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NHQ-PCG/CGLS

23 February 2024

MEMORANDUM CIRCULAR
NUMBER 01-24

**GUIDELINES ON THE PAYMENT OF SALARY AND ALLOWANCES
FOR PHILIPPINE COAST GUARD (PCG) UNIFORMED PERSONNEL
OFFICIALLY DECLARED AS MISSING-IN-ACTION (MIA),
SUBSEQUENT FINDING OF DEATH AND PROCESSING OF
RETIREMENT OR SEPARATION BENEFITS**

I. REFERENCES

- A. Republic Act No. 9993, also known as “The Philippine Coast Guard Law of 2009” and its Implementing Rules and Regulations;
- B. Executive Order No. 110, commonly referred to as “Institutionalizing the Comprehensive Social Benefits Program”;
- C. Presidential Decree 1638, also known as the “AFP Military Personnel Retirement and Separation Decree of 1979”;
- D. NHQ-PCG/PCG-PGMC SOP No. 12-23, entitled “Streamlined Guidelines on the Processing of Retirement / Separation Benefits, Gratuities Claims and other Entitlements of PCG Uniformed Personnel and their Beneficiaries”;
- E. PCG REGULATIONS PCGR-G-100-003 dated 05 September 2003, also known as “Separation of PCG Personnel Due to Physical Disability”; and
- F. Memorandum Circular No. 2008-18 of the Philippine National Police, which prescribes policies and guidelines governing the payment of salary and allowances for Uniformed Personnel of the Philippine National Police (PNP) Missing in Action (MIA), finding of death, and the termination of payments.

II. PURPOSE

A. To facilitate swift and timely salary and allowance disbursement

The primary objective of this policy is to streamline and expedite the disbursement of salaries and allowances for Philippine Coast Guard (PCG) uniformed members who have been officially confirmed as Missing in Action

(MIA). By doing so, PCG uniformed personnel, who are often exposed to high-risk situations in line of duty, and their families, receive the financial support they are entitled to in a prompt manner.

B. To guarantee financial continuity for legal beneficiaries over a certain period

During the period of absence, this policy is designed to guarantee that the next of kin or heirs of the missing PCG uniformed member receive the same remuneration and allowances that were due to the individual at the time of the incident over a certain period of time. This continuity of financial support is crucial to alleviate the potential hardships faced by the families of those who serve in the PCG.

C. To enable retirement/separation benefits for officially declared MIA personnel

In the unfortunate scenario of a PCG uniformed member being declared MIA, this policy ensures that the processing of retirement or separation benefits, as the case may be, will be carried out. This will not only honor the service of the missing PCG uniformed personnel but will also allow their survivors to access the retirement/separation benefits they are entitled to, offering a measure of financial security during challenging times.

III. SCOPE

This policy covers all PCG uniformed personnel officially declared as MIA as defined in this policy.

IV. DEFINITION OF TERMS

For purposes of this policy, the following terms shall be understood to mean as follows:

- A. Captured** - seized or being held by force in connection to any legitimate operation in pursuit of the PCG-mandated functions, or simply by reason of their affiliation as a member of the Philippine Coast Guard (PCG).
- B. Legitimate Operation**- This pertains to actions and activities that have been duly authorized in accordance with established protocols, such as mission orders, memorandums, radio messages, special orders, or any legitimate order, in any form, in pursuit of the mandated functions of the PCG.
- C. Kidnapped** - refers to the act of being forcibly taken or unlawfully seized against one's will through the use of coercion, fraud, or other illicit means, with the intention of holding the individual captive and



transporting them away, specifically in connection to their legitimate duties within the PCG or their affiliation as a member of the PCG.

- D. Missing-in-Action (MIA)** - refers to any disappearance of PCG Uniformed Personnel for more than twenty-four (24) hours while engaged in their official duties or due to their affiliation as a member of the PCG and was officially confirmed by the Commandant, PCG (C, PCG) as "MIA".

The term MIA shall include the disappearance of any PCG personnel as a result of a search and rescue operation as sanctioned by the PCG, captured or kidnapped as defined in this policy, or any analogous cases.

- E. Legal Beneficiaries** - refers to the relatives of the missing PCG personnel who are entitled to receive the salary and allowances. For this purpose, the following are the legal beneficiaries, in the order of precedence, to wit:

1. The **legal spouse** of the MIA personnel, and who is not legally separated by a judicial decree issued on grounds not attributable to the receiving spouse and has not abandoned the missing PCG member concerned without justifiable cause;
2. The **child/children** of the MIA personnel, whether legitimate, legally adopted, or illegitimate, who are below 21 years of age and not yet emancipated by marriage;
3. In the absence of any of those mentioned in paragraphs 1 and 2, the **parents** of the MIA personnel: and
4. In the absence of any of those mentioned in paragraphs 1, 2, and 3, legitimate **brothers and sisters** of the MIA personnel who is/are dependent on him/her for support and must be below 21 years of age and not yet emancipated by marriage.

- F. The Survivor Officer/Petty Officer** - will serve as a liaison between the PCG and the families/survivors of MIA personnel. The designation should consider the convenience and proximity to the MIA's family or residence.

- G. PCG Uniformed Personnel** – shall include all PCG officers and non-officers.



V. CREATION OF PCG MISSING-IN-ACTION BOARD (MIA BOARD)

A. Composition

To implement this policy, a PCG MIA Board shall be created in every PCG Unit and shall be composed of the following:

Chairperson	:	Deputy Commander
Vice Chairperson	:	Chief of Staff
Member	:	Legal Officer
Member	:	Operation Officer
Secretariat	:	Admin Officer
Member	:	Intelligence Officer
Member	:	Master Chief Petty Officer
Survivor Officer	:	Officer / Survivor Petty Officer

To ensure uninterrupted proceedings, all members, except for the Chairperson and the Vice Chairperson, are required to have a designated alternate/substitute.

B. Duties and Functions of the Board

1. To receive and evaluate the report of the Unit Commander/ Station Commander having jurisdiction over personnel found to be MIA, and to determine the genuineness, authenticity and completeness of the documents submitted; and
2. To recommend to the C, PCG the payment of salaries and allowances after the determination of compliance with the requirements prescribed by this Memorandum Circular.

VI. PROCEDURE IN THE IDENTIFICATION AND REPORTING OF PCG PERSONNEL MIA.

Within five (5) days following a legitimate operation, any related coast guard action, or any incident, resulting in the missing/kidnapping/capturing of PCG uniformed personnel, the Unit Commander / Station Commander having jurisdiction over the said personnel shall submit an incident report with a declaration that such personnel is missing to his/her Mother Unit / District Commander.

After receipt of the incident report, the Mother Unit Commander/ District Commander shall immediately activate the MIA Board.

Thereafter, the MIA Board is responsible for submitting a report containing their recommendations to the Mother Unit Commander/District/ Commander.

Finally, the Mother Unit Commander/ District Commander should then transmit the MIA Board's recommendations to the C, PCG (Attention: CG-1 and CG-3), including the following information and attachments:

1. The name/s of PCG personnel MIA, rank, serial number, and Office/Unit/Station of Assignment;
2. The name/s of the next of kin/heir or legal beneficiaries, their complete address, and their relationship to the PCG personnel MIA.
3. Incident Report or police report in case the PCG member concerned was kidnapped or captured or missing and cannot be found;
4. Copy of updated Personal History Sheet and Summary of Information of the PCG MIA to be secured by respective liaison officer/s from D1/Human Resource Management Unit; and
5. Request to the Coast Guard Legal Service to confirm the legal beneficiaries/survivors of the subject personnel.
 - A. If the claimant is the spouse, marriage contract duly authenticated by PSA must be submitted.
 - B. If the claimant is a child, they must submit their birth certificate authenticated by the Philippine Statistics Authority (PSA) and, for legitimate children, the marriage contract mentioned above. Other proofs may be required, depending on the case. If the claimant is a minor, they must be represented by a legal guardian. For legally adopted children, adoption papers and other supporting documentation must be submitted.
 - C. If the claimant is a parent, marriage contract and Certificate of Live Birth of the PCG member concerned, duly authenticated by PSA, shall be submitted.
 - D. If the claimant is a brother or sister, parent's marriage contract and Certificate of Live Birth of the PCG member concerned and the claimant, duly authenticated by PSA, shall be submitted.

