

**[ REPUBLIC ACT NO. 138, June 14, 1947 ]**

**AN ACT TO DEFINE THE PAY STATUS OF PERSONNEL IN THE  
ARMED FORCES OF THE PHILIPPINES AND FOR OTHER  
PURPOSES.**

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

**ARTICLE I**

*Definition of Terms*

SECTION 1. For the purposes of this Act—

- (a) "Pay" includes base pay and all additional pay for length of service or type of duty such as longevity pay and flying pay.
- (b) "Allowance" includes quarters, subsistence, travel and such other allowances as may by law become payable to Army personnel.
- (c) "Officers" refers to commissioned officers and Army nurses only.
- (d) "Army" includes all military personnel or persons in the active service of the armed forces of the Philippines.

**ARTICLE II**

*Pay Status in General*

SEC. 2. The pay and allowances of military personnel are prescribed by law and as long as a person is in the active military service of the Philippines he is entitled to receive pay and allowances corresponding to his rank or grade, unless said pay and allowances have not accrued or have been forfeited under this Act or any other provision of law.

SEC. 3. The Army shall be paid in such manner that the arrears shall at no time exceed two months, unless circumstances shall make further arrears unavoidable.

SEC. 4. Separation of any person from the active service cannot be effected for purposes of pay and allowances, before the date on which the individual receives or become legally chargeable with notice of his separation from the active service, whether by resignation, discharge, reversion to inactive status, retirement or dismissal: *Provided*, That the date on which a person is to be legally chargeable with notice of his separation shall be determined in accordance with pertinent Army regulations.

**ARTICLE III**

*Military Personnel Missing; Missing in Action; Interned in a Neutral Country;  
Captured or Besieged by Enemy Forces.*

SEC. 5. Any person who is in the active service and who is officially reported as missing, missing in action, interned in a neutral country, or captured by an enemy, shall, while so absent, be entitled to receive or to have credited to his account the same pay and allowances to which such person was entitled at the time of the beginning of the absence or may become entitled to thereafter: *Provided*, That such person shall not have been officially reported as having been absent from his post of duty without authority: *Provided, further*, That expiration of the agreed terms of service during the period of such absence shall not operate to terminate the right to receive such pay and allowances: *Provided, further*, That should proper authority subsequently determine that the person concerned has been absent from his post of duty without authority, such person shall be indebted to the Government in the amount for which payments have been made or pay and allowances credited to his account in accordance with the provisions of this Act during such absence.

SEC. 6. In case any person is entitled under section five of this Act to receive pay and allowances, the Secretary of National Defense or such persons as he may designate, may direct that so much of the absent person's pay and allowances necessary for the reasonable support of his dependents and/or payment of insurance premiums, shall be paid by the appropriate disbursing officer for a period of twelve months from the date of commencement of absence: *Provided*, That any premiums paid by the Government subsequent to the declared date of death and unearned on insurance issued on the life of a person shall revert to the appropriations for the Philippine Army.

SEC. 7. When the twelve month's period from the commencement of absence is about to expire in any case of a person missing or missing in action and no official report of death or of being interned has been received, the Chief of Staff is authorized to direct the continuance of the person's missing status, if the person may be reasonably presumed to be living, or to make a finding of death. In the event a continuance of the missing person's status is directed, the Chief of Staff shall order a review of the case whenever warranted by information received or other circumstances. When a finding of death is made, it shall include the date upon which death shall be presumed to have occurred for the purpose of termination of crediting pay and allowances, settlement of accounts, and payment of death gratuities and other benefits arising by reason of death. Such date shall be the day following the date of expiration of an absence of twelve months, or in cases in which the missing status shall have been continued as authorized herein, a day to be determined by the Chief of Staff.

SEC. 8. When the circumstances surrounding the absence of a missing person of one of the classes mentioned in section five of this Act justifies such action, the Chief of Staff, or such persons as he may designate, may direct the continuance, suspension, or resumption or payments of the pay allowance of such person. Except as provided in section seven of this Act, payment of insurance premiums or amounts necessary for the support of dependents shall not continue beyond the twelve months' period following the officially reported date of commencement of absence.

SEC. 9. Within the scope of the authority granted by this Act, the determination by the Chief of Staff or by such persons as he may designate, of the status of a person