1862, as amended by Batas Pambansa Blg. 644 due to lack of wartime service in the Philippine Army or any guerilla organization as a component thereof, at any time between December 8, 1941 and September 2, 1945;

WHEREAS, in full recognition of their military service to the country, the benefits under Republic Act No. 1862, as amended by Batas Pambansa Blg. 644, must be similarly accorded to these excluded retirees;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1. Section 2 of Republic Act No. 1862, as amended, is hereby further amended to read as follows:

"SEC. 2. Persons who were retired and paid gratuity under said Republic Act Numbered Three hundred forty and/or Republic Act Numbered Sixteen hundred sixteen as amended, with the effective date of retirement after June twenty-two, nineteen hundred fifty-seven but before September ten, nineteen hundred seventy-nine, and who come within the purview of at least clause (b) of the preceding section may, at their option, elect to receive, in lieu of such gratuity paid to them, the annual retirement pay as provided in Section Two of Republic Act Numbered

Three hundred forty, as amended, and upon making such election, said persons shall, subject to the provisions and limitations hereinafter provided, be entitled to receive the annual retirement pay as provided in Section Two of Republic Act Numbered Three hundred forty, as amended. The option herein granted may be exercised within five years from the date of the approval of this amendatory Executive Order by the widows and/or minor children of the said retirees who could not exercise the said option by reason of death. Nothing in this section shall be construed as authorizing payment of retirement pay which have accrued prior to the approval of Batas Pambansa Blg. 644 on January 5, 1984."

SECTION 2. Any provision of existing law to the contrary notwithstanding, the amount necessary to implement the provisions of this Executive Order for the current and prior years since the approval of Batas Pambansa Blg. 644 on January 5, 1984 shall be charged, respectively, against the current and future savings in the programmed appropriations for operating expenditures of the New Armed Forces of the Philippines. The annual implementation cost for adjustment to prevailing rates shall be charged against the earnings of the P200 million additional government contribution to the AFP Retirement And Separation Benefits Systems as provided for in Presidential Decree No. 1909. Thereafter, the necessary amount for the same purpose shall be included in the annual General Appropriations Act.

SECTION 3. This Executive Order shall take effect upon its approval.

Done in the City of Manila, this 18th day of December in the year of Our Lord, nineteen hundred and eighty-six.

Corazon B. Aquino

By the President: