

[**REPUBLIC ACT NO. 5976, June 21, 1969**]

AN ACT PROVIDING FOR THE RETIREMENT AND SEPARATION FROM SERVICE OF COMMISSIONED OFFICERS OF THE BUREAU OF COAST AND GEODETIC SURVEY, ESTABLISHING A "COAST SURVEY OFFICERS RETIREMENT AND SEPARATION BENEFITS FUND" IN THE GOVERNMENT SERVICE INSURANCE SYSTEM, AND FOR OTHER PURPOSES.

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

TITLE I.—RETIREMENT

SECTION 1. *Short Title.*—This Act shall be known and cited as the "Coast Survey Officers Retirement and Separation Act of 1969."

SEC. 2. *Optional and Compulsory Retirement.*—Retirement of commissioned officers of the Bureau of Coast and Geodetic Survey under this Act is optional or compulsory, and the ages and periods of service for eligibility therefor are fixed as follows:

(a) *Optional retirement:* Upon the completion of at least twenty-five years of accumulated government service, the last fifteen years of which is continuous active service, as a commissioned officer of the Bureau of Coast and Geodetic Survey, such commissioned officer, may, at his own request and with the approval of the President of the Philippines, be retired from active service.

(b) *Compulsory retirement:* Commissioned officers of the Bureau of Coast and Geodetic Survey shall be retired compulsorily from the service upon attaining fifty-six years of age, with a minimum of fifteen years of continuous service as such, for officers up to the grade of captain or its equivalent; or upon attaining fifty-nine years of age with a minimum of eighteen years of continuous service as such, for flag officers or their equivalent: *Provided,* That the President may, in his discretion extend the service of an officer: *Provided, further,* That if an officer completes the length of service and attains the age for compulsory retirement, and he is under trial or investigation for an offense or misconduct or grave deficiency affecting his fitness to be member of the Officers Corps of the Bureau of Coast and Geodetic Survey, he shall automatically cease on active duty on the date he becomes due for compulsory retirement. However, no retirement benefits shall be paid to him unless he is finally acquitted or cleared of the charges, or unless the case is dismissed or dropped or terminated without any approved finding warranting the forfeiture of his retirement benefits.

SEC. 3. *Principal retirement benefits.*—When an officer is retired under the

provisions of Section two above, he shall, at his option, receive a gratuity equivalent to one month of the base and longevity pay corresponding to his retirement or adjusted grade pursuant to Section five of this Act for every year of government service, such gratuity to be payable in one lump sum, or a monthly retirement pay equivalent to two and one-half per cent of the monthly base and longevity pay corresponding to such retirement or adjusted grade for each year's government service rendered, but not exceeding seventy-five per cent of the total base and longevity pay of such retirement or adjusted grade: *Provided, however,* That such retirement pay shall be subject to adjustment based on the prevailing scale of base pay of officers in the active service. The benefits under this section shall not be applicable to the officers separated from the service through the action of Efficiency and Separation Boards or other boards of investigation, or as a result of their own misconduct or of resignation.

SEC. 4. *Survivor retirement benefits.*—Upon the death of an officer who has been retired, or would, at the time when he, died, have been entitled to retire under Section two of this Act, the surviving legitimate, adopted or acknowledged natural children of such officer and his spouse, or if he was single, his surviving parents, shall be entitled to receive, in equal shares and with the right of accretion, seventy-five *per centum* of the monthly retirement pay which the officer was receiving or would have been entitled to receive if he had not died: *Provided,* That no payment under this section shall be made to children after they have attained the age of twenty-one years or have married, nor to the surviving spouse after one remarries or if her marriage to the deceased officer was contracted after the retiree's retirement from the service.

SEC. 5. *Retirement grades and benefits.*—An officer below the grade of captain who is entitled to retire under this Act, shall be retired in the grade next higher to the grade he holds at the time of retirement and his retirement benefits shall be computed upon such next higher grade. Captains and flag officers shall be retired in the grade they held at the time of their retirement, without any adjustment in grade; but the retirement benefits due an officer in the grade of captain or commodore shall be computed on the basis of the base and longevity pay of the next higher grade. However, any officer retired under subparagraph (b) of Section eleven of this Act shall be retired only in the grade held by him at the time of retirement, without any adjustment in grade or retirement benefits. Officers holding permanent grade of rear admiral or higher at the time of retirement shall receive retirement benefits computed upon such grade.

SEC. 6. *Retirement due to total physical disability.*—Any officer below the grade of commodore, who suffers permanent and total physical disability incurred in the service and in line of duty and has completed at least twenty-five years of government service, shall be retired under Section two of this Act. His retirement Benefits shall be computed on the basis of the base and longevity pay of the grade next higher to that determined under Section five of this Act. For the purpose of this section, permanent and total disability means the anatomical loss, or the loss of use, of both hands, or both feet or both legs, or of one hand and one foot or leg, or both eyes, or permanent loss of mental faculty.

SEC. 7. *Retired list.*—Officers heretofore or hereafter retired from the service under this or any other Act shall continue to be borne on the Register of Commissioned Officers of the Bureau of Coast and Geodetic Survey, and shall be

placed in the retired list. At any time, the President, when in his opinion the exigencies of the service so require, may recall any retired officer to active service in the grade he held immediately prior to his retirement. Refusal on the part of any officer to perform such services shall terminate his right to further participation in the benefits of this Act provided he resides in the Philippines and is physically and mentally fit for service. Such fitness for service shall be determined by applicable regulations.

SEC. 8. *Other retirement privileges.*—When called for active service, retired officers shall receive the full pay and allowances of their grade. While on retired status, they shall be entitled to the same privileges such as commissary, hospitalization, etc. as officers in the active service, subject to such rules and regulations as the President may promulgate.

SEC. 9. *Recall to active service.*—An officer placed on the retired list shall be withdrawn from the active seniority list. When he is recalled to active service, his name shall continue to be carried in the retired list, and he shall thereafter be eligible for promotion in the retired list as long as he continues on such active service and provided he is declared eligible for promotion in accordance with pertinent rules and regulations provided therefor: *Provided*, That such promotion shall be governed by seniority in the corresponding grade, seniority to be determined by the length of active service rendered in such grade: *And provided, further*, That such promotion shall be coincident with the promotion of the first regular officer of less service in grade who may be promoted.

TITLE II.—SEPARATION

SEC. 10. *Termination of service through action of Efficiency and Separation Board.*—

(a) No officer shall be retired or separated under this section except by order of the President and upon the recommendation of the Efficiency and Separation Board as herein provided and the Secretary of National Defense.

(b) Such number of Efficiency and Separation Boards as the President may prescribe, each composed of at least five commissioned officers above the grade of lieutenant commander, shall be convened to receive evidence and make findings and recommendations as to the fitness of officers to be retained in the active service, or to retain their appointments and commissions. The members of each Board shall be senior to the officer whose case is under consideration by that Board. The Boards shall hear and determine cases wherein the fitness of an officer is in question due to:

(1) Charges or official reports of specific acts of intentional misconduct, willful failure or neglect, or vicious or immoral habits;

(2) His failure to achieve the standard of performance which the Secretary of National Defense shall prescribe by regulations.

(c) The Secretary of National Defense shall, at least once a year, require

the review of the records of each officer in the active service to determine whether he shall be required, because of failure to achieve the prescribed standards of performance, to show cause before an Efficiency and Separation Board for his continued retention on the active list.

(d) Any officer whose fitness is under consideration by an Efficiency and Separation Board is entitled to a fair and impartial hearing, which shall include as a minimum:

- (1) Written notice of the pendency of any proceeding against him, and the specific cause or causes for inquiring into his fitness;
- (2) Reasonable time to prepare his defense;
- (3) The right to appear at the proceedings and to defend himself in person and by counsel; and
- (4) The right to full access to, and to be furnished copies of, records relevant to his case at all stages of the proceedings.

(e) The Efficiency and Separation Board shall recommend specifically in each case that the officer be separated from or retained in the active service. If retention is recommended and concurred in by the Director of the Bureau of Coast and Geodetic Survey, the case shall be considered closed and the officer shall be notified thereof in writing. If the Director does not concur with the recommendation for retention, the case shall be forwarded to the Secretary of National Defense for review and determination.

(f) If the Secretary of National Defense determines that the officer is fit for retention, the case is closed. If he recommends the compulsory retirement or discharge of an officer, he shall send his recommendation, with the records of the proceedings of the Efficiency and Separation Board, and all other records pertinent to the case, to the President for his action.

(g) If the President approves a determination made under this section that an officer is unfit to be retained in the active list due to his failure to meet the standards of performance required of an officer, and such failure is not attributable to his intentional misconduct, willful failure or neglect, or vicious or immoral habits, such officer shall be separated from the service in accordance with the provisions of subsections (a) and (b) of Section eleven of this Act.

(h) If the President approves a determination made under this section that an officer's unfitness is due wholly or in part to his intentional misconduct, willful failure or neglect, or vicious or immoral habits such officer shall be separated from the service. An officer so separated forfeits all benefits due on account of, or incidental to, an honorable separation from the service.

SEC. 11.—*Benefits due upon separation.*—A commissioned officer in the active service of the Bureau of Coast and Geodetic Survey separated from the service for causes not due to his own misconduct, willful failure or neglect, the intemperate use of drugs or alcoholic liquor, or vicious or immoral habits, shall: