

DECLASSIFIED

Authority *AWD 883078*

ABOITIZ - ESCANO FLEET

DECLASSIFIED
Authority *AND, 083079*

STATEMENT OF CLAIMS DUE FOR 15 VESSELS COMMANDEERED BY USAFFE FROM ABOITIZ-ESCANO FLEET
1941 - 1942

vessel	Date Commandeered	Date Lost	Days In Monthly Service Rental	Rental Due	Valuation	Total Due	
"AGUSTINA"	Dec. 15, 1941	Feb. 28, 1942	76	\$ 4,166.66	\$ 10,554.88	\$ 110,554.88	
"ANTONIA" (1)	Dec. 24, 1941	Dec. 28, 1941	5	6,000.00	1,000.00	151,000.00	
"BOHOL II" (1)	Dec. 24, 1941	Apr. 9, 1942	107	4,166.66	14,860.16	114,860.16	
"CARMEN" (1)	Dec. 24, 1941	Dec. 25, 1941	2	8,335.00	555.66	200,000.00	
"ELCANO"	Jan. 1, 1942	Apr. 19, 1942	109	15,625.00	56,770.47	431,770.47	
"EMILIA"	Dec. 15, 1941	Feb. 28, 1942	76	4,166.66	10,554.88	110,554.88	
"GOV. SMITH"	Jan. 1, 1942	Mar. 7, 1942	66	3,750.00	8,250.00	98,250.00	
"GOV. TAFT"	Dec. 20, 1941	Apr. 10, 1942	112	4,166.66	15,554.56	115,554.56	
"KOLAMBUGAN" (1)	Dec. 24, 1941	Feb. 27, 1942	66	7,333.33	16,133.04	191,133.04	
"LEGASPI" (1)	Dec. 24, 1941	Mar. 1, 1942	68	15,625.00	35,416.44	410,416.44	
"P. ABOITIZ"	Dec. 15, 1941	Apr. 10, 1942	117	4,166.66	16,248.96	116,248.96	
"PAULINO" ⁷⁷⁶⁴³²	(Dec. 15, 1941 (Apr. 6, 1942	Jan. 6, 1942 Apr. 10, 1942	23 5	2,500.00	1,916.59) 416.65)	60,000.00	62,333.24
"PRINCESS OF CEBU"	Jan. 5, 1942	Apr. 10, 1942	96	3,958.33	12,666.24	107,666.24	
"RIZAL"	Dec. 15, 1941	Jan. 18, 1942	35	8,333.33	9,721.95	209,721.95	
"SURIGAO" I"	Dec. 15, 1941	Apr. 16, 1942	123	8,335.00	34,173.09	234,173.09	
				Totals	\$244,793.57	\$2,420,000.00	\$2,664,793.57

* Fractions carried to 2 decimals

(1) Commandeered at Manila; all others taken at Cebu City.

DECLASSIFIED
Authority AND 883078

A TRUE COPY,

Gustavo C. Boesch, Jr.
GUSTAVO C. BOESCH, Jr.
1st Lt Inf

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

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
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 Zambo, Bataan. 800 troops were unloaded at Zambo that same evening, the balance of 400 were for Corregidor but had in error boarded the "ANTONIA" at Manila. This vessel stayed at Zambo until orders were received from Corregidor to unload the 400 troops at Zambo, 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. CAMEFON, 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

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

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
Dasmariñas 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. "Mitsubishi 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, USAFFE, (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 Iamao, Bataan, on the same afternoon.

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

She was raided several times by the enemy and finally sank sometime in March, 1942, off Iamao, 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 Aboitz & Company, Inc., is the owner of the M/V "CARMEN", 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. 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
Dasmariñas 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.

Fwd part of second deck with first-class accommodations; part of
bridge deck and fwd 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	29,720.32
Total amount claimed	<u>P229,720.32</u>

Formal requisition papers covering the commandeer 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 commandeer was never made at Cebu city.

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 "BOHOL II", loaded with air corps equipment, sailed on December 24, 1941 (at night) from Manila to Imao, Bataan; returned to Manila on December 28, 1941; the next day she sailed to Corregidor. On December 31, 1941, she returned to Manila and loaded wounded soldiers for Mariveles. This done the vessel docked at Fort Mills on January 1, 1942 and stood by for orders at Corregidor from January 1, to 21, 1942, and plied between Mariveles and Corregidor. She made one trip to Looc Cave, Nasugbu, Batangas, on a military mission. She was sent to Mariveles on the night of April 8, 1942, the day before Bataan fell, to help evacuate part of the troops, but she was returned to Corregidor without troops.

The next day, April 9, 1942, the M/V "BOHOL II", while lying at Fort Mills, was shelled by the Japanese artillery batteries, hit and sunk at 4:30 P.M.

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 Cebu-Bohol Ferry Co., Inc., is the owner of the M/V "BOHOL II", and is legally entitled to receive payment therefor; that the claim is just and valid, and that in consideration of the payment of P229,720.32, the United States of America, its officers and agents, are hereby unconditionally released from all further liability arising out of the above claim.

CEBU-BOHOL FERRY CO., 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; Philippine Steam Navigation Co., Inc., by Everett Steamship Corporation, Attorney-in-fact.
Manila, Philippines
Dasmariñas 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 "Gurmeister Wein", 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 P31,250.00 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 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 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-

perty when same was taken over as above.

7. The M/V "LEGAZPI" was used to transport supplies, foodstuffs, and troops, and plied between the Port of Manila, Corregidor, Bataan, and Capiz, and way ports. She was fortunate to run the blockade twice, bringing each time a full cargo of essential supplies for Corregidor; but on the third trip to Capiz she was attacked by a Japanese cruiser, shelled, burnt, and scuttled.
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 Philippine Steam Navigation Co., Inc., is the owner of the M/V "LEGAZPI", and is legally entitled to receive payment therefor; that the claim is just and valid, and that in consideration of the payment of P820,832.88, the United States of America, its officers and agents, are hereby unconditionally released from all further liability arising out of the above claim.

PHILIPPINE STEAM NAVIGATION CO., 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

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 Iloc Cave, Masugbu, Batangas, loaded "pa-lay" (unhusked rice) and cattle for Phil-American troops in Bataan. Still, later, she made another trip to Iloc Cave for the same purpose, with success.

The M/V "KOLAMBUGAN", after her second mission to Iloc 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 Yaredero, 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

DECLASSIFIED
Authority ND 883078

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
Dasmarias 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 commander 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.

ARMY TRANSPORT SERVICE
office of assistant superintendent

CEBU, CEBU
March 26, 1942

Subject: Compensation for
loss of vessel

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 his letter.

/s/ C. Z. Byrd
/t/ C. Z. BYRD
Major, QMC
Asst. Surt., 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.

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 USARP, 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 h, 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
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"

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

THE GOVERNMENT OF THE PHILIPPINES 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.

DECLASSIFIED

Authority AND 883078

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

20-g dcc.
Stamp

SEAL.

CERTIFIED TRUE COPY:

A TRUE COPY:

Gustavo C. Boesch, Jr.
GUSTAVE C. BOESCH, Jr.
1st Lt

Inf

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

AFFIDAVIT

DECLASSIFIED
Authority AWD 893079

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;

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

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 Cababalan, 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 Cababalan, I requested the ship's master, Captain Jose Sarto, to report the said damage to the U. S. Army authorities in Cababalan and to secure from them a written confirmation of the damage suffered by the M/V "CARMEN";

17. That on December 26, 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 "Legaspi";

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.

DECLASSIFIED
Authority MWD 89307P

~~/s/ ILLEGIBLE~~
~~/t/ ILLEGIBLE~~
NOTARY PUBLIC

Untill December 31, 1946

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

A TRUE COPY: *Gustave C. Borsch, Jr.*
GUSTAVE C. BOSCH, JR.
1st Lt Inf

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

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" -----	" " "
"BOHEL II" -----	" " "
"CARMEN" -----	" " "
"EMILIA" -----	" " "
"GOVERNOR SMITH" ----	" " "
"GOVERNOR TAFT" -----	" " "
"KOLAMBUGAN" -----	" " "
"P. ABCRIZ" -----	" " "
"PAULINO" -----	" " "
"PRINCESS OF CEBU" --	" " "
"RIZAL" -----	" " "
"SURIGAO I" -----	" " "
"ELCAÑO" -----	" 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.

5. 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. 1, 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 shipways and his own shipyard at Maabolo, 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. Dean 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 Coremina, 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 "CARGEN"), I recognize and identify the signatures affixed thereto, 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 "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. Dean

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

- 14/ C. J. In
- (6) Report of the Survey Board dated at the City of Cebu, March 24, 1942, re M/S "Zolambugan" 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 Abottiz
- (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 Abottiz
- (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" S. 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

- (22) 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
- (23) Charter Party of the commandeered M/S "PAULINO", dated at the City of Cebu, April 6, 1942 Ramon Abotiz
C. 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 "ELCAÑO" 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 less 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

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Authority *AWD 883078*

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.

"ELICANO"

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 Coron,
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

DECLASSIFIED

Authority MND 883078

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 ATS Officer
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

DECLASSIFIED
Authority *AND 883078*

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 USAFEE

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.

With respect to the M/S "LEGASPI", the Survey Board at Cebu was requested by Major C. 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 P.S.B. in an advisory capacity.

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Authority AWD 88307P

(9)

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

11. As to the M/V "CARIBB", 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. Boesch, Jr.
GUSTAVE C. BOESCH, Jr.
1st Lt Inf

DECLASSIFIED
Authority *AND 883078*

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 Opon Ferries, Inc. and the Tubigon Ferries, Inc., both Philippine Corporations duly organized and existing under the laws of the Philippines.

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

DECLASSIFIED
Authority *AND 98307P*

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,

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", "Kolambugen" 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

/s/ RAMON ABOITIZ

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 Planes 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, as I have been informed, she was seized by the enemy.

24. The M/V "PICKETT II", as already observed, was commandeered at Palompon, Leyte after April 10, 1942; she was later scuttled at Tacloban, 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.

/s/ RAMON ABONIZ

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 of 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 C. Z. Byrd, Captain C. J. Martin, M. E. Cleland, Sr., Attorney Alfred P. Deen, including the signature of my associate, Jose Corcuna, 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 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

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/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 Corcmina
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

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/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 "BO-
linao" C. J. Martin
M. E. Cleland, Sr.
C. E. McAdam
Alfred P. Deen

26. 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 succor 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

A TRUE COPY:

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

/s/ RAMON ABOITIZ

Ships

Sample ✓

Name M/S Norte

Commander _____

Chartered _____

Name of Firm owning ship _____

Requisitioned 4 Feb 42

Visayan Shipping Co Inc

Rented (w/ or w/out crew) _____

Date Entered Gov't Service 7 Jan 42

Place Entered Gov't Service Zamboanga

Date Sunk or Scuttled _____

Place _____

Date Repaired _____

Place _____

List of Crew (show Position, Pay Rate, and Inclusive Service)

Name	Position	Pay Rate	Inclusive Service
Seneniches, Candido,	Captain		

Remarks: Info from File # _____

One Copy Rep. on file.

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ABOITIZ - ESCANO FLEET

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