

[PVAO DEPARTMENT ORDER NO. A-049, May 20, 1990]

RULES AND REGULATIONS TO IMPLEMENT REPUBLIC ACT NO. 6948, "AN ACT STANDARDIZING AND UPGRADING THE BENEFITS OF MILITARY VETERANS AND THEIR DEPENDENTS"

Pursuant to Section 29 of Republic Act No. 6948, "An Act Standardizing and Upgrading the Benefits of Military Veterans and their Dependents," hereby promulgated are these Rules and Regulations for the effective implementation thereof.

PART I
General Provisions

SECTION 1. Declaration of State Policy — It is the policy of the State to help foster the socio-economic security and general well-being of the country's veterans in recognition of their patriotic services in times of war and peace for the cause of freedom and democracy, for the attainment of national unity, independence and socio-economic advancement; and for the maintenance of peace and order, in keeping with the goals of the Government and the aspirations of the people.

SECTION 2. Definition of Terms — For the purpose of and as used in these Rules and Regulations, the following terms shall be construed in the sense indicated hereunder unless the context of a particular Rule clearly indicates that a different sense is intended:

- a. Veteran any person who rendered honorable military service in the land, sea, or air forces of the Philippines during the revolution against Spain, the Philippine-American War, World War II, including Filipino citizens who served in Allied Forces in the Philippine territory and foreign national who served in Philippine forces, the Korean Campaign, the Vietnam Campaign, the Anti-Dissidence Campaign, or other wars and military campaigns; or who rendered military service in the Armed Forces of the Philippines (AFP) and has been honorably discharged or separated after at least six (6) years total cumulative active service, or sooner separated due to death or disability arising from a wound or injury received or sickness or disease incurred in line of duty while in the active service.
- b. Military personnel officers, enlisted personnel, draftees and trainees in the active service of the AFP.
- c. Officer any person holding a commission in the regular or reserved components of the AFP, or probationary officer, or cadet of the Philippine Military Academy or of the flying or naval schools of the AFP.
- d. Enlisted Person any person enlisted in the AFP.

- e. Draftee any person who, upon completion of trainee service, is drafted into selective emergency military service for eighteen (18) months or more.
- f. Trainee any person who, after reaching twenty years of age, is conscripted into the AFP for military training.
- g. Political Prisoner a person who, for acts punishable for public rather than for private reason which were directed against the welfare, safety and security of the enemy occupation forces during World War II in connection with underground activities or the resistance movement, was imprisoned, maltreated, and killed/executed, or died in prison due to ailment or injury.
- h. Active Service any active duty in the regular or reserve components of the AFP.
- i. Total cumulative active service includes all period of active service as an officer, enlisted person, draftee, or trainee in the regular or reserve components of the AFP.
- j. Overseas Service includes any period of military service commencing from the date of departure from the Philippines for service in foreign territory and terminating upon the date of permanent return to Philippine soil.
- k. Dependent the veteran's legal spouse, child, or parent who is wholly under the care and support of the veteran.
- l. Surviving Spouse the lawful widow or widower of the deceased veteran, or the innocent spouse if she/he was legally separated by final judicial decree from the deceased.
- m. Children includes any child entitled to support from the veteran under existing laws.
- n. Minor Children those who are below eighteen (18) years of age and unmarried.
- o. Incompetent describes the state of legal, physical, or mental incapacity which makes one wholly dependent upon another for care and support.
- p. Parents includes, in the absence of parents by nature, a father or mother by adoption and, in absence of a legal parent, any person who stood in loco parentis to the veteran at least one (1) year prior to his entry into the active service.
- q. Indigent Parents those whose aggregate income from all sources is deemed inadequate for daily sustenance or place them in the class of those below the poverty line, as determined by the Philippine Veterans Affairs Office based on official figures released by the National Economic and Development Authority or other appropriate government agency.
- r. Anti-Dissidence Campaign, or other wars and military campaigns those conducted by the AFP starting from July 4, 1946.

s. Administrator the Administrator or the Philippine Veterans Affairs Office (PVAO).

SECTION 3. Processing and Adjudication of Claims — All claims for benefits granted under R.A. No. 6948 and these Rules shall be processed and adjudicated as herein prescribed.

SECTION 4. Non-Prescription of Claims — Except as herein otherwise provided in these Rules, the application for the benefits and compensation granted under R.A. 6948 and these Rules shall not prescribe.

SECTION 5. Applications — All applications for benefits shall be filed with the PVAO except those for disability pensions of military personnel which shall be filed with the General Headquarters, Armed Forces of the Philippines (AFP) to be docketed and processed prior to transmittal to PVAO. Payment of claims, as finally adjudicated by the Administrator, shall be made by PVAO.

SECTION 6. Authority of Officers to Administer Oath and Take Testimony — The legal officers, investigators, regional veterans assistance representatives, and organic contact officers of the PVAO may administer such oaths as may be necessary in the conduct of investigations or in the performance of such other duties as the Administrator may expressly authorize pertaining to claims for benefits granted under these Rules. Other officials not mentioned herein may administer oath only when properly authorized by the Administrator and only for documents in support of claims for benefits under these Rules.

SECTION 7. Service Fee or Compensation — Unless otherwise expressly authorized by the Administrator, no fee or compensation shall be charged any veteran or beneficiary for any service rendered in the course of official business or transaction relating to any claim, nor shall any retention or deduction of any amount from any pension be allowed.

SECTION 8. Determination of Military Status — The military status of a veteran shall be determined on the basis of the following documents:

a. For veterans of the Revolution Against Spain and Philippine American War —

- 1) Original appointment or induction papers, but in the absence thereof;
- 2) Sworn Statements of the veteran's immediate officers or comrades-in-arms regarding the period and place of his revolutionary service.

b. For Veterans of World War II, Korean Campaign, Vietnam Campaign, Anti-Dissidence Campaign, or other wars and military campaigns —

- 1) Original papers received from the AFP/military Unit concerned, like assignment papers, discharge or demobilization papers, special and general orders, memoranda, circulars, personal commendation, military communications, or any written matter received while in the service; and/or

- 2) Pay and allowance voucher, verification slips, original rosters, clinical records, casualty reports, extracts of service records either from the Office of the Adjutant General (OTAG), AFP or Statement from the Finance Service or Office of the Internal Auditor, AFP, showing payments for salaries or money received while in the service.

c. For Unrecognized Guerillas:

- 1) Any or all of the records or documents referred to in the next preceding classes of veterans, in the case of guerillas whose services were not recognized by the United States Government or whose recognitions were later revoked; or
- 2) Rosters of recognized units of guerilla organizations submitted to the U.S. Army on or before 30 June 1948, as certified to by the custodian of any government depository of such rosters;
- 3) Affidavits of the veteran himself, his immediate officers and comrades-in-arms showing categorically in chronological order the veteran's military service in a recognized or deserving guerilla organization, from the date of his induction until his discharge, with the attestation that such veteran was a bona fide member of the unit in which he rendered service; and/or sworn statements of reputable citizens in the locality where the veteran was assigned or detailed and served.

d. *For Political Prisoners —*

- 1) Affidavits of a member or members of the Philippine Army and/or guerrilla units in good standing attesting to the patriotic services or contribution rendered by the prisoner; and/or
- 2) Records of political prisoners confined in Fort Santiago, Muntinlupa National Prison, and other penitentiaries;
- 3) Release papers issued by the enemy occupation forces;
- 4) Affidavits of eyewitness or fellow inmates concerning the incarceration, maltreatment, and killing or execution of the prisoner, or his death due to ailment or disease; or
- 5) Affidavits of the Mayor, Chief of Police, and/or other municipal officials who have personal knowledge of the fact of incarceration, maltreatment and execution, or death while in prison due to ailment of injury;
- 6) Death certificate of the political prisoner, if any, issued by the Local Civil Registrar.

e. In any of the foregoing, filed or spot investigations may be conducted by the PVAO for corroboration.

SECTION 9. Persons Conscripted for Military Service by the Philippine Army in World War II — Drivers, mechanics, medical aides and other persons who were conscripted for military service by the Philippine Army in World War II, but not later than 6 May 1942, shall be disputably presumed as veterans of the war with a

presumed rank of Private.

SECTION 10. Persons Buried in Military Cemeteries — Persons who were buried in military cemeteries during World War II shall be presumed members of the Philippine Army or of deserving guerrilla organizations.

SECTION 11. Proof of Marriage, Identity, Filiation, and Death — Marriage, identity, filiation, and death shall be established as follows:

- a. The fact of marriage — by the original certificate of marriage or a certified true copy thereof issued by the Local Civil Registrar of the place where the marriage took place.
- b. Identity and/or filiation — by a certified true copy of the birth certificate of the person whose identity or filiation is sought to be proved, issued by the proper Local Civil Registrar.
- c. If the beneficiary is an adopted child of a veteran, by legal adoption papers, among others.
- d. If the Local Civil Registrar's record of marriage or birth is not available, by a certification of the Local Civil Registrar concerned, stating, among other things, the reason for its non-availability/non-existence, accompanied by a certified true copy of the church or civil marriage certificate or baptismal certificate duly signed and sealed by the parish priest, minister, or custodian of the said records, and affidavits of at least two (2) disinterested persons who have personal knowledge of the marriage or birth, preferably the sponsors and witnesses to the birth or baptismal or marriage ceremony.
- e. The fact of death — by a certified true copy of the death certificate of the deceased issued by the Local Civil Registrar concerned. If the record of death is not available in the office of the Local Civil Registrar concerned, by a certification and affidavits on the fact of death to be executed by the persons mentioned in next preceding sub-paragraph.
- f. The fact of birth, marriage, divorce, or death of a Muslim veteran or beneficiary shall be established by a certificate issued by the Muslim Circuit Registrar concerned; but in the absence of any such registry record, by sworn statements of the Municipal Mayor, the Commanding Officer of the veteran, and of two disinterested persons who have personal knowledge of the fact of birth, marriage, divorce, or death.
- g. All documents executed and official certifications issued in a foreign country, including birth, marriage and death certificates, are admissible if duly authenticated by the Philippine Consulate concerned.
- h. Certified true copies of documents attesting to the fact of baptism, marriage, or death may also be admissible if issued by the military officer or chaplain who is the custodian of such records.

SECTION 12. Effect of Criminal Conviction —