

[Commonwealth Act No. 190, November 14, 1936]

AN ACT TO ESTABLISH A RETIREMENT SYSTEM FOR THE PHILIPPINE ARMY AND TO APPROPRIATE FUNDS THEREFOR.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. This Act shall be known as the "Philippine Army Retirement Act".

SEC. 2. In computing the length of service of an officer or enlisted man for purposes of this Act, service rendered by him as commissioned officer or as enlisted man in the Philippine Constabulary shall be given full credit.

SEC. 3. The ages and periods of service establishing eligibility for retirement under this Act are fixed as follows:

- a. Minimum: thirty years of continuous satisfactory service and fifty-five years of age. Upon attaining this eligibility, an officer or enlisted man has the option of re tiring from active service with the approval of the President.
- b. Maximum: forty years of continuous satisfactory service or upon attaining sixty-four years of age with a minimum of fifteen years continuous service. Upon reach ing this period of eligibility, retirement shall be compul sory unless the continued service of the individual are, in the opinion of the President, required for the good of the service.

Upon the completion of twenty years satisfactory continuous service, an officer or enlisted man may, at his own request, be retired from active service. In such case he shall receive a gratuity equivalent to two per centum of his average annual salary, as hereinafter defined, for each year of satisfactory continuous service. Such gratuity shall be payable in one lump sum. The Government retains the right to grant or withhold retirement privileges under the provisions of this section. Average annual salary is delined'as the average annual base pay received during the last three years of service.

All officers and enlisted men of the Philippine Army now drawing retirement pay and residing in the Philippines may at any time be called by the President for active service, during the period of which service they shall be entitled to receive the full pay of their rank or grade. Refusal on the part of any officer or enlisted man to perform such service shall terminate his right to further parties pation in the benefit of this fund, provided he is physically fit for service, such fitness to be determined by the Chief of Staff, with the approval of the President.

Any officer or enlisted man who is receiving the benefits of retirement pay under this or any other Act shall cease to receive such retirement pay upon his return to active service, or his failure to return to the active service when ordered to do so by competent authority, or when he is employed by the National, provincial, city, or municipal governments, with compensation equal to' or more than the amount of his retirement pay; but if his compensation from such employment is less than his retirement pay then he shall be paid the difference from the Retirement Fund.