

Frequently Asked Question

- Tanong:** I have a child with the retiree, we are not married, but can my child be a beneficiary?
- Sagot:** Yes, provided your child is an acknowledged illegitimate child of the retiree in the record of birth of said child or by any other proofs required by law on paternity and filiations.
- Tanong:** My husband-retiree cut-off my allotment. How can I have it restored?
- Sagot:** Pension benefits are separate properties of the retiree and can not be subject of a Court Order for execution, nor can they be assigned to any third party (Sec 31, PD 1638, as amended). However, a valid Special Power of Attorney (SPA) by the retiree himself empowering the AFP Finance Center to deduct certain amount from his lumpsum or pension pay as the case maybe, to be deposited to the account of his spouse, child or to anybody else for that matter, as a rule, is a valid waiver of rights which can be effectively implemented by the AFPFC.
- Tanong:** What is the consequence of being an American or any other citizenship of a retiree or of his beneficiary?
- Sagot:** Military personnel retired under Section 4, 5, 10, 11, and 12 shall be carried in the retired list of the AFP. The name of a retiree who loses his Filipino Citizenship shall be removed from the retired list and his retirement benefits terminated upon such loss. An O/EM carried in the retired list shall be subject to AW and maybe recalled to Active Duty in the permanent grade held before retirement by the President at anytime. His refusal to perform such duty shall be ground for Court Martial action under AW 97 and subsequent termination of payments of benefits as determined by the court.
- Tanong:** Who are the beneficiaries of a deceased retiree?
- Sagot:** (1) Surviving spouse if married to the deceased prior to the latter's retirement/separation and not legally separated by judicial decree from the deceased issued on grounds not attributable to said spouse; provide, that entitlement to benefits shall terminated upon REMARRIAGE of said spouse. (2) Surviving children of an O/EM born of his marriage contracted prior to his retirement/separation from the service, and children, adopted or acknowledged, while deceased parent was still active military service; provided, that entitlement to benefits shall terminated when such children attain 21 yrs old or GET MARRIED. (3) In default of those mentioned in (1) and (2) above, surviving, legitimate, adopted or acknowledged natural children, who have reach 21yrs of age, or in their absence, his surviving parent or parents, or in default thereof, HIS SURVIVING UNMARRIED BROTHERS AND SISTERS (Nearer excludes the farther, loves goes down, then up then spread out). (Section 25b, PD 1638, as amended by PD 1650 Sept 10, 1979)
- Tanong:** I am the second wife of a retiree, we were married and have 5 children below 21 yrs old. Am I and my 5 children entitled to the pension benefits of my deceased husband who also has first surviving spouse, but do not have children below 21yrs old?
- Sagot:** You are not entitled. Your marriage with the retiree is void ab initio. However, your 5 children who were acknowledged by the decedent are entitled provided they were born while the decedent was still in the active service. The first wife or

the surviving spouse and your 5 children will divide the pension pro rate or equally.

Tanong: My child was born after the retirement of my husband. Is he/she qualified to be a beneficiary?

Sagot: Yes, he or she is, provided you are the legitimate spouse. Take note that there is no additional pension for minor children of the decedent. They are merely determined and made known so that when the surviving spouse died, the pension will be transmitted and divided equally to said minor legitimate or illegitimate children of the decedent.

Tanong: What is RA 9225, and its effect to a retiree who acquired Foreign Citizenship?

Sagot: In Sec 27 of PD 1638, as amended, a retiree's name is deleted from AFP Retirees List. But because of RA 9225 (Citizenship Retention and Re-acquisition Act of 2003), the right of a pensioner is restored, provided he reacquires Filipino citizenship or be dual citizen. Following requirements shall be submitted to this center in 5 copies so that the retiree will be restored to the retirees list: (a) Order of Approval from Phil Consulate (if the retiree is abroad) or at Bureau of Immigration and Deportation (BID) if he/she is here; (b) Final Act of Allegiance; (c) Certificate of Naturalization (issued by Host Country); (d) True Copy of Foreign Passport. However, the amount he/she have received from the time he lost Filipino citizenship until he/she reacquired it, shall be paid by him by deducting 50% from his subsequent Monthly Pension until fully paid the amount.

