

DECLASSIFIED

Authority NR0283078

*Series 71*

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Authority ND 883,078

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Authority NND 883078

CLAIMS, DECEASED  
PROCEDURES FOR EFFECTING SETTLEMENT

MISC - 10

BASIC: Ltr fr Department of the Army, Office of the Adjutant General, Records Administration Center, St. Louis 20, Missouri, file AGRS-CE 201 Abulencia, Fortunato (15 Jun 50), dated 4 May 1951, subject: "Documents Required for Deceased Claims".

AGRD-JV 201 - ABULENCIA, Fortunato 1st Ind RE/vdr

HEADQUARTERS, 8133RD ARMY UNIT, AG RECORDS DEPOSITORY, APO 928 2 0 JUN 1951

TO: Chief, Civilian Personnel Records Branch, Records Administration Center, AGO, Building 104, St. Louis 20, Missouri  
Attn: Special Correspondence Unit

1. In compliance with basic communication your office dated 4 May 1951, forwarded herewith are data regarding the agreement of this headquarters with the Judge Advocate General of the Philippine Army, the application of Philippine Republic Act 136, approved 14 June 1947 and the procedure for gathering and transmitting documents to the Judge Advocate General of the Philippine Army.

2. Inclosed also for your information is a copy of Republic Act No. 209, approved on 1 June 48.

FOR THE COMMