

DECLASSIFIED
Authority NND883078

178 11078

UNITED STATES OF AMERICA)
COMMONWEALTH OF THE PHILIPPINES) SS.
CITY OF CEBU)

DECLASSIFIED
Authority NND883078

A F F I D A V I T

C. J. MARTIN, being duly sworn, deposes and says:

1. I am 57 years of age, citizen of the United States of America, married, and since January 1, 1925 a resident in the City of Cebu, Philippines, wherein I have lived continuously until the present date save and except the time spent on several short trips to nearby points in the Islands and in Australia during the Japanese occupation of the Philippines. I returned to Cebu with the first invading troops on March 26, 1945.

2. I am a Master Mariner. On January 1, 1925, after leaving the sea, I, at the City of Cebu, joined the predecessor firm of the Cebu Stevedoring Company, Inc. as Manager, a position which, together with its presidency, I still hold.

3. I am very familiar with the following fifteen motor vessels:

"AGUSTINA" -----	of Cebu Registry
"ANTONIA" -----	" "
"BOHOL II" -----	" "
"CARMEN" -----	" "
"EMILIA" -----	" "
"GOVERNOR SMITH" ----	" "
"GOVERNOR TAFT" ----	" "
"KOLAMBUGAN" -----	" "
"P. ABOITIZ" -----	" "
"PAULINO" -----	" "
"PRINCESS OF CEBU" --	" "
"RIZAL" -----	" "
"SURIGAO I" -----	" "
"VOLCANO" -----	" Manila "
"LEGASPI" -----	" " "

as I have seen them in the Port of Cebu innumerable times. To the best of my memory, these vessels were built during my residence in Cebu. I know their owners.

4. At the outbreak of hostilities on December 8, 1941, I at once volunteered my services to the Armed Forces of the United States in the Philippines for duty in USAFFE, HQ. Visayan-Mindanao Force, Fort San Pedro de Cebu, Cebu, Philippines. Shortly thereafter, pursuant to orders of Colonel W. F. Sharp (now Major General), I was appointed Captain of the Port of Cebu, (with-

out salary) effective retroactively as of December 6, 1941. As such my duties were, amongst others, to advise the Commanding Officer and Staff as to the commandeering of vessels in the Visayan-Mindanao area. I also supervised the arrivals, sailings, discharging and loading of all ships in and out of the Port of Cebu, and I personally assisted the Army in the appraisal of commandeered ships and in fixing their rental prices.

5. With respect to the commandeering of vessels in the Port of Cebu, I have this to say: Prior to the establishment therein of the A.T.S. Office sometime in the middle of February, 1942, all serviceable ships were commandeered pursuant to orders of the Commanding Officer. At first some of the ships were taken for a trip or two only, but later the general policy was to commandeer the ships permanently, in view of the pressing need for more bottoms to carry, first, subsistence and troops to the Visayan-Mindanao area and, later, subsistence and supplies to besieged Corregidor.

After the establishment of the A.T.S. Office, the majority of the ships previously commandeered were formally requisitioned under duly signed contracts or charter parties; in some cases even a board of survey report was made and attached to the documents.

As regards subsistence and salaries of the personnel of the commandeered vessels, the truth is that due to the treacherous start of the war and lack of available funds from besieged Corregidor, the Army at first had to depend, in part, upon advances from the shipowners themselves to defray these expenses. Later, however, with the establishment of the A.T.S. Office at Cebu City, this matter was corrected to a large extent and the Army was then in a position to make these disbursements and even to pay back some of the advances made in the early months of the war. There are still some outstanding accounts in Cebu on this score.

6. Major Cornelius Z. Byrd (later Lt. Colonel and now deceased), who was sent to Cebu from Corregidor, established the office of the Army Transport Service at this City. One of the main reasons for his coming to Cebu was to bring with him the requisition forms in order to perfect formally the commandeering of the vessels already taken over by the USAFFE in the Visayan-Mindanao area.

To this end the Major formed a Board of Survey consisting of three members. I, as Captain of the Port and the Marine Superintendent of the A.T.S. Office with the salary of one dollar a year, was the Army representative; M. S. Cleland, Sr., Superintending Engineer, also a one-dollar-a-year man, was Owner's representative; and C. E. McAdam was the Third member, with Alfred P. Dean as Secretary of the Board and Legal Adviser to the A.T.S. Office.

Mr. Cleland, an old resident of Cebu, was then and for many years past had been, and continue to be, shipyard superintendent of Hoa Hin Company, Inc., at Opon, Cebu. At the time of his appointment to the Board, he was about 70 years of age. He was chosen because of his thorough familiarity with the vessels of Cebu registry gained by his long experience at the Opon slipways and his own shipyard at Mabelo, Cebu.

Mr. McAdam, another long standing resident of Cebu, was Chief Engineer of the Philippine Refining Corporation at Opon, Cebu. He was then in his late fifties; at present he is on vacation in the States.

Mr. Deen was and is a practising attorney of Cebu in good and regular standing.

7. Of my own personal knowledge, I know the signatures of the four parties mentioned in Paragraph Six hereof, including that of Mr. Ramon Aboitiz and Mr. Jose Coromina, as I have seen all these six persons sign their names on numerous occasions prior to December 8, 1941 and subsequent thereto until the fall of the City of Cebu. As I now examine these papers, which constitute the requisition contracts and charter parties (23 documents in all) covering the vessels in Paragraph Three hereof (except the M/Vs "ANTONIA", "BOHOL II", and "CARMEN"), I recognize and identify the signatures affixed thereto, as follows:

/s/ C. E. Martin

(1) Letter of A.T.S. to La Naviera Filipina, Inc., dated at Cebu, Cebu, March 26, 1942, fixing the value of the commandeered M/S "RIZAL" C. Z. Byrd
Ramon Aboitiz

(2) Report of the Survey Board dated at the City of Cebu, March 24, 1942, re M/S "RIZAL" C. J. Martin
M. E. Cleland
C. E. McAdam
Alfred P. Deen

* Except Major Byrd, whose signature I did not see until his arrival at Cebu in February, 1944.

/s/ C.J.M.

(3) Letter of A.T.S. to Philippine Steam Navigation Co., Inc., dated at Cebu, Cebu, March 26, 1942, fixing the value of the commandeered M/V "LEGAZPI" C. Z. Byrd
Ramon Aboitiz

(4) Report of the Survey Board dated at the City of Cebu, March 24, 1942, re M/S "LEGAZPI" C. J. Martin
M. E. Cleland, Sr.
C. E. McAdam
Alfred P. Deen

(5) Letter of A.T.S. to La Naviera Filipina, Inc., dated at Cebu, Cebu, March 26, 1942, fixing the value of the commandeered "KOLAMBUGAN" C. Z. Byrd
Ramon Aboitiz

- (6) Report of the Survey Board dated at the City of Cebu, March 24, 1942, re M/S "Kolambugan" C. J. Martin
M. E. Cleland, Sr.
C. E. McAdam
Alfred P. Deen
- (7) Letter of A.T.S. to La Naviera Filipina, Inc., dated at Cebu, Cebu, March 26, 1942, fixing the value of the commandeered M/S "AGUSTINA" C. Z. Byrd
Ramon Aboitiz
- (8) Report of the Survey Board dated at the City of Cebu, March 24, 1942, re M/S "AGUSTINA" C. J. Martin
M. E. Cleland, Sr.
C. E. McAdam
Alfred P. Deen
- (9) Letter of A.T.S. to La Naviera Filipina, Inc., dated at Cebu, Cebu, March 26, 1942, fixing the value of the commandeered M/S "EMILIA" C. S. Byrd
Ramon Aboitiz
- (10) Report of the Survey Board dated at the City of Cebu, March 24, 1942, re M/S "EMILIA" C. J. Martin
M. E. Cleland, Sr.
C. E. McAdam
Alfred P. Deen
- (11) Letter of A.T.S. to Visayan Transportation Company, Inc., dated at Cebu, Cebu, March 26, 1942, fixing the value of the commandeered M/S "GOVERNOR SMITH" C. Z. Byrd
- (12) Report of the Survey Board dated at the City of Cebu, March 24, 1942, re M/S "GOVERNOR SMITH" C. J. Martin
M. E. Cleland, Sr.
C. E. McAdam
Alfred P. Deen

/s/ C. J. Martin

- (13) Charter Party of the commandeered
M/S "ELCANO" dated at the City of
Cebu, March 26, 1942
Ramon Aboitiz
C. Z. Byrd
Alfred P. Deen
- (14) Report of the Survey Board dated
at the City of Cebu, March 24, 1942,
re M/S "ELCANO"
E. J. Martin
M. E. Cleland Sr.
C. E. McAdam
Alfred P. Deen
- (15) Charter Party of the commandeered
M/V "SURIGAO I", dated at the City
of Cebu, March 26, 1942
Ramon Aboitiz
C. Z. Byrd
Alfred P. Deen
- (16) Report of the Survey Board dated
at the City of Cebu, March 24,
1942, re M/S "SURIGAO I"
C. J. Martin
M. E. Cleland, Sr.
C. E. McAdam
Alfred P. Deen
- (17) Charter Party of the commandeered
M/S "P. ABOITIZ", dated at the
City of Cebu, March 26, 1942.....
Ramon Aboitiz
C. Z. Byrd
Alfred P. Deen
- (18) Report of the Survey Board dated
at the City of Cebu, March 24,
1942, re M/S "P. ABOITIZ"
C. J. Martin
M. E. Cleland, Sr.
C. E. McAdam
Alfred P. Deen
- (19) Charter Party of the commandeered
M/S "PRINCESS OF CEBU", dated at
the City of Cebu, March 26, 1942 ...
Ramon Aboitiz
C. Z. Byrd
Alfred P. Deen
- (20) Report of the Survey Board dated
at the City of Cebu, March 24,
1942, re M/S "PRINCESS OF CEBU"
C. J. Martin
M. E. Cleland, Sr.
C. E. McAdam
Alfred P. Deen
- (21) Charter Party of the commandeered
M/S "GOVERNOR TAFT", dated at the
City of Cebu, March 26, 1942
Jose Coromina
C. Z. Byrd
Alfred P. Deen

/s/ C. J. Martin

(22) Report of the Survey Board dated at the City of Cebu, March 24, 1942, re M/S "GOVERNOR TAFT"

G. J. Martin
M. E. Cleland, Sr.
G. M. McAdam
Alfred P. Deen

(23) Charter Party of the commandeered M/S "PAULINO", dated at the City of Cebu, April 6, 1942

Ramon Aboitiz
G. Z. Byrd
Alfred P. Deen

To the best of my knowledge and memory, copies of the foregoing documents were flown to Corregidor before the City of Cebu fell on April 10, 1942.

Owners of the said ships were present at the execution of the twenty-three listed documents, and exhibited to the Survey Board the registration papers and Certificates of Ownership of each ship, except perhaps the documents for the M/Vs "ELCANO" and "LEGAZPI".

With respect to the term "Replacement Cost" appearing in these documents, I confirm this to mean the fair and reasonable value of each vessel at the time of its formal requisition and, also, the sum the U. S. Government undertook to pay to owners in the event of loss; and this was the general understanding of all the parties on that occasion. And, what is more, the fact that the war was on was never taken into account in the evaluation of any of the said ships.

In connection with the certification of a physical survey allegedly made, which appears at the foot of each of the above listed survey reports, in no case did the Board actually conduct any such survey at the time of the execution of the requisition contracts and charter parties. What the certificate means is this: That according to our personal knowledge of said vessels, and with the help of the registration papers and Certificates of Ownership presented by their Owners, and other information gathered by us by personal observation, such as the repairs made on the vessels at drydock, we certified to the facts set forth in each survey report--that was and is my own personal understanding of the certification and, obviously, of the other members.

8. As regards the circumstances surrounding the commandeering and loss of the following vessels, I know the following facts to be true of my own knowledge and from information obtained and official reports received in connection with my duties as Captain of the Port of Cebu during the period from December 6, 1941 to April 10, 1942.

"AGUSTINA"

Commandeered: Place - City of Cebu
Date - December 15, 1941
Authority - On orders of USAFFE

/s/ C. J. Martin

Loss; Place - Bugo, Oriental Misamis, Mindanao
 Date - February 28, 1942
 Cause - Bombed and shelled by the enemy; burned and sunk

"EMILIA"

Commandeered; Place - City of Cebu
 Date - December 15, 1941
 Authority - On Orders of USAFFE

Loss; Place - Bugo, Oriental Misamis, Mindanao
 Date - February 28, 1942
 Cause - Shelled by the enemy; burned and sunk.

"EIGANO"

Commandeered; Place - City of Cebu
 Date - January 1, 1942
 Authority - On Orders of USAFFE

Loss; Place - Off Corregidor
 Date - 1st part of March, 1942
 Cause - All I know is that she was sunk.

"GOVERNOR SMITH"

Commandeered; Place - City of Cebu
 Date - January 1, 1942
 Authority - On Orders of USAFFE

Loss; Place - Off island of Geron, Palawan
 Date - March 7, 1942
 Cause - Shelled by the enemy; later scuttled by its own crew.

"GOVERNOR TAFT"

Commandeered; Place - City of Cebu
 Date - December 20, 1941
 Authority - On Orders of USAFFE

Loss; Place - Harbor of Cebu
 Date - April 10, 1942
 Cause - Scuttled upon orders Cebu ATS Office
 Remarks - This vessel was loaded with subsistence and dock

/s/ G. J. Martin

gasoline for Corregidor.
To the best of my knowledge,
vessel was raised by the Japs.

"KOLAMBUGAN"

Commandeered;	Place	- Manila, I believe
	Date	- No information
	Authority	- No information
Loss;	place	- Off Puerto Galera, Mindoro
	Date	- February 27, 1942
	Cause	- Shelled by a Jap cruiser; later captured and used by the enemy.
	Remarks	- This vessel was loaded with subsistence and dock gasoline for Corregidor. I know for a fact that vessel was raised by the Japs, for the wreck is in Cebu Harbor north of the Pier 3.

"PAULINO"

Commandeered;	Place	- City of Cebu
	Date	- December 15, 1941
	Authority	- On Orders of USAFFE
Loss;	Place	- Harbor of Cebu
	Date	- April 10, 1942
	Cause	- Scuttled upon orders of Cebu AFS Officers
	Remarks	- This vessel was loaded with subsistence and dock gasoline for Corregidor. To the best of my knowledge, vessel was raised by the Japs.

"PRINCESS OF CEBU"

Commandeered;	Place	- City of Cebu
	Date	- Exact date not known by me
	Authority	- On Orders of USAFFE
Loss;	place	- Harbor of Cebu
	Date	- April 10, 1942
	Cause	- I don't know.

"LEGAZPI"

Commandeered;	place	- Manila
	Date	- I don't know as a fact
	Authority	- I don't know as a fact

Loss;	Place	- Near Puerto Galera, Mindoro
	Date	- March 1, 1942
	Cause	- Shelled by Japanese warship; scuttled by its own crew.

"RIZAL"

Commandeered;	Place	- City of Cebu
	Date	- December 15, 1941
	Authority	- On Orders of USAFFE

Loss;	Place	- Harbor of Cebu
	Date	- January 18, 1942
	Cause	- Bombed by the Japs; sunk by direct hit.

"SURIGAO I"

Commandeered;	Place	- City Cebu
	Date	- December 15, 1941
	Authority	- On Orders of USAFFE

Loss;	Place	- Port of Iloilo
	Date	- I don't know
	Cause	- Scuttled by its own crew.

/s/ C. J. Martin

With respect to the M/S "LEGASPI", the survey Board at Cebu was requested by Major G. Z. Byrd to prepare her requisition papers as all the members of the Board were familiar with the ship; for, prior to the outbreak of hostilities, she was on the regular run between Cebu and Manila.

9. At the time of the fall of the City of Cebu on April 10, 1942, there were still a few commandeered vessels of the Visayan-Mindanao area which, by pressure of work and due to the emergency, had not been formally requisitioned by the U. S. Army; and hence their owners are to this date without documentary evidence of the taking of such ships.

10. On Japanese invasion day, April 10, 1942, I took to the hills at three o'clock in the afternoon and stayed on the Island of Cebu until May 9, 1942. Thereupon I left the said island and went by sailboat to Leyte with my wife and Major Thomas W. Jurika. We stayed in Leyte until June 1, 1942, whereupon we called to the Island of Dinagat and from there to the east coast of Surigao and Davao, Mindanao. We stayed on the east coast of Mindanao until early 1943 and then returned by sailboat and launch to Leyte. Later, we sailed back to the northern coast of Mindanao in an effort to join Colonel W. W. Fertig's forces. But as he had taken to the hills, we again returned to Leyte. In November, 1943, we contacted the colonel in northern Mindanao and escaped in a submarine to Australia.

I returned with the American troops to the Philippines on Leyte invasion day, October 20, 1944; and, similarly, to Cebu on Invasion Day, March 26, 1945.

At Leyte, in 1945, I was assigned to the Eighth Army and came, as I have had stated, to Cebu on Invasion Day with 542nd Boat and Shore Regiment of the 2nd E.S.B. in an advisory capacity.

Upon arrival in the City of Cebu, I organized the civilian Steve-
dores and have been in charge of them, for the Army, from that date to
the present time.

11. As to the M/V "CARMEN", I can state that I met Major Chester
Judah at New Guinea in October, 1941, and he assured me that the said
vessel had been used by the U. S. Army and had been sunk off Mariveles
in the early stages of the war.

City of Cebu, Philippines,

January 24, 1946.

/s/ C. J. Martin
/t/ C. J. MARTIN

Subscribed and sworn to before me this 24th day of January,
1946, at the City of Cebu, Philippines.

/s/ Emmett L. Whitsett, Jr.
/t/ EMMETT L. WHITSETT, JR.
Captain JAGD

A TRUE COPY:

Gustave C. Doersch, Jr.
GUSTAVE C. DOESCH, Jr.
1st Lt Inf

DECLASSIFIED
Authority NND883078

2875 Ninth St
Riverside Calif

5 Nov 1945

Capt Stanley J Sawicki ASD
GHQ AFPAC RPD

Dear Capt Sawicki:

In reply to your inquiry of 26 October concerning Mr. Henry Scurr which reached me today, as pay rolls will disclose the subsistence & quarters allowances were deducted when crew members were aboard ship and while ashore the per annum or cash rate specified applied. However so far as I can recollect, the crews of the various vessels were always aboard ship.

Charters for a number of vessels taken over were forwarded to The Quartermaster General USA Wash DC where the conditions for taking over & operation of such vessels should be of record.

With reference to the employment of personnel, the crews of vessels of the Harbor Boat Service received a 50% increase over pre-war cash salary rates under a radio authorization of The Quartermaster General dated in February 1942. For crews on transports or the larger ocean going vessels, a 100% increase in their cash salary rates. The shore establishment personnel (such as cook hands, maintenance & repair gang and office employees) were not included in this authorization which applied only to personnel on floating equipment.

I hope this will answer your inquiry and be of assistance in processing claims.

Very truly yours,

/s/

Walter A White

Walter A White
Major

Employment Slip
returned herewith

Members of the crew of the Princess of Negros at the time said vessel was commandeered on Dec. 16, 1941.

1.	G. V. Jayme	Master	\$550.00
2.	F. Misajon	C. Officer	280.00
3.	L. Jamora	2nd Officer	180.00
4.	J. Jalandoni	3rd Officer	165.00
5.	A. Subesa	Radio Oper	165.00
6.	J. Servilleno	Boatswain	60.00
7.	E. Putong	Qmaster	40.00
8.	Doldol	Qmaster	40.00
9.	A. Redondilla	"	40.00
10.	Plalatos	Watchman	32.00
11.	S. Seduques	Storekeeper	35.00
12.	J. Juana	Sailor	25.00
13.	G. Fivlatis	"	25.00
14.		"	25.00
15.		"	25.00
16.		"	25.00
17.		"	25.00
18.		"	25.00
19.	P. Ferrer	C. Engineer	450.00
20.	G. Velasco	2nd Engineer	280.00
21.	L. Decena	3rd "	180.00
22.	F. Vecino	4th "	165.00
23.	J. Diasnes	Machinis t	60.00
24.	E. Tocmo	Oiler	50.00
25.	J. Dente	"	50.00
26.	F. Yenesa	"	50.00
27.	B. Dente	"	50.00
28.	G. Esteban	Steward	100.00
29.	L. Masa	Cook No. 1	60.00
30.	F. Misajon	Cook No. 2	40.00
31.	P. Bana	Cook No. 3	32.00
32.	J. Prangala	Mess Boy	25.00
33.	V. Emanel	" "	25.00
34.	J. Esteban	" "	25.00
35.	J. Escaba	" "	25.00
36.	V. Maprangala	" "	25.00

I hereby certify that the above named were crew members
 of the M?V "Princess of Negros" at the time of her capture.

/s/ GAUDENCIO V. JAYME
 G. V. JAYME
 Ship's Captain

Subscribed and sworn to before me this 31st day of
 October 1945 at the City of Iloilo, Iloilo, Panay.

/s/ GUSTAVE C. BOESCH JR.
 GUSTAVE C. BOESCH JR.
 1st Lt., Infantry

CONTRACT FOR THE CHARTER
of the
M/V "PRINCESS OF NEGROS"

DECLASSIFIED
Authority NND 883078

This CHARTER PARTY entered into this 1st day of March, 1942, at the City of Iloilo, Philippines, by and between -

THE NEGROS NAVIGATION CO. INC., a corporation duly organized and existing under an by virtue of the laws of the Philippines with principal office at the City of Iloilo, owner of the Motor Vessel "PRINCESS OF NEGROS" (hereinafter designated as the OWNER)

and

C. Z. BYRD, Major, OMC, Assistant Superintendent of the Headquarters ARMY TRANSPORT SERVICE, Cebu Station, for and on behalf of the Government of the United States, herein represented by his duly authorized Attorney-in-Fact, Capt. M. E. CLELAND, JR., (hereinafter known as the CHARTERER)

W I T N E S S E T H:

That for and in consideration of the terms, conditions and stipulations herein stated, THE OWNER and THE CHARTERER do hereby mutually agree with each other as follows:

1. That the OWNER does hereby grant and let, and THE CHARTERER does hereby take the motor vessel, subject-matter of this contract, more particularly described as follows:

Length:	187' 6"
Breadth:	31' 0"; At Boat Deck 34' 0"
Depth:	13' 0"
Horsepower	1,740
Gross Tonnage:	522.98
Net Tonnage:	201.20
Year Built:	1932-33
Engine:	Two - Atlas Polar 2 Cycles S.A. Full Diesel Engines.
Replacement Cost:	\$162,500.00

registered at the Port of Iloilo with Certificate of Ownership No. 2248 issued by the Collector of Customs of Iloilo in June 6, 1933; and Certificate of Philippines Register No. 1162 issued on June 6, 1933;

2. That the OWNER hereby guarantees that the motor vessel above described is in first-class condition, and t he Government of the United States has satisfied itself that its interests are fully protected; That a survey of the hull and other equipments required under Paragraph 8, AR 30-1315 has been waived, and the OWNER consent to accept the vessel when it is returned at the conclusion of this Charter Party without any further examination of hull or machinery, and that the said motor vessel will be accepted as is, fair wear and tear only expected;

3. That the motor vessel hired under the terms of this contract will be used at such time as she may be required in the Military service.

of the United States for the duration of the war;

4. That the motorvessel now is, and while in the service of the United States shall be, kept and maintained tight, staunch, strong, victuled, tackled, appareled and ballasted;

5. That an inventory shall be taken of the accessories and personal effects on said vessel, which inventory is hereby incorporated by reference and made an integral part of this Charter Party. All supplies on board shall go with the motor vessel;

6. That THE CHARTERER shall, upon termination of the period for which the said motor vessel was hired, return to THE OWNER at Iloilo City, or to its representative, said vessel in the same order as when received, ordinary wear and tear, damage, by the elements, collision at sea and in port, groundings, fires, bursting of boilers, and breakage of machinery excepted;

7. That THE CHARTERER shall be free to use and employ any officer engineer or member of the crew and shall likewise have the power to dismiss or make changes in the appointments for the good of the service and that THE CHARTERER, at its election, may engage the present complement of said motor vessel and compensation paid to said complement as per pay schedule of the ARMY TRANSPORT SERVICE for this class of vessel.

8. That every member of the crew shall be a citizen of the Philippines or of the United States, native born, or completely naturalized.

9. That the war and marine risks shall be borne by THE CHARTERER or the Government of the United States;

10. That the master of the vessel shall obey all orders or instructions which he may receive from the Army officer in charge of the operations;

11. That for and in consideration of the faithful performance of the stipulations of this agreement, the OWNER shall be paid by THE CHARTERER for each day of 24 hours the said motor vessel may be employed the sum of ONE HUNDRED FORTY EIGHT AMERICAN DOLLARS (\$148.00);

12. That payment shall be made at the end of the war by the Finance officer at Cebu City, Philippines out of funds furnished for the purpose by the Government of the United States, upon presenting bills to be certified by the Quartermaster that the said vessel has faithfully performed its part of this contract;

13. That neither this contract nor any interest therein shall be transferred by THE OWNER to any other party, and any such transfer, when made, shall cause the annulment of this contract in so far as the CHARTERER or the Government of the United States is concerned. All rights of action, however, to recover for any breach of this contract by THE OWNER are reserved to THE CHARTERER;

14. That no member or delegate of Congress or Resident Commissioner, nor any person belonging to or employed in the military service of the United States is or shall be admitted to any share or part of this contract or to any benefit which may arise herefrom, but under the provisions of Sec. 116 of the Act of Congress approved March 4, 1909 (35 Stat. 1088), this stipulation so far as it relates to members or delegates of Congress or Resident Commissioner shall extend to any contract made with an incorporated company of its general benefit;

15. That in the event of the loss of time from deficiency of men, stores, fire, breakdown, or damages to hull, machinery or equipment, caused by direct negligence of the employees of THE OWNER, drydocking for the purpose of examination or painting bottom, the payment of the hire shall cease for the time thereby lost; and if upon the voyage the speed of the vessel be reduced by defect in or breakdown of any part of her hull, machinery or equipment, the time so lost and the cost of extra fuel consumed in consequence thereof, and all extra expense shall be deducted from the hire;

16. It is distinctly understood and agreed by the parties hereto that when ever the aggregate rental shall approach or equal the replacement cost of said vessel, title to the vessel shall automatically pass unto THE CHARTERER or the Government of the United States, free of liens or incumbrances of any nature whatsoever, provided the aggregate rental payment and the replacement cost, are equal or upon payment by THE CHARTERER of any difference between the aggregate rental payment and the replacement cost, should the United States Government elect to make the purchase. THE CHARTERER reserves the right to make any or all rental payments at any time prior to the expiration of the period for which aggregate rental would equal the replacement cost, in which case the vessel shall become the property of THE CHARTERER any any time final payment is made;

17. That should any dispute arise between THE OWNER and THE CHARTERER, the matter in dispute shall be referred to the arbitration of three persons, - one appointed by THE OWNER, one by the CHARTERER; and the third by the two members chosen. They may proceed in any manner determined by themselves and their decision or that of any two of them shall be final, and for the purpose of enforcing any arbitration shall be a condition precedent to the commencement of any action;

18. The penalty of Non-performance of this contract shall be proved damages; and in the event of any statement by THE OWNER contained in this contract being found by THE CHARTERER to be incorrect as to tonnage of the motor vessel herein involved, a penalty of one-fourth ($\frac{1}{4}$) of the total charter cost to the Government shall be imposed to THE OWNER;

19. That this Charter Party shall go into effect on the 1st day of March 1942, and the motor vessel, subject matter of this contract, shall be ready for delivery to the CHARTERER on said date.

IN WITNESS WHEREOF, the parties hereto have signed this contract on the date and place first hereinabove stated.

NEGROS NAVIGATION CO. INC.

BY

SGD: VINCENTE LOPEZ
1st Vice President
OWNER

SIGNED IN THE PRESENCE OF:

IGNACIO SALAZAR

THIS IS A CERTIFIED TRUE COPY
/s/ GUSTAVE C. BOESCH JR.
1st Lt. Inf.

AFFIDAVIT

DECLASSIFIED
Authority NND 883078

UNITED STATES OF AMERICA)
COMMONWEALTH OF THE PHILIPPINES) SS
CITY OF MANILA)

I, FERNANDO GUERRERO, upon oath depose and say:

1. That I am 34 years of age, citizen of Spain, married, and a resident of the City of Manila, with postal address therein at No. 838 Santa Mesa Street;

2. That from 1928 until 1938 I was employed by Aboitiz & Company, Inc., a corporation formed and existing under the laws of the Commonwealth of the Philippines, engaged, among other activities, in the operation of its vessels on interisland waters;

3. That my employment with Aboitiz & Co., Inc. during the said period of ten years consisted chiefly as purser of the company's vessels;

4. That in 1938 I was transferred from Aboitiz & Co., Inc., to its Manila agent, Everett Steamship Corporation, as Assistant Manager of the interisland Department of the latter company;

5. That, more particularly, at the outbreak of hostilities in the Pacific on December 8, 1941, the following ships were operated by Everett Steamship Corporation;

- M/V "Antonia"
- " " "Carmen"
- " " "Bohol II"
- " " "Elcano"
- " " "Legazpi"
- " " "Kolambugan"
- " " "Santo Domingo"
- " " "Governor Wright"

6. That the M/Vs "Antonia" and "Carmen" were, on December 8, 1941, owned outright by Aboitiz & Co., Inc.; the M/V "Bohol II" by Cebu-Bohol Ferry Company, Inc., a corporation controlled by the Aboitiz family and Aboitiz & Co., Inc.; the M/Vs "Elcano" and "Legazpi", by the Philippine Steamship Navigation Company, a corporation in which Aboitiz & Co., Inc., La Naviera Filipina Inc., and Everett Steamship Corporation were and are the only stockholders; the M/Vs "Kolambugan" and "Santo Domingo", by La Naviera Filipina, a subsidiary of Aboitiz & Co., Inc., and the M/V "Governor Wright", by Visayan Transportation Company, a corporation in which La Naviera Filipina, Inc. holds an interest;

7. That at one o'clock in the afternoon of December 24, 1941, while I was at home, I received an urgent telephone call from my office to report at once to the Traffic Control Office of the USAFFE at San Beda College on E. Mendiola street, Manila, to attend a general meeting of the local shipowners and/or their representatives;

/s/ FERNANDO GUERRERO /s/ C.B. BRADY /s/ ILLEGIBLE

8. That upon my arrival at the said college almost all the shipowners and/or their representatives were present there, and the meeting was presided over by Richard G. Rogers, Lt. Colonel, QMC, Traffic Control Officer, USAFFE;

9. That a general request was made by Lt. Colonel Rogers of the said shipowners to deliver, that same afternoon, all available inter-island ships to the U. S. Army;

10. That, more particularly, in the case of the ships of the Everett Steamship Corporation, Lt. Colonel Rogers asked me how many ships my company then had in Manila, and if they could be placed at the disposal of the U. S. Army by late that afternoon near the piers in the Manila harbor;

11. That, in response, I stated that my company then had the following five ships scattered in Manila Bay; namely, M/Vs "Legazpi", "Kolambugan", "Bohol II", "Antonia", and "Carmen"; that, I added, the M/V "Carmen" was at that very moment in the hands of the U.S. Army, loading military equipment at Pier One; and that in view of the extreme emergency my company would gladly place the remaining four vessels at the disposal of the U. S. Army, a matter which was effected that same afternoon;

12. That, as a matter of fact, I delivered without receipt the four remaining ships to Captain Hughes at pier one that same evening, after giving him all the particulars of each ship;

13. That the next day, December 25, 1941, upon my arrival at Pier One, I learned that the M/V "Legazpi" had sailed with troops to Corregidor at midnight of December 24th;

14. That, moreover, upon orders from Lt. Colonel Rogers, I spent the entire day of December 25, 1941, at the said pier attending to the loading of the remaining four ships, which in fact, left Manila that day for Corregidor and/or Lamac, Bataan;

15. That, also, at noon of that Christmas day some Japanese planes raided the Manila harbor and heavily damaged the M/V "Carmen", which was taken in tow at 3:30 that afternoon by the s/s "HENRY KESWICK" to Cabcaben, Bataan province, pursuant to orders from Major Innis who was in charge of Pier One;

16. That, prior to the said departure of the M/V "carmen" for Cabcaben, I requested the ship's master, Captain Jose Sarte, to report the said damage to the U. S. Army authorities in Cabcaben and to secure from them a written confirmation of the damage suffered by the M/V "CARMEN";

ILLEGIBLE

/s/

C. B. BRADY

/s/

FERNANDO GUERRERO

/s/

17. That on December 28, 1941, Captain Jose Sarte returned to Manila as a passenger on the M/V "Bohol II", as his vessel was disabled at Cabcaben. He came without any written acknowledgment of the commandeering of the M/V "CARMEN" by the U. S. Army because, as he put it, the ship was the object of continuous air-raids and he could not contact anybody;

18. That I thereupon ordered Captain Jose Sarte to return to his ship at Cabcaben, since it was without a master;

19. That, in compliance with my said orders, Captain Sarte sailed for Corregidor on the second trip of the M/V "Legazpi";

20. That, as I learned later, the U. S. Army in Corregidor placed Captain Jose Sarte in command of the M/V "Bohol II";

21. That the M/V "Antonia" arrived in Manila from Bataan on December 27, 1941, and upon orders from Colonel Alejo Valdes, Chief of Manila Harbor Police, the said vessel was scuttled in Manila Bay on December 29, 1941; and

22. That when Corregidor fell in May, 1942, Captain Jose Sarte was taken prisoner by the Japs and interned in Capas Concentration Camp.

That further affiant sayeth not.

/s/ FERNANDO GUERRERO
/t/ FERNANDO GUERRERO

Witnessed by:

/s/ C. B. BRADY
/t/ C. B. BRADY

/s/ ILLEGIBLE
/t/ ILLEGIBLE

Subscribed and sworn to before me at Manila on July 24, 1945.
Affiant showed me his Residence Tax Certificate No. A- 1100753
issued at Manila on Sept. 19, 1945.

/s/ ILLEGIBLE
/t/ ILLEGIBLE
NOTARY PUBLIC

Until December 31, 1946

Doc. No. 166
Page No. 66
Book No. 3
Series of 1945.