Tanong: What are the grounds to disqualify a beneficiary from being such?

Sagot: The grounds are Death, Foreign Citizenship (Sec 27), Remarriage (Sec 25b), Marriage After Retirement (Sec 25b 1), Majority Age of 21 years old (Sec 25 b2), Marriage of Brothers/Sisters (Sec 25 b3), Sec 8A, RA 340 (RA 1897, 22 June 1957) (Note: all section refer to PD 1638, as amended, except Sec 8A).

Tanong: I have an incompetent or otherwise mentally incapacitated legitimate child with the retiree. Is he/she qualified to be a lifetime beneficiary?

Sagot: NO. according to Sec 25 b2 of PD 1638 the Surviving children of an officer or enlisted man born of his marriage contracted prior to his retirement/separation from the service, and children, adopted or acknowledged, while the deceased parent was still on active military service: Provided, That entitlement to benefits shall terminate when such children attain twenty-one (21) years of age or get married. Regardless if he/she is mentally incapacitated.

Tanong: Our marriage was celebrated or solemnized in accordance with a particular rites, customs and traditions of our Tribe and was not registered before a Civil Registry neither with National Statistics Office (NSO). Can the pension of my deceased husband be transferred to my name?

Sagot: Pursuant to SOP Nr 6 (effective Aug 2007) a surviving spouse whose name appears as beneficiary at the NRD-OTAG Certification of Beneficiary and also at the NSO CRS Form Nr 5 (Advisory on Marriages of the Deceased Retiree), is the qualified to be the Legal Beneficiary of said retiree. In your case, since you do not have a NSO Form Nr 5, you should provide other proofs in lieu of the former mandatory requirements, such as Title of Land, Birth Certificate of your children, marriage Portrait and other clear and convincing proofs of your marriage with your husband. In such a case, the matter will be brought to TJAG, AFP who will issue the Declaration of Beneficiaries of the decedent.

Tanong: Ano ang kadalasang dahilan ng pagkahinto ng monthly pension o pagkaka-tag ng pensyonado?

Sagot: Ang dahilan ay alinman sa mga sumusunod:

- Kapag hindi nag-a-update ang pensyobado o nagsusumite ng Pensioner Update Form (PUF) Sa AFPPGMC sa loob ng dalawang taon o higit pa.
- Kapag ang pensyonado ay naiulat o natuklasang patay na, na pinatunayan ng authentic Death Certificate.
- Kapag hindi nagagalaw ang pension account sa loob ng mahabang panahon o yung tinatawag na stagnant account.
- Kapag naiulat o natuklasang nagpakasal muli ang asawa ng pensyonado.
- Kapag naiulat o natuklasan na ang anak o mga anak na pensyonado ay umabot sa sa hustong gulang na beinte uno (21).
- Kapag ang pensyonado ay naiulat o natuklasang hindi na Filipino Citizen.

Tanong: Ano ang maaaringgawin ng pensyonadong nahinto ang monthly pension na hindi kabilang sa mga nabanggit sa itaas.

Sagot: Agad pumunta sa unit ng PAU ng AFPPGMC sa Camp Emilio Aguinaldo, Quezon City at magdala ng kopya ng mahahalagang military at family documents.

Tanong: Bakit hindi sumasabay ang increase ng pension sa increase ng swuldo ng Active Personnel.

Sagot: Kadalasang delay ng anim (6) na buwan ang pag effect ng tranche o increase sa pension dahil ang pinogram na budget para ditto sa kasalukuyang taon ay inislash ng Department of Budget nad Mangement (DBM). Ibig sabihin, hindi naaaprubahan lahat ang pinogram sa AFP Pension Fund. Ang kakulangang pambayad sa increase na pension ay nagmula sa program para sa sumuond na taon at sa recovery o savings ng AFP Pension Fund mula sa unauthorized pensioners o overpaid monthly pension.

Tanong: Kasma bas a increase ang mga Retiradong nag 36 months lumpum?

Sagot: Oo, ngaunit ang pondong para rito ay kukunin mula sa Pension Fund Saving at Recovery account sapagkat hindi nagbibigay ang DBM ng supplemental budget para sa differentials.

Tanong: Ano ang recovered account?

Sagot: Ang Recovered Accounts ay binubuo ng mga over paid monthly pension na nire-recover ng AFP mula sa mga pensioners na nabayaran ng labis sa dapat tulad ng mga nagbago ng citizenship at hindi kaagad nag dual citizen. Lahat ng naibigay sa kanilang pension sa mga buwan o taon sa sila ay hindidual citizen (RA 9225) ay babawiin ng AFP. Kabilang sa Recovered Accounts ang mga natutuklasang unauthorized pensioners tulad ng mga nagpakasal muli na byuda/byudo, anak na edad beinte uno (21) pataas, impostor, atbp. Ang Recovered Accounts ay siyang pinagkukuhanan ng pondo pambayad sa differentials ng ating mga pensioners.

Tanong: Sir, ang anak kop o ay single na KIA, pero wala pa siyang 20 years sa service... Magpepension ba kaming mga magulang?

Sagot: Opo Basepay + Longpay ng kasalukuyang sweldo ng anak ninyo bago siya na KIA (x) 50% ang inyong magiging monthly pension. Ang Formula na ito ay ayon sa section 22 ng PD 1638.

Tanong: Maaari ban a maging beneficiary kaming mga magulang?

Sagot: Kung walang pinakasalan ang sundalo at wala itong nagging anak noong nasa active service pa, ang kanyang mga magulang ang makakatanggap ng kanyang retirement benefits.

Tanong: Pan okay binibilang ang years of active service sa retirement?

Sagot: Ayon sa section 25d ng PD 1638, ang one (1) year ay 12 months. Hindi ituturing na isang taon ang 11 months at pababa. Maski ang one (1) day na lang ang kulang para maging isang taon. Kaya maging listo ka sa pagkwenta ng iyong retirement date, Kuha Mo?

Tanong: 56 years old na ako.... Gusto ko na mag compulsory retirement, magkano pension ko?

Sagot: Warfreak, Lahat, kahit 56 ka na kailangang na ka 30 years active ka na sa para masabing compulsory retirement.

Tanong: Magkano po ang magiging pension o kung magretire ako with CDD? Naka 24 years na ako sa service.

Sagot: Ang Formula para sa compulsory retirement with CDD mo ay (BP + LP ng next higher Rank) x 60%.

Tanong: Pwede ba akong pigilan ng commander kung gusto ko ng mag retiro??

Sagot: Hindi ka pwedeng pigilan dahil ayon sa batas, pede kang mag optional retirement after 20 years active service.

Tanong: May operation na naman kami bukas.... Pag namatay ba ako magkano magiging pension ng asawa ko?

Sagot: 50% ng basepay plus longpay mo ang magiging pension ng asawa mo.

Tanong: May karapatan ba a benepisyo o pension ang asawa na ikinasal sa retiredong sundalo?

Sagot: Wala Ayong sa batas (PD 1638, Sec 25b(1)), makakatanggap ng benepisyo ang asawa ng isang sundalo kung sila ay ikinasal habang nasa active service pa ang sundalo.

Tanong: Maaari ba na magkaroon ng automatic na allotment o hati ang legal na asawa o beneficiary sa pensyon ng retiredo kung ito ay buhay pa?

Sagot: HINDI!! Ayon sa batas (PD01638, Sec 31) ang retirement/Separation benefits ay hindi maaaring hatiin o isalin sa ibang tao, maliban lamang kung siya ay may pagkakautang o liabilities/accountabilities habang nasa active service, kung saan maaaring bawasan ang kanyang benepisyo ng hindi hihigit sa kalahati o 50% upang ipambayad sa kanyang obligasyon.