VII. FLOW CHART FOR PAYMENT OF SALARY AND ALLOWANCES OF PCG UNIFORMED PERSONNEL OFFICIALLY DECLARED AS MIA:

STEP	OFFICE / UNIT CONCERNED	WORK ACTIVITY
1	Unit Commander / District Commander	Activate the MIA Board within 5 days from the date of the incident
2	MIA Board	Validate the report;

		Gather, evaluate and determine the genuineness, authenticity and completeness of all supporting documents; Submit a recommendation to the Unit Commander or District Commander.
3	Unit Commander or District Commander	Review the submitted reports and documents, and recommend to the C, PCG (Attention: CG-1 and CG-3) the payment of salary and allowances.
4	CG-1 and CG-3	Evaluate the sufficiency of the report and documents; Make a recommendation to the C, PCG for the approval or denial of the MIA report and the legal beneficiaries entitled to the salaries and allowances.
5.	Commandant, Philippine Coast Guard	Approve/ deny the recommendation of the MIA Board; Upon approval, direct the Coast Guard Finance Service to pay the salaries and allowances to the legal beneficiaries; In case of denial, may direct the requesting unit, CGIAS and/or CG-2 to conduct re-investigation.

VIII. PAYMENT OF SALARY AND ALLOWANCES TO HEIRS OF UNIFORMED PERSONNEL MIA

Upon the approval of the C, PCG, the latter shall direct the payment of the salary and allowances of the PCG member officially declared as MIA for a maximum period of one (1) year from the date he or she was reported to be MIA.

IX. FINDING OF DEATH, TERMINATION OF PAYMENT OF SALARY AND ALLOWANCES, AND AUTHORIZING THE PAYMENT OF RETIREMENT OR SEPARATION BENEFITS

A. Termination from Service and Authorizing the Payment of Retirement or Separation Benefits. Upon the termination of the one (1) year period mentioned in the preceding provision and the subject personnel remains to be missing, the missing PCG uniformed personnel shall be automatically terminated from the service.

- i. **Posthumous retirement-** A MIA Officer or Non-Officer with at least twenty (20) years of accumulated satisfactory service shall be considered retired for survivorship benefits.
- ii. **Posthumous Separation-** A MIA Officer or Non-Officer with less than twenty (20) years of accumulated satisfactory service shall be considered separated in the next higher grade for survivorship benefits.

The retirement/separation benefits, as the case may be, shall then be allowed to be processed by the legal beneficiaries in accordance with NHQ-PCG/PCG-PGMC Standard Operating Procedure Number 12-23 dated 25 July 2023, otherwise known as the "Streamlined Guidelines on the Processing of Retirement/Separation Benefits, Gratuities Claims and other Entitlements of PCG Uniformed Personnel and their Beneficiaries".

Provided that, in lieu of the submission of death certificate, the official declaration by the Command that the subject personnel is Missing-in-Action (MIA) shall be deemed sufficient.

B. Finding of Death. "Finding of Death" is the legal determination that comes into effect under two circumstances:

- i. following a prolonged MIA status after a period of 12 months from the date he/she was reported MIA; or
- ii. upon the discovery of the person's body.

C. Re-appearance and Reinstatement. In the event that a MIA personnel reemerges, and it is determined that the circumstances leading to their MIA status were beyond their control and free from any form of fraud, deceit and bad faith, they shall be reinstated in active service.

However, if the individual has sustained injuries due to their MIA status, their evaluation shall be conducted in accordance with PCG REGULATIONS PCGR-G-100-003 dated 05 September 2003, also known as the "Separation of PCG Personnel Due to Physical Disability." This evaluation process will ascertain the appropriate course of action regarding their continued service and any necessary support or accommodations based on the specific circumstances of their return.

D. Penalty. If the disappearance is found to be fraudulent and made in bad faith, the erring personnel and their co-conspirators shall be dismissed from service without prejudice to the filing of civil and criminal charges against the erring personnel.

Further, the amount received shall be reimbursed to the government within six (6) months from their reappearance.

X. CONCLUSIVENESS OF THE DECISION OF THE COMMANDANT, PCG

Unless supervening evidence would show otherwise, the official declaration or confirmation of the C, PCG that the uniformed personnel is MIA shall be conclusive.


XI. EFFECTIVITY

This policy takes effect fifteen (15) days upon publication.

BY COMMAND OF CG ADMIRAL GAVAN:

OFFICIAL:

HOSTILLO ARTURO E CORNELIO
CG RADM
Chief of Coast Guard Staff


JAYSIEBELL B FERRER
CG CDR
Coast Guard Adjutant