A TRUE COPY:

Gustave C. Boesch, Jr.
GUSTAVE C. BOESCH, Jr.
1st Lt Inf

NATIONAL LIFE INSURANCE COMPANY OF
 THE PHILIPPINES

LIST OF PRESENT STOCKHOLDERS
 CORRECTED UP TO JULY 31, 1945

FOUNDERS' SHARES

<u>N A M E</u>	<u>NATIONALITY</u>	<u>NO. OF SHARES</u>
1 - Abreu, Jose C. - Filipino		20
2 - Aguinaldo, Francisco R. - Filipino		10
3 - Aguinaldo, Heriberto - Filipino		40
4 - Aguinaldo, Leopoldo R. - Filipino		20
5 - Alimurong, Ines M. Vda. de - Filipino		20
6 - Ampil, Isaac - Filipino		50
7 - Bartolome, Arsenio - Filipino		24
8 - Benedicto, Jose - Filipino		4
9 - Borja, Quintin de - Filipino		40
10 - Borromeo, Fulgencio - Filipino		20
11 - Carriedo, Pedro S. - Filipino		11
12 - Castro, Dominador T. - Filipino		15
13 - Consing, Digna L. de - Filipino		1
14 - Cuaycong, Anita Lacson de - Filipino		25
15 - Dison, Luis W. - Filipino		10
16 - Dison, Paciano - Filipino		20
17 - Eraña, Bienvenido R. - Filipino		5
18 - Eraña, Francisco N. - Filipino		5
19 - Esteban, Caridad Navas de - Filipino		10
20 - Eustaquio, Jose - Filipino		26
21 - Filamor, Enrique V. - Filipino		1
22 - Gonzalez, Augusto - Filipino		50
23 - Genuino, Hilda Dizon - Filipino		25
24 - Hilado, Beatriz N. de - Filipino		1
25 - Hilario, Jose S. - Filipino		100
26 - Hizon, Candido - Filipino		34
27 - Isardas & Co., T. - British-Hindu Partnership		41
28 - Iazatin, Serafin - Filipino		40
29 - Ledesma, Adela - Filipino		5
30 - Ledesma Commercial Co., Inc. - Filipino Corporation		100
31 - Ledesma, Emilio - Filipino		50
32 - Ledesma, Luis L. - Filipino		1
33 - Ledesma, Maria Locsin de - Filipino		2
34 - Ledesma y Locsin, Anita - Filipino		2
35 - Leon y Joven, Jose de - Filipino		700
36 - Leon, Jorge J. L. de - Filipino		22
37 - Locsin, Adoracion L. Vda. de - Filipino		2
38 - Locsin, Adela - Filipino		4
39 - Locsin, Caridad Ledesma de - Filipino		5
40 - Locsin, Catalina U. de - Filipino		8
41 - Locsin, Carlos - Filipino		7
42 - Locsin, Eva - Filipino		2
43 - Locsin, Federico - Filipino		3
44 - Locsin, I. V. - Filipino		2
45 - Locsin, I. V. - Filipino		5
45 - Locsin, Rosario Locsin de - Filipino		5
46 - Locsin, Salvacion M. de - Filipino		7
47 - Locsin, Salvacion M. de - Filipino		106
48 - Luzon Investment Co. Filipino Corporation		299
49 - L. R. Aguinaldo & Co., Inc. - Filipino Corporation		1
50 - L. R. Aguinaldo & Co., Inc. - Filipino Corporation		1
50 - Montelibano, Corason - Filipino		100
51 - Montelibano, Liceria - Filipino		2
51 - Montelibano, Liceria - Filipino		2
52 - Montinola, Aurelio - Filipino		2
52 - Navas, Geronima locsin de - Filipino		10
53 - Navas, Geronima locsin de - Filipino		10
54 - Ocampo, Amando - Filipino		
55 - Pablo, Marcelino - Filipino		

<u>N A M E</u>	<u>NATIONALITY</u>	<u>NO. OF SHARES</u>
56 - Paez, Jose	- Filipino	15
57 - Pakalinawan, Braulio	- Filipino	11
58 - Pampanga Sugar Development Co., Inc.	-Filipino Corp.	820
59 - Panlilio, Encarnacion L. Vda. de	- Filipino	8
60 - Pardo, Leopoldo	- Filipino	25
61 - Purzalan, Silvestre M.	- Filipino	10
62 - Rodriguez, Emilia	- Filipino	15
63 - Rodriguez, Eulogio	- Filipino	64
64 - Rodriguez, Eulogio, Jr.	- Filipino	70
65 - Rodriguez, Victoria H. Vda. de	- Filipino	100
66 - Salavarria, Gabriel	- Filipino	5
67 - Salvosa, Luis R.	- Filipino	3
68 - Samson, Bernardo	- Filipino	20
69 - Santos, D. C.	- Filipino	20
70 - Santos, Mariano V.	- Filipino	30
71 - Sevilla, Exequiel S.	- Filipino	1
(X) 72 - Shi, Quan	- Chinese	40
73 - Singian, Consolacion	- Filipino	30
74 - Singian, Francisco	- Filipino	30
75 - Suarez, Eduardo M.	- Filipino	40
76 - Teopaco, Pedro	- Filipino	40
77 - Tionko, Felipe	- Filipino	2
78 - Trinidad, Gloria	- Filipino	37
79 - Trinidad, Gregorio	- Filipino	20
80 - Trinidad, Paz	- Filipino	63
81 - Trinidad, Remedios	- Filipino	77
82 - Trinidad, Salvador	- Filipino	77
83 - Trinidad, Socorro S.	- Filipino	15
84 - Tuano, Angel C.	- Filipino	8
85 - Unson, Fe L.	- Filipino	4
86 - Unson, Miguel	- Filipino	70
87 - Unson, Rene E.	- Filipino	2
88 - Valdez, Emiliano J.	- Filipino	14
(X) 89 - Valencia, Concepcion L. de	- Filipino	3
(X) 90 - Vergel de Dios, A. L.	- Filipino	10
91 - Villanueva, Vicente	- Filipino	80
TOTAL FOUNDERS' SHARES OUTSTANDING		<u><u>4,000</u></u>

COMMON SHARES

1 - Dayrit, Joaquin	- Filipino	20
2 - Feliciano, Andres	- Filipino	10
3 - Hilario, Jose S.	- Filipino	30
4 - Luz, Arsenio N.	- Filipino	59
5 - Nepomuceno, Juan D.	- Filipino	5
6 - Panlilio, Vicente	- Filipino	40
7 - Paras, Tomas	- Filipino	10
8 - Rodriguez, Victoria H. Vda. de	- Filipino	20
9 - Santos, Amado L.	- Filipino	10
10 - Tiano, Mamerto	- Filipino	1
TOTAL COMMON SHARES OUTSTANDING		<u><u>205</u></u>

July 31, 1945.

CERTIFICATE CORRECT:

E. S. Sevilla
 E. S. SEVILLA
 Manager

(X) New stockholders with acquired shares
 Dep. occupation

Claims Service Form No. 200
(Forward three copies to
Claims Service)

DECLASSIFIED
Authority NND883078

M/V "ANTONIA"

PROCUREMENT CLAIMS FORM
(For action by Contract Claims Commission)

February 16, 1946

1. Name of Owner, Abcitia & Co., Inc., by Everett Steamship Corporation,
Attorney-in-fact.
Manila, Philippines
Dasmariñas 223

2. (a) Description of property; Motor vessel "ANTONIA", single screw,
length 48.52 meters, breadth 8.70 meters, depth 3.66 meters; gross
tonnage 498.76, net tonnage 298.84; steel hull with 2 decks, 1 bridge
deck and 2 masts; engine 575 B.H.P. Deutz.

Forward part of second deck and part of the bridge deck for first-class
passengers; aft of second deck and part of first deck for third-class
passengers.

The M/V "ANTONIA" was built in Hongkong, 1939.

Commandeered in good condition.

(b) Description of services rendered; Rental of M/V "ANTONIA" from
December 24, 1941 to December 29, 1941 at P12,000.00 per month.

3. The M/V "ANTONIA", pursuant to verbal orders of Richard G. Rogers,
Lt. Colonel, QMC, Traffic Control Officer, USAFFE (at Manila), was
commandeered at the port of Manila on December 24, 1941, and uti-
lized by the U. S. Army on one trip from Manila to Imao, Bataan.
The vessel returned to Manila on the afternoon of December 26,
anchored at Vitas' Point, Malabon (near Manila), and was scuttled
thereat December 28-29, 1941, pursuant to an order issued by Colonel
Alejo Valdes, Chief of Manila Harbor Police.

4. The value of the property when taken and the value of the services
rendered were in the full sum of P302,000.00 apportioned in the
following manner;

Fair value of property	P300,000.00
Rental for 5 days	2,000.00
Total amount claimed	<u>P302,000.00</u>

5. No money or compensation whatsoever has been received to date.

6. There were no liens or mortgages outstanding against the above pro-
perty when same was taken over as above.

7. The M/V "ANTONIA" sailed from Manila on December 25, 1941, with 1200 troops for Lamac, Bataan. 800 troops were unloaded at Lamac that same evening, the balance of 400 were for Corregidor but had in error boarded the "ANTONIA" at Manila. This vessel stayed at Lamac until orders were received from Corregidor to unload the 400 troops at Lamac, as in effect it was done the next day (December 26th). Thereupon the vessel returned to Manila and anchored at Vitas' Point, Malabon, awaiting further orders from the U. S. Army. With the declaration of Manila as an Open City, the "ANTONIA" was left behind and scuttled as stated in Paragraph 3.
8. No claim for the property taken or services rendered has been filed with any other government agency.
9. I, DONALD M. CAMERON, authorized representative of Everett Steamship Corporation, the attorney-in-fact for claimant, swear that the above statements are true to the best of my knowledge and belief; that the Aboitiz & Company, Inc., is the owner of the M/V "ANTONIA", and is legally entitled to receive payment therefor; that the claim is just and valid, and that in consideration of the payment of P302,000.00, the United States of America, its officers and agents, are hereby unconditionally released from all further liability arising out of the above claim.

ABOITIZ & COMPANY, INC.

By: /s/ Donald M. Cameron
Everett Steamship Corporation
Attorney-in-fact for Owners

subscribed and sworn to before me this 16th day of February, 1946,
at the City of Manila, Philippines.

/s/ Nathaniel Israel
(Official)
/t/ NATHANIEL ISRAEL
Captain, Infantry
Investigating Officer

A TRUE COPY:

Gustave C. Boesch, Jr.
GUSTAVE C. BOESCH, Jr.
1st Lt Inf

PROCUREMENT CLAIMS FORM
(For action by Contract Claims Commission)

February 16, 1946

1. Name of Owner; Cebu-Bohol Ferry Co., Inc., Everett Steamship Corporation
Attorney-in-fact for Owners,
Manila, Philippines
Dasmarias 223

2. (a) Description of property; Motor vessel "BOHOL II", single screw,
length 42.50 meters, breadth 8.20 meters, depth 3.20 meters; gross
tonnage 249.20, net tonnage 162.38; steel hull with 2 decks, 1 bridge
and 1 mast; engine 330 B. H. P. Deutz.

Forward part of second deck with first-class accommodations; part of
bridge deck and forward part of second deck with accommodations for
first-class passengers; rest of second deck for third-class pass-
engers.

The M/V "BOHOL II" was built in Hongkong, 1930.

Commandeered in good condition.

(b) Description of services rendered; Rental of M/V "BOHOL II"
from December 24, 1941 to April 9, 1942 at P8,333.32 per month.

3. That M/V "BOHOL II", pursuant to verbal orders of Richard G.
Rogers, Lt. Colonel, QMC, Traffic Control Officer, USAFFE (at
Manila), was commandeered at the Port of Manila on December 24,
1941, and utilized by the U. S. Army continuously until the fall
of Bataan on April 9, 1942.

4. The value of the property when taken and the value of the services
rendered were in the full sum of P229,720.32 apportioned in the
following manner;

Fair value of Property	P200,000.00
Rental for 107 days	<u>29,720.32</u>
Total amount claimed	<u>P229,720.32</u>

Formal requisition papers covering the commandeering of this vessel
were supposed to have been prepared at the City of Cebu pending
the receipt by plane from Corregidor of the particulars thereof;
but the papers never arrived in Cebu. Hence formal acknowledgement
of commandeering was never made at Cebu City.

5. No money or compensation whatsoever has been received to date.

PROCUREMENT CLAIMS FORM
(For action by Contract Claims Commission)

February 16, 1946

1. Name of Owner; Abcitz & Co., Inc., by Everett Steamship Corporation,
Attorney-in-fact,
Manila, Philippines
Dasmarinas 223

2. (a) Description of property; Motor vessel "CARMEN", single screw;
length 60.50 meters, breadth 9.45 meters, depth 5.30 meters; gross
tonnage 905.82, net tonnage 655.49; steel hull with 3 decks, 1 mid-
ship, 2 decks aft, 2 masts; engine 600 B.H.P "Nippatsu Diesel".

Midship second deck and part of the bridge deck with accommodations
for first-class passengers; first and second decks aft for third-class
passengers.

The "CARMEN" was built at Osaka, 1938.

She was in good condition when commandeered.

(b) Description of services rendered; Rental of M/V "CARMEN" from
December 24, 1941 to December 25, 1941 at P16,670.00 per month.

3. The M/V "CARMEN", pursuant to verbal orders of Richard G. Rogers,
Lt. Colonel, QMC, Traffic Control Officer, USAFME, (at Manila), was
commandeered at the Port of Manila on December 24, 1941 without the
issuance of a receipt therefor to her owners, and utilized by the
U. S. Army for two days when she was attacked and damaged by the
enemy as stated below in Par. 7.

4. The value of the property when taken and the value of the services
rendered were in the full sum of P401,111.32 apportioned in the
following manner;

Fair value of Property	P400,000.00
Rental for 2 days	<u>1,111.32</u>
Total amount claimed	<u>P401,111.32</u>

5. No money or compensation whatsoever has been received to date.

6. There were no liens or mortgages outstanding against the above pro-
perty when same was taken over as above.

7. The M/V "CARMEN", after being commandeered and loaded with quarter-
master materials for the troops at Bataan, was bombed and holed on

her starboard side on Christmas Day, noon, at Manila harbor. Her engine was damaged and rendered useless. After all the holes near the water-line of the said vessel were plugged with wood and canvas, she was taken in tow by the English tugboat "HENRY KESWICK" to Iamag, Bataan, on the same afternoon.

Discharge operations at Iamag, Bataan, were completed on the night of December 27, 1941, whereupon she was left riding at anchor off Iamag. Part of her equipment was removed from the M/V "GARMEN" by the Army for use to meet military requirements.

She was raided several times by the enemy and finally sunk sometime in March, 1942, off Iamag, when the Army was planning to refit her for a blockade runner between Corregidor and Southern Island ports.

8. No claim for the property taken or services rendered has been filed with any other government agency.
9. I, DONALD M. CAMERON, authorized representative of Everett Steamship Corporation, the attorney-in-fact for claimant, swear that the above statements are true to the best of my knowledge and belief; that the Aboitiz & Company, Inc., is the owner of the M/V "GARMEN", and is legally entitled to receive payment therefor; that the claim is just and valid, and that in consideration of the payment of P401,111.32, the United States of America, its officers and agents, are hereby unconditionally released from all further liability arising out of the above claim.

ABOITIZ & COMPANY, INC.

BY: /s/ Donald M. Cameron
Everett Steamship Corporation
Attorney-in-fact for Owners

Subscribed and sworn to before me this 16th day of February, 1946,
at the City of Manila, Philippines.

/s/ Nathaniel Israel
(Official)
/t/ NATHANIEL ISRAEL
Captain, Infantry
Investigating Officer

A TRUE COPY:

Gustave C. Borsch, Jr.
GUSTAVE C. BOSCH, JR.
1st Lt Inf

PROCUREMENT CLAIMS FORM
(For action by Contract Claims Commission)

February 16, 1946

1. Name of Owner: Ia Naviera Filipina, Inc., by Everett Steamship Corporation, Attorney-in-fact.
Manila, Philippines
Pasarinan 223

2. (a) Description of property: Motor vessel "KOLAMBUGAN", single screw, length 180 feet B. P., breadth 30 feet, depth 14 feet and 6 inches; gross tonnage 691.13, net tonnage 385.43; steel hull with 2 decks, aft 1 bridge deck and 2 masts, engine "Atlas Polar", 870 B. H. P.

Second deck with accommodations for first-class passengers, but used as third-class; part of bridge deck used for deck passengers.

The M/V "KOLAMBUGAN" was built in Hongkong, 1929.

Commandeered in good condition.

(b) Description of services rendered: Rental of M/V "KOLAMBUGAN" from December 24, 1941 to February 27, 1942 at P14,666.66 per month.

3. The M/V "KOLAMBUGAN", pursuant to verbal orders of Richard G. Rogers, Lt. Colonel, QMC, Traffic Control Officer, USAFFE (at Manila), was commandeered at the Port of Manila on December 24, 1941, without the issuance of a receipt therefor to her owners.

The commandeer of the M/V "KOLAMBUGAN" was later acknowledged in a letter-contract signed by C. Z. Byrd, Major, QMC, Asst. Supt., A.T.S., dated at the City of Cebu on March 26, 1942, with Owners' written conformity thereto.

4. The value of the property when taken and the value of the services rendered were in the full sum of P382,266.08 apportioned in the following manner:

Fair value of Property	P350,000.00
Rental for 66 days	32,266.08
Total amount claimed	<u>P382,266.08</u>

5. No money or compensation whatsoever has been received to date.

6. There were no liens or mortgages outstanding against the above property when same was taken over as above.

7. The M/V "KOLAMBUGAN", on December 25, 1941, transported 800 tons of general cargo and American troops to Corregidor. Upon returning to Manila on December 31, 1941, she again loaded quartermaster cargo, and left again for Corregidor before daybreak on January 1, 1942.

After discharging this cargo at Corregidor, the M / V "KOLAMBUGAN" was ordered to Bataan on January 3, 1942. Later, January 15, 1942, the said vessel sailed to Looc Cave, Nasugbu, Batangas, loaded "pa-lay" (unhusked rice) and cattle for Phil-American troops in Bataan. Still, later, she made another trip to Looc Cave for the same purpose, with success.

The M/V "KOLAMBUGAN", after her second mission to Looc Cave, remained in anchor at Bataan until February 26, 1942, when she set sail for Cebu to load foodstuffs for the fighting garrisons at Corregidor and Bataan. On the morning of the following day (February 27, 1942), the M/V "KOLAMBUGAN", enroute to Cebu was captured by the enemy near the Port of Varadero, Mindoro Province.

8. No claim for the property taken or services rendered has been filed with any other government agency.
9. I, DONALD M. CAMERON, authorized representative of Everett Steamship Corporation, the attorney-in-fact for claimant, swear that the above statements are true to the best of my knowledge and belief; that the IA Naviera Filipina, Inc., is the owner of the M/V "KOLAMBUGAN", and is legally entitled to receive payment therefor; that the claim is just and valid, and that in consideration of the payment of P382,266.08, the United States of America, its officers and agents, are hereby unconditionally released from all further liability arising out of the above claim.

IA NAVIERA FILIPINA, INC.

BY: /s/ Donald M. Cameron
Everett Steamship Corporation
Attorney-in-fact for Owners

Subscribed and sworn to before me this 16th day of February, 1946, at the City of Manila, Philippines.

/s/ Nathaniel Israel
(Official)
/t/ NATHANIEL ISRAEL
Captain, Infantry
Investigating Officer

A TRUE COPY:

Gustave C. Boesch, Jr.
GUSTAVE C. BOESCH, JR.
1st Lt Inf

ARMY TRANSPORT SERVICE
office of assistant superintendent

Subject: Compensation for
loss of vessel

CEBU, CEBU
March 26, 1942

TO : LA NAVIERA FILIPINA, INC.
Cebu City

1) This will serve to officially advise you that your M/S "KOLAMBUGAN" was shelled by an enemy cruiser off Puerto Galera, Mindoro and later captured by the enemy on February 27, 1942. From the date said vessel was taken over by the Army up to and including the date she was captured, the Government of the United States, thru the Office of the Finance Officer, will pay you the monthly rental of \$7,333.33, or fraction thereof, for the aforementioned period.

2) The Board of Survey appointed and composed of the Captain of the Port of Cebu, the Superintending Engineer, and a Third Member chosen by the two members above mentioned have, in joint meeting, agreed that the replacement cost of your M/S "KOLAMBUGAN" is One Hundred seventy-five Thousand Dollars (\$175,000.00), U. S. Currency, and the Government of the United States will pay you this amount subject, however, to existing Army Regulations (Par. 23 b, AR 30-1320). Final action will be taken on all reports by the Quartermaster General acting for the Secretary of War. The Quartermaster General will also take the necessary steps to cause any payments to be made to the owners which he may approve on these reports. A signed copy of the REPORT of the Board of Survey is attached hereto for your information.

3) Please acknowledge and signify your conformity to the foregoing by signing at the foot of the duplicate of this letter.

/s/ C. Z. Byrd
/t/ C. Z. BYRD
Major, QMC
Asst. Supt., A.T.S.

We hereby manifest our
conformity to the above,
Cebu City, March 26, 1942.
LA NAVIERA FILIPINA, INC.

By
/s/ Illegible
President
Owners of M/S "KOLAMBUGAN"

A TRUE COPY:
Gustave C. Boesch, Jr.
Gustave C. Boesch, Jr.
1st Lt. Inf.

PROCUREMENT CLAIMS FORM
(For action by Contract Claims Commission)

February 16, 1946

1. Name of Owner; Philippine Steam Navigation Co., Inc., by Everett Steamship Corporation, Attorney-in-fact.
Manila, Philippines
Dasmarias 223

2. (a) Description of property; Motor vessel "LEGAZPI", single screw, length 210 feet B. P., breadth 40 feet, depth 15 feet and 9 inches; gross tonnage 1193.87, net tonnage 657.96; steel hull with 3 decks, 1 bridge deck and 2 masts; engine "Burmester Weins", 1750 B. H. P.

Second deck for third-class passengers; third deck and part of bridge deck for first-class passengers.

The M/V "LEGAZPI" was built in Hongkong, 1937.

Commandeered in good condition.

(b) Description of services rendered; Rental of M/V "LEGAZPI" from December 24, 1941 to March 1, 1942 at P91,250.00 per month.

3. The M/V "LEGAZPI", pursuant to verbal orders of Richard G. Rogers, Lt. Colonel, QMC, Traffic Control Officer, USAFFE (at Manila), was commandeered at the Port of Manila on December 24, 1941, and utilized by the U. S. Army continuously until she was attacked and shelled by the enemy on March 1, 1942 near Puerto Galera, Mindoro. Thereupon the Master of the "LEGAZPI" beached and scuttled her starting fires aboard.

The commander was subsequently acknowledged in a letter-contract signed by G. Z. Byrd, Major, QMC, Asst. Supt. . A.T.S., dated at the City of Cebu on March 26, 1942, with Owners' written conformity thereto.

4. The value of the property when taken and the value of the services rendered were in the full sum of P820,832.88 apportioned in the following manner;

Fair value of Property	P750,000.00
Rental for 68 days	70,832.88
Total amount claimed	<u>P820,832.88</u>

5. No money or compensation whatsoever has been received to date.

6. There were no liens or mortgages outstanding against the above pro-

ARMY TRANSPORT SERVICE
office of assistant superintendent

CEBU, CEBU
March 26, 1942

Subject: Compensation for
loss of vessel

To: PHILIPPINE STEAM NAVIGATION CO., INC.
Cebu City

1) This will serve to officially advise you that your M/V "LEGAZPI" commandeered by the USAFFE, was shelled by a Japanese warship near Puerto Galera, Mindoro, starting fires aboard, and thereafter was scuttled by the crew on March 1, 1942. From the date said vessel was taken over by the Army up to and including the date she was destroyed, the Government of the United States, thru the Office of the Finance Officer, will pay you the monthly rental of \$15,625.00, or fraction thereof, for the aforementioned period.

2) The Board of Survey appointed and composed of the Captain of the Port of Cebu, the Superintending Engineer, and a Third Member chosen by the two members above mentioned have, in joint meeting, agreed that the replacement cost of your M/V "LEGAZPI" is Three Hundred Seventy-five Thousand Dollars (\$375,000.00), U. S. Currency, and the Government of the United States will pay you this amount subject, however, to existing Army Regulations (Par. 23 b, AR 30-1320). Final action will be taken on all reports by the Quartermaster General acting for the Secretary of War. The Quartermaster General will also take the necessary steps to cause any payments to be made to the owners which he may approve on these reports. A signed copy of the REPORT of the Board of Survey is attached hereto for your information.

3) Please acknowledge and signify your conformity to the foregoing by signing at the foot of the duplicate of this letter.

/s/ C.Z. Byrd
/t/ C.Z. BYRD
Major, QMC
Asst. Supt., A.T.S.

We hereby manifest our
conformity to the above.
Cebu City, March 26, 1942.
PHILIPPINE STEAM NAVIGATION CO., INC.
By

/s/ Illegible
President
Owners of the M/V "LEGAZPI"

Gustave C. Boesch, Jr.
A TRUE COPY:
GUSTAVE C. BOESCH, JR.
1st Lt. Inf.

Manila, February 5, 1945

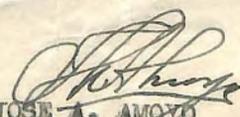
MASTER - - - - - M/S BOHOL II
EVERETT STEAMSHIP CORPORATION

- - - - -
- December 20, 1941 - Commandeered by United States Army.
 - December 25, 1941 - Made trip to Linao, Bataan, loaded with Air Corps materials.
 - December 28, 1941 - Returned to Manila for instruction.
 - December 29, 1941 - Sent to Fort Mills (Corregidor).
 - December 31, 1941 - Sent to Manila to load patients for Mariveles.
 - January 1, 1942 - Returned to Fort Mills to await orders.
 - January 21, 1942 - Detailed on board the M/S Legaspi as Master-Pilot for trips to Capiz to load food supplies for Corregidor and Bataan.
- Made two successful round trips fully loaded with food supplies.
- March 1, 1942 - On return trip to Corregidor (3rd trip) scuttled, beached, and burned the M/S Legaspi off Escarceo lighthouse (Mindoro Island) to avoid falling in the hands of the Japanese destroyer that attacked her.
- Took up the mountain for safety, leaving the ship on fire. No cargo has fallen to the enemy.

Note:

After two successful round trips, was given Citation award of Distinguished Service Cross, signed by ~~General~~ Seal.

This statement can be attested by persons, and papers, connected with the General Staff of General MacArthur, and personnel of the Transportation Office of Fort Mills (Corregidor).


JOSE A. AMOYO
Captain

UNITED STATES OF AMERICA)
COMMONWEALTH OF THE PHILIPPINES) SS.
CITY OF CEBU)

A F F I D A V I T

RAMON ABOITIZ, being duly sworn, deposes and says :

1. I am 58 years of age, citizen of the Philippines, married, and a resident of the City of Cebu continuously since 1910, with the exception of the time spent on business and vacation trips abroad and short business trips in the Philippines.

2. Prior to the outbreak of hostilities in the Pacific on December 8, 1941, and subsequent thereto, I was, and still am at the present time, the President and Manager of Aboitiz & Co., Inc.; President and Manager of the Cebu-Bohol Ferry Co., Inc.; President of the Philippine Steam Navigation Co., Inc.; Vice-President of La Naviera Filipina, Inc.; and a Director of the Visayan Transportation Co., Inc. I am a large stockholder of Aboitiz & Co., Inc. and the Cebu-Bohol Ferry Co., Inc., and a stockholder in the other companies.

3. These five shipping companies as duly incorporated and organized and existing under the laws of the Philippines, and, particularly, were in existence between the dates December 8, 1941 and April 10, 1942, with a combined fleet of twenty-nine vessels engaged in the interisland service (including the S/S "Bolinao" of my own personal property).

4. The first company, Aboitiz & Co., Inc., at the outbreak of the war, and thereafter, was the owner of the motor vessels "ANTONIA", "CARMEN" and "PAULINO"; the first vessel was operated by the Everett Steamship Corporation, of Manila, while the other two by their owners.

5. The second company, Cebu-Bohol Ferry Co., Inc., owned the M/Vs "BOHOL II", "DELTA", and "TAGBILARAN". The first vessel was operated by the Everett Steamship Corporation, of Manila; the other two by their owners at Cebu.

6. Incidentally, the Cebu-Bohol Ferry Co., Inc., in her own right was a large stockholder of the Open Ferries, Inc. and the Tubigon Ferries, Inc., both Philippine Corporations duly organized and existing under the laws of the Philippines.

1/3/ RAMON ABOITIZ

7. The third company, Philippine Steam Navigation Company, Inc., owned the M/Vs "ELCANO" and "LEGAZPI", leaving the operation of the same to the Everett Steamship Corporation.

8. The fourth company, Visayan Transportation Co., Inc., owned and operated the M/Vs "GOVERNOR SMITH", "GOVERNOR TAFT" and the S/S "GOVERNOR WOOD". It also owned the M/V "GOVERNOR WRIGHT", which was managed and operated by the said Manila agents.

9. The last company, La Naviera Filipina, Inc., owned and operated the following motor vessels:

"A. Mabini"
"Agustina"
"Atlas"
"Camotes"
"Cesar Barrios"
"Emilia"
"P. Aboitiz"
"Pickett II"
"Princess of Cebu"
"Rizal"
"San Carlos"
"Surigao I"
"Zambales", and
S/S "F. Escano"

It also owned the M/V "KOLAMBUGAN", which was managed and operated by the Everett Steamship Corporation.

10. In addition to the foregoing, the M/V "SANTO DOMINGO" was the joint property of La Naviera Filipina, Inc. and Aboitiz & Co., Inc. This vessel was managed and operated by the Everett Steamship Corporation at Manila.

11. Apart from the foregoing, I personally owned, as already observed, the S/S "BOLINAO", managed and operated by the Visayan Transportation Co., Inc. at Cebu.

12. All these 29 vessels and ships, at the outbreak of the war, (except the "ELCANO" and "LEGAZPI") were duly registered with the Bureau of Customs at the Port of Cebu as the sole property of their respective owners, who held a Certificate of Philippine Register and a Certificate of Ownership for each. Some of these documents I have been able to save; others were lost or burned or mislaid during the Japanese occupation of Cebu. I am making a thorough search for the missing ones.

/s/ RANON ABOITIZ

As to the registration of the "ELCANO" and "LEGAZPI", it was originally done at Cebu, but later, with the change of their home port to Manila, these vessels were registered anew there.

13. The part played by some of these vessels in the war effort against the enemy in this theatre and the ultimate fate of those vessels not duly requisitioned, are best treated under three headings; namely:

- (1) Vessels commandeered and later duly signed for by the U. S. Army;
- (2) Vessels commandeered and no papers ever given to their owners; and
- (3) Vessels never commandeered.

Of these in their order.

14. Vessels commandeered and later duly signed for by the U. S. Army.—These were thirteen in all—two in Manila and eleven in Cebu, as follows:

Commandeered at Manila:

M/V "Kolambugan"
" "Legaspi"

Commandeered at Cebu:

M/V "Agustina"
" "Emilia"
" "Governor Smith"
" "Governor Taft"
" "P. Aboitiz"
" "Paulino"
" "Princess of Cebu"
" Rizal"
" "Surigao I"
SYS "Elcano"
" "Bolinao"

All these thirteen vessels, except the "PAULINO", were used continuously by the Army from the moment they were commandeered. With respect to the "PAULINO", however, she was used twice, the second time being requisitioned formally. I have the original letter from Col. W. F. Sharp, dated at Cebu, December 15, 1941, requisitioning her services. I also have the original letter of Lt. Col. J. D. Cook, dated at Cebu on January 6, 1942, confirming the requisition of said vessel effective December 15,

/s/ RAMON ABOITIZ

1941. But I have no documentary evidence showing the period that this vessel was actually used by the Army. The fact is that she was returned to Aboitiz & Co., Inc., at Cebu. Later, as noted, she was formally chartered to the Army in a contract dated at the city of Cebu, April 6, 1942, a duly signed copy of which I still hold.

15. Vessels commandeered and no papers ever given to their owners— There were three vessels taken at Manila and used by the Army without a scrap of paper issued to their owners. These were the following:

M/V "Antonia"
" "Bohol II"
" "Carmen"

At Cebu, the following three vessels were commandeered without drawing up any formal contracts or agreements in favor of their owners:

M/V "Zambales"
S/S "F. Escano"
" "Governor Wood"

At Palompon, Leyte, the M/V "PICKETT II" was commandeered by the USAFFE after the fall of the City of Cebu.

16. Vessels never commandeered.—The following nine vessels were never used by the Army:

M/V "A. Mabini"
" "Atlas"
" "Camotes"
" "Cesar Barrios"
" "Delta"
" "Governor Wright"
" "San Carlos"
" "Santo Domingo"
" "Tagbilaran"

17. As noted, all the thirteen vessels of the first group, for which formal contracts or charter parties were signed in favor of their owners, were lost by enemy action, to the best of my knowledge, have never been salvaged.

18. As to the next group, those commandeered without papers, I have this to say: First, the "ANTONIA". I know, when the war broke out, that she was in Manila with the "Bohol II", "Kolambugan" and "Legaspi". But I did not know then that the Army had taken her over. Later, either February or March (1942), I telegraphed one of the master of my ships at Capiz for information as to her fate and that of the other three missing vessels. The reply was censored, and I was shown only part

of the radiogram to the effect that the "ANTONIA" was at Malabon (Manila Bay).

Still later, towards the end of June, when I was able to go by sailboat to Manila (via Tayabas), I learned that these four vessels and the "CARMEN" had been commandeered by the U. S. Army at Manila; and, in the case of the "ANTONIA", that she had been scuttled at Malabon pursuant to Army orders.

19. As regards the M/V "BOHOL II", my best recollection is that I was informed by the ATS Office at Cebu that she had been taken over and was in used by the U. S. Army at Corregidor; and that the papers regarding the particulars covering her commandeer were supposed to have been sent or were about to be sent from Corregidor to Cebu by plane, for the purpose of completing her requisition in favor of the U. S. Government. These papers never arrived at Cebu to the best of my knowledge and belief.

20. Next is the "CARMEN". At the outbreak of the war on December 8, 1941, she was enroute between Bugo, Cagayan de Misamis, and Basilan Island, both in Mindanao. I received advices from her as to her position, but had no further word about her until sometime in March, 1942, when refugees coming on sailboats from Luzon informed me that she had been taken over by the U. S. Army and, further, that she had been bombed and was probably lost somewhere off Bataan.

21. As to the M/V "ZAMBALES", she made one trip only for the Army. After the liberation of Cebu (March 26, 1945) she was found sunk off the Hoa Hin Shipyards at Open.

22. With respect to the S/S "F. ESCANO", I have documentary evidence that the U. S. Army requisitioned and used her from December 9 to 11, 1941, inclusive. On January 3, 1942, she was again requisitioned pursuant to a written order by J. D. Cook, Lt. Colonel, QMC, and used for less than one month in the Visayan-Mindanao area. When the Army returned her to her owners, the latter, with the consent of the Army, hid this ship in Sogod Bay, Leyte. The next thing I heard of her was that she put into the Port of Cebu under Japanese control; this was after the fall of Cebu City. Thereafter she was operated by the enemy in and out of this Port. I do not know her ultimate fate.

23. Next, S/S "GOVERNOR WOOD"; This ship was used by the Army for about one or two weeks, and, while in such use, was bombed by Japanese Plane at her anchorage in the Cebu harbor. Thereupon she was towed by the Army to the north entrance of the Cebu channel and kept there under guard. Later, I have been informed, she was seized by the enemy.

/s/ RAMON ABONITA

24. The M/V "PICKETT II", as already observed, was commandeered at Palempon, Leyte after April 10, 1942; she was later scuttled at Taaloban, Leyte, pursuant to Army orders.

25. Coming next to the third group of vessels, those that were never under military service, I declare that with respect to the first of these, M/V "A. MABINI", all I know is that she was shelled by the Japs and sunk off the east coast of Negros.

The "ATLAS" was anchored near some isles off Bohol; taken there with military consent to save her from Japanese air raids. I don't know her fate.

The "CAMOTES" was anchored near the Cebu channel. On Cebu Liberation Day she was found sunk outside the Hoa Hin Shipyard at Opon.

The "CESAR BARRIOS" was shelled and sunk by the enemy at Misamis, Misamis, Mindanao. I believe she is still there.

The "DELTA" made one trip for owners' account. She was later hidden, with Army authority, at the town of Carmen, Cebu. The Japs eventually seized her. I never heard of her again.

The "GOVERNOR WRIGHT" was bombed by the Japanese enroute between Manila and Samar, I believe; and beached somewhere on the Sorsogon-Tayabas Coast.

The "SAN CARLOS", with Army consent, was used by her owners until early March, 1942. Later she was hidden with Army consent at Carmen, Cebu. The Japanese subsequently seized her and used her. I don't know her fate thereafter.

The "SANTO DOMINGO" was also bombed by Japanese planes enroute between Luzon and Leyte, and subsequently abandoned by her Crew. I believe she was later towed by the M/V "DELTA" to a safe anchorage. I don't know what finally became of her.

The "TAGBILARAN", the last of the fleet of 29 vessels, is the only one in existence today. Before the fall of Cebu on April 10, 1942, she was operated by her owners, with the consent of the Army, on the run between Cebu and Tagbilaran, Bohol. During the Japanese occupation the enemy took her over without owners' permission or consent and used her. No compensation was received. Two or three weeks after the liberation of Cebu this vessel was found beached at Mabolo, Cebu. She had been partly hit by a bomb and her equipment looted; part of the decks were gone. Owners salvaged her, made the necessary repairs thereon, and are operating her today between Cebu and Leyte and Bohol.

12/ RANJON ABCITIZ

26. I declare that the U. S. Government, its officers and agents have never paid me or any of the five mentioned shipping companies, or their agents, any compensation whatsoever for the commandeering, requisitioning or chartering of the above mentioned vessels either for rental or for the ships themselves. I also declare that at the time of the commandeering of each and every of the said vessels there were no outstanding liens or mortgages against any of them. I declare, too, that as yet no formal claim has been filed with the U. S. Government, its officers or agents for the commandeering, requisitioning or chartering of any of these vessels or any of the equipment thereon; but such claims are now being prepared for presentation to Headquarters, Claims Service, AFWESPAC, U. S. Army.

27. I recognize and identify my signature and that of Major G. Z. Byrd, Captain G. J. Martin, M. E. Cleland, Sr., Attorney Alfred P. Deen, including the signature of my associate, Jose Gorcina, in the documents covering the requisitioning and chartering of the thirteen vessels listed under the first group above (See Paragraph 14 supra). These documents, 25 in all, are more particularly described as follows:

- (1) Letter of A.T.S. to La Naviera Filipina, Inc., dated at Cebu, Cebu, March 26, 1942, fixing the value of the commandeered M/S "KOLAMBUGAN" C. Z. Byrd
Ramon Aboitiz
- (2) Report of the Survey Board Dated at the City of Cebu, March 24, 1942, re M/S "KOLAMBUGAN" C. J. Martin
M. E. Cleland, Sr.
C. E. McAdam
Alfred P. Deen
- (3) Letter of A.T.S. to Philippine Steam Navigation Co., Inc., dated at Cebu, Cebu, March 26, 1942, fixing the value of the commandeered M/V "LEGAZPI" C. Z. Byrd
Ramon Aboitiz
- (4) Report of the Survey Board dated at the City of Cebu, March 24, 1942, re M/S "LEGAZPI" C. J. Martin
M. E. Cleland, Sr.
C. E. McAdam
Alfred P. Deen
- (5) Letter of At T. S. to La Naviera Filipina, Inc., dated at Cebu, Cebu, March 26, 1942, fixing the value of the commandeered M/S "AGUSTINA" C. Z. Byrd
Ramon Aboitiz

/s/ RAMON ABOITIZ

/s/ RAMON ABOITIZ

- (6) Report of the Survey Board dated at the City of Cebu, March 24, 1942, re M/S "AGUSTINA" C. J. Martin
M. E. Cleland, Sr.
C. E. McAdam
Alfred P. Deen

- (7) Letter of A.T.S. to La Naviera Filipina, Inc., dated at Cebu, Cebu, March 26, 1942, fixing the value of the commandeered M/S "EMILIA" C. Z. Byrd
Ramon Aboitiz

- (8) Report of the Survey Board dated at the City of Cebu, March 24, 1942, re M/S "EMILIA" C. J. Martin
M. E. Cleland, Sr.
C. E. McAdam
Alfred P. Deen

- (9) Letter of A.T.S. to Visayan Transportation Company, Inc., dated at Cebu, Cebu, March 26, 1942, fixing the value of the Commandeered M/S "GOVERNOR SMITH" C. Z. Byrd

- (10) Report of the Survey Board dated at the City of Cebu, March 24, 1942, re M/S "GOVERNOR SMITH" ... C. J. Martin
M. E. Cleland, Sr.
C. E. McAdam
Alfred P. Deen

- (11) Charter Party of the commandeered M/S "GOVERNOR TAFT", dated at the City of cebu, March 26, 1942 C. Z. Byrd
Jose Corcina
Alfred P. Deen

- (12) Report of the Survey Board dated at the City of Cebu, March 24, 1942, re M/S "GOVERNOR TAFT" C. J. Martin
M. E. Cleland, Sr.
C. E. McAdam
Alfred P. Deen

- (13) Charter Party of the commandeered M/S "P. ABOITIZ", dated at the city of Cebu, March 26, 1942 Ramon Aboitiz
C. Z. Byrd
ALFRED P. Deen

/s/ RAMON ABOITIZ

- (14) Report of the Survey Board dated at the City of Cebu, March 24, 1942, re M/S "P. ABOITIZ" C. J. Martin
M. E. Cleland, Sr.
C. E. McAdam
Alfred P. Deen
- (15) Charter Party of the Commandeered M/S "PAULINO", dated at the City of Cebu, April 6, 1942 Ramon Aboitiz
C. Z. Byrd
Alfred P. Deen
- (16) Charter Party of the commandeered M/S "PRINCESS OF CEBU", dated at the City of Cebu, March 26, 1942 Ramon Aboitiz
C. Z. Byrd
Alfred P. Deen
- (17) Report of the Survey Board dated at the city of Cebu, March 24, 1942, re M/S "PRINCESS OF CEBU". C. J. Martin
M. E. Cleland, Sr.
C. E. McAdam
Alfred P. Deen
- (18) Letter of A.T.S. to La Naviera Filipina, Inc., dated at Cebu, Cebu, March 26, 1942, fixing the value of the commandeered M/S "RIZAL" C. Z. Byrd
Ramon Aboitiz
- (19) Report of the Survey Board dated at the City of Cebu, March 24, 1942, re M/S "RIZAL" C. J. Martin
M. E. Cleland
C. E. McAdam
Alfred P. Deen
- (20) Charter Party of the commandeered M/V "SURIGAO I", dated at the City of Cebu, March 26, 1942 Ramon Aboitiz
C. Z. Byrd
Alfred P. Deen
- (21) Report of the Survey Board dated at the City of Cebu, March 24, 1942, re M/S "SURIGAO I" C. J. Martin
M. E. Cleland, Sr.
C. E. McAdam
Alfred P. Deen

- (22) Charter Party of the commandeered M/S "ELCANO", dated at the City of Cebu, March 26, 1942 Ramon Aboitiz

- (23) Report of the Survey Board dated at the City of Cebu, March 24, 1942, re M/S "ELCANO" C. J. Martin
 M. E. Cleland, Sr.
 Alfred P. Deen
 C. E. McAdam

- (24) Letter of A.T.S. to Mr. Ramon Aboitiz, dated at Cebu, Cebu, March 27, 1942, fixing the value of the commandeered M/S "BOLINAO" C. Z. Byrd
 Ramon Aboitiz

- (25) Report of the Survey Board dated at the City of Cebu, March 24, 1942, re M/S "Boliniao" C. J. Martin
 M. E. Cleland, Sr.
 C. E. McAdam
 Alfred P. Deen

/s/ RAMON ABOITIZ

28. I declare, in connection with the contracts and charter parties of the vessels owned by La Naviera Filipina, Inc., that, as its President, Mr. Lorenzo Escano, had evacuated out of Cebu and was not available, I, as Vice-President, signed for the company in his absence, I refer specifically to the documents covering the following vessels:

"Kolambugan"	(See Nos. 1 and 2 in Par. 27)
"Agustina"	{ " " 5 " 6 " " " }
"Emilia"	{ " " 7 " 8 " " " }
"P. Aboitiz"	{ " " 13 " 14 " " " }
"Princess of Cebu"	{ " " 16 " 17 " " " }
"Rizal"	{ " " 18 " 19 " " " }
"Surigao I"	{ " " 20 " 21 " " " }

29. I declare, finally, that during the last war I in no way gave aid or comfort to the enemy and engaged in no profiteering, confining my activities to pulling my family through the crisis and giving support to the Americans and our allies in every way possible.

City of Cebu, Philippines,

February 1, 1946.

/s/ RAMON ABOITIZ
/t/ RAMON ABOITIZ

Subscribed and sworn to before me this 1st day of February, 1946,
at the City of Cebu, Philippines.

/s/ HERSCHEL J. WRIGHT
/t/ HERSCHEL J. WRIGHT
Captain F A
Investigating Officer
Claims Service, AFWESPAC

/s/ RAMON ABOITIZ

A TRUE COPY:

Gustave C. Boesch, Jr.
GUSTAVE C. BOESCH, Jr.
1st Lt Inf

March 26, 1942

I, MARCELO MENDOZA, Collector of Customs at the Port of Iloilo, do hereby certify that the foregoing CHARTER PARTY was received by me on March 17, 1942 at the hour of 9:45 a.m., that receipts No. 3354 was given therefor and that same has been recorded on pages 332 to 349 of Book No. VIII of the RECORD OF TRANSFERS AND INCUMBRANCES OF VESSELS for this Port of Iloilo

SEAL

PHILIPPINES CUSTOMS SERVICE

SGD:

MARCELO MENDOZA
Collector of Customs

THIS IS A CERTIFIED TRUE COPY

/s/ WARREN A. VICK
Capt Inf

SGD:

F. ANDRADA

C. Z. BYRD, Major, QMC
Assistant Supt., ARMY
TRANSPORT SERVICE, Cebu
Station

SGD: BY

M. E. CLELAND JR.
CAPT QMC
Attorney-in-Fact
"CHARTERER"

UNITED STATES OF AMERICA)
COMMONWEALTH OF THE PHILIPPINES) S. S.
CITY OF ILOILO)

Before me, the undersigned Notary Public in and for the City/Province of Iloilo, personally appeared Mr. Vencente Lopez in his capacity as 1st Vice-President of the NEGROS NAVIGATION CO., INC., WHO exhibited to me his Residence Certificate No. A-1598697, issued at Iloilo, Iloilo on Feb ruary 17, 1942 in representation of THE OWNER, and Capt. M. E. CLELAND, QMC, Executive Officer of ARMY TRANSPORT SERVICE, Cebu Station, as attorney-in Fact of THE CHARTERER, both known to me and by me known to be the persons who executed the foregoing contract, and both of them acknowledged that they executed the same as their free and voluntary act and deed, and as the free and voluntary act and deed of their respective principals, Capt. Cleland exhibited no residence Certificate he being exempt therefrom pursuant to Par. (b), Sec. 4 of Comm. Act No. 465.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at the City of Iloilo, Philippines, on this 9 day of March, 1942.

SGD: TOMAS CONCEPCION
Notary Public
My commission expires on Dec. 1e, 1942

Doc. No. 2
Page No. 10
Book No. 12
Serries of 1942

THIS A CERTIFIED TRUE COPY

/s/ GUSTAVE C. BOESCH JR.
1st Lt., Inf.

TO WHOM IT MAY CONCERN:

This is to certify that the President of the NEGROS NAVIGATION CO., INC., is presently in Manila.

That in his absence the 1st Vice-President, Mr. Vincente Lopez, is empowered to act in his place;

That the pertinent portion of the By-Laws of the said Corporation containing such authorization and powers are hereunder quoted:

Sec. 3, Page 7, - " El primer Vice-Presidente desempenara todas las obligaciones y atributos del President en caso de ausencia e inhabilidad del Presidente por cualquiera causa."

Sec. 2, Page 7 - "EL PRESIDENTE presidira todas las sesiones de la Junta de Accionistas como de la Junta de Directores; firmara y contrasenara todos los certificados y todos los contratos y otros documentos de la compania."

That the above is a correct and true copy of the pertinent portions of the By-Laws of the Negros Navigation Co., Inc., for purposes for which this certification is being drawn.

SGD:

IGNACIO M. SALAZAR
Sub-Secretary & Sub-Treasurer

Iloilo City
March 9, 1942

Subscribed and sworn to before me, this 9th day of March 1942.
Affiant exhibited to me his cedula certificate No. A-1419103, issued in Leon, Iloilo On Feb. 26, 1942.

SGD:

TOMAS CONCEPCION
Notary Public
Until Dec. 31, 1942
Doc. No. 3 Pag. 10 Kb. XII, (1942)

THIS IS A CERTIFIED TRUE COPY
/s/ GUSTAVE C. BOESCH JR.
1st Lt Inf

THE GOVERNMENT OF THE PHILIPPINE ISLANDS
DEPARTMENT OF COMMERCE AND COMMUNICATIONS
BUREAU OF COMMERCE AND INDUSTRY
MERCANTILE REGISTER

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING;

THIS IS TO CERTIFY That the annexed is a true and
complete transcript of the

Articles of Incorporation
of the
"ABOITIZ & COMPANY INCORPORATED"

which were duly filed with the Mercantile Register of the
Bureau of Commerce and Industry on the fourth day of February,
Anno Domini nineteen hundred and twenty.

IN TESTIMONY WHEREOF, I have hereunto
set my hand and caused the seal of the said
Register to be affixed at Manila, this sixteenth
day of May, Anno Domini nineteen hundred and
twenty-seven.

/s/ F. A. Reyes
/t/ FIDEL A. REYES
Director.

20-¢ doc.
Stamp

SEAL.

CERTIFIED TRUE COPY:

A TRUE COPY:

Gustave C. Boesch, Jr.
GUSTAVE C. BOESCH, Jr.
1st Lt Inf

/s/ WALTER J. JASIN
/t/ WALTER J. JASIN
1st Lt QMC

S/S MAYON

Following extracted from Affidavit from ARIMAS, GERARDO

OLANGO:

X X X

15. (a) On the 28th Feb. 1942, S.S. Mayon was on the Nasipit Bay, Agusan, Mindanao, where it was bombed by the Japanese planes. The ship didn't sink instantly, so it was ordered by the U.S. Army to be scuttled.

X X X

DECLASSIFIED
Authority NND883078

Collaborator Power &
Electric Co. Buy & Sell

Jim

Jesus Blanco - Chief Eng.)	Did Not
(Chinaman) Pajarillo - Ist Asst. Eng)	Go To
Williams - 2nd Eng.)	Corregidor

Salvador Partaza - Sailor)	Did Not
Francisco Pance - ")	Go To
Cesario Espinili - ")	Corregidor
Vicente Verraya - ")	
Antonino Glagan - ")	

*copies placed
in 401 file -
am*

Callahan
Pavel Blahos
Bry + Jell

Wiley

Jesus Blanes	—	Chefting	—	} Did not go to Corregidor
(Chiron) Pajrillo	—	1st Lead Eng	—	
Williams	—	2nd Eng	—	

Salvador Partoza	—	sailed	} Did not go
Francisco Panice	—	"	
Cesaris Espinili	—	"	
Vicente Verroya	—	"	
Antonino Ylagan	—	"	

Alvarez

REGULAR ARMY BOATS

DECLASSIFIED
Authority NND883078

1. USA Maxwell
2. USAT McClellan
3. USAL McConville
4. ATS HB Mc E. Hyde
5. USNB Wiley
6. M/B Hilad
7. SS San Pedro
8. US Launch Mitchell
9. USAT Bagoland - Manila 10 Dec 41 bombed. Sunk 13 Dec 41 (Commandeered)

OTHER VESSELS

1. SS Mayon (Madrigel) Mindinao Bombed 28 Feb 42 scuttled we have partial list of crew in Comde Francisco Chief Engineer.
2. Barge #147
3. Barge #167
4. M/B Crown
5. Lorcha #84 to Samar 18 Dec 41 with food -damaged by bombs.
6. H.B. Tily -Caught by Japs Bataan 9 Apr 42.
7. "Hi Kwang" commandeered 25 Feb 42. Crew paid to include 31 Mar 42 destroyed 16 Apr 42 Iloilo Panay.
8. Reliance (Tug Boat) commandeered on 28 Dec 41 Manila went to Correg. scuttled 4 May 42 in Malabon Bay.
9. USATS M V Legaspi commandeered from Everete Co. sunk by Japs at Calera Mindinao 1 Mar 42.
10. SS Sanel - commandeered bombed and sunk Manila Formerly Compania Martina 22 Dec 41.
11. SS Cebu - Mindanao sunk by Jap bomb 30 Dec 41.
12. SS Ramblen.
13. Princess of Negros -commandeered 18 Dec 41. Gaudencio Jayno, Master
14. US T. Lisoux (3rd Engr - Geyena Gregorio.

CHARTERED SHIPS NOT COMMANDEERED.

1. Don Izidro - Sunk in action 19 Feb 42 we have list of crew KIA not War Department employees.

SHIPS COMMANDEERED

1. M/S Bohol II was at Corregidor, seen later part of Dec. and sunk 25 or 30 days after Batann fell.
2. M/V Eleano (USATS) sunk at Corregidor about 29 Apr 42. Jesus Sevilla Capt (dead) Manuel Aguilar 1st Mate.
3. Kanlaon II Commandeered 20 Dec 41 at Cebu scuttled 10 Apr 42.
4. USNS Keswick sunk 29 Apr 42 on Corregidor.
5. M/S Kolambagan made a trip south for provisions and was caught 28 Feb 42 near Mindanao 2d mate - Contasio Escalante. Left Manila 25 Dec & 1 Jan. Master RM Maraza
6. M/S Masayon At Cebu crew paid to 1 Apr 42, scuttled 10 Apr 42 Benjamin Baylon 2d Officer.
7. Launch McCampbell not at Corregidor.
8. Neptune (Motorship) carried provisions to Ft Drum, Carboa Is. sunk in port at Fort Drum.
9. ATB Princesa of Cebu - a Ferry boat which Pres. Quezon boarded. Dionisio A. Manaja, Capt.
10. SS Regulus sunk on way to Corregidor about 2 months after war.
11. M/S Suriago
12. SS Yaseng (USATS) sunk at Corregidor. A British ship, also previously bombed at Manila. Exploded full of bombs headed for Australia.
13. SS Bohol sunk in Manila Dec 27th.
14. SS Corregidor sunk going south 16 Dec 41. Hit a mine.
15. PB Night Hawk at Corregidor.
16. Fortuna Ramon Razon Capt.
17. SS Iofus Commandeered 14 Dec 41, ship and crew captured 28 Feb 42 To Japan 15 Mar 42 with crew. Crew interned Japan 25 Apr 42 returned to PI 16 May 42. Capt. Jesus Medina.
18. AT Don Estaban - Burned 27 Dec 41 in Manila. Commandeered Oct. 41. Sunk 8 March 42, Mindinao Poluan o Bay.
19. Launch Forby - Sunk at Corregidor - Sunk. Formerly army boat but sold before the war.
20. Master Launch Geary at Corregidor - Sunk. ~~XXXXXXXXXXXXXXXXXXXX~~
21. USAL Jewel at Corregidor and sunk.
22. CMC HB Mambakal last ship to leave Manila. Sunk in collision with Neptune 24 Dec 41. Carried govt. papers.
23. SS Pansy - Sunk 30 Dec 41 in Compananea Bay.
24. H. B. Ledyard - Grande Isle Alangapo scuttled 27 Dec 41.

VESSELS COMMANDEERED

1. M/S Bohol II was at Corregidor, seen later part of Dec. and sunk 25 or 30 days after Bataan fell.
2. M V Elcano (USATS) sunk at Corregidor about 29 Apr 42.
3. Kanlaon II not at Corregidor.
4. USHB Keswick sunk 29 Apr 42 on Corregidor.
5. M/S Kolambugan made a trip south for provisions and was caught near Mindanao.
6. M/S Masayon not at Corregidor.
7. Launch McCambell not at Corregidor.
8. Neptune (Motorship) carried provisions to Ft Drum, Carboa Is. Sunk in port at Fort Drum.
9. Princesa of Cebu a Ferry boat which Pres. Quezon boarded.
10. S S Regulus sunk on way to Corregidor about 2 months after war
11. M/S Suriagao
12. SS Yusang (USATS) sunk at Corregidor. A British ship, also previously bombed at Manila. Exploded full of bombs headed for Australia.
13. SS Bohol Sunk in Manila middle of Dec (about 15th?).
14. SS Corregidor Sunk going south 16 Dec 41.
15. PB Night Hawk at Corregidor.
16. Fortuna Ramon Razon Capt.
17. SS LePus Commandeered 14 Dec 41, ship & crew captured 28 Feb 42
18. AT Don Estaban - Burned 27 Dec 41 in Manila.
19. Launch Forby - Sunk at Corregidor. Formerly Army boat but sold before the war.
20. Master Launch Geary at Corregidor - Sunk
21. USAL Jewel at Corregidor and sunk.
22. QMC HB Mambukal last ship to leave Manila. Sunk in collision with Neptune about 31 Dec 41. Carried government papers.

REGULAR ARMY BOATS

DECLASSIFIED
Authority NND883078

1. USA Maxwell
2. USAT Mc Clellan
3. USAL Mc Conville
4. ATS HB Mc E Hyde
5. USHB Miley
6. M/B Nilad
7. SS San Pedro
8. US Launch Mitchell

Other Vessels

1. Barge #147
2. Barge #167
3. M/B Crown
4. Lorcha #84

A. T. S. (Regular)

U.S.H.B. "MILEY" - Bombed 24 December 1941 in Port Area, Manila. Bombed 27 December 1941 in Pasig River. Towed to Corregidor on 30 December 1941 by "DEL MONTE". On fire 23 April 1942 at South Harbor, Corregidor. Sunk 25 April 1942.

Pay data: 226, 1757, 1894, 1959, 2437, 2443, 3145, 3225, 3231, 3232, 3265, 3465, 4941, 6229, 6241.

"MAXWELL" - Bombed and sunk 5 January 1942 at Corregidor.

"McCLELLAN" - No information.

"McCONVILLE" - Assigned to Fort Mills. Missing 6 May 1942 at Corregidor. Possibly aground and abandoned at Naic.

Pay data: 4954, 3743, 3744, 6250, 95, 577, 580, 6248, 41.

"H.B. Mc E. HYDE" - Pay data : 226, 1757, 1894, 1959, 2437, 2443, 3145, 3225, 3231, 3232, 3265, 3465, 3694, 3942, 4073, 4940, 4956, 4962, 4963, 6241, 6246, 6323, 6324.

"NILAD" - Manila Yacht Club. Damaged and probably sunk 6 May 1942 at Corregidor.

Pay data: 6300, 3699, 4942, 6242.

"SAN PEDRO" - No information.

"MITCHELL" - Missing 6 May 1942 at Corregidor. Possibly aground at Naic and abandoned.

Pay data: 4949, 3713, 3754, 6249, 225, 1756, 2437, 3469, 6206, 6241, 6248.

Commandeered Vessels

M/S BOHOL II
M/S KOLAMBUGAN
M/S MAYON - no payrolls
S/S YU SANG
S/S BOHOL - no payrolls
S/S LEPUS
S/S DON ESTEBAN
M/S LEGASPI
S/S LUZON

It is our belief that the above mentioned vessels were commandeered by the United States Army sometime during the period commencing 8 December 1941 and ending 6 May 1942. In no instance do we have any official records or orders stating that these vessels were taken over.

DECLASSIFIED
Authority NND 883078

Our information is based solely upon the scant information we have in our files, namely - affidavits of members of the crews, supporting affidavits of former Army Transport Service officials at the various ports in the Philippines, and from regular War Department payrolls which cover the period from 8 December 1941 until shortly before the capitulation of Corregidor.

Chartered Vessel

M/V "PRINCESS OF NEGROS" - Charter attached.

ATS LISTS



DECLASSIFIED
Authority NND 88 30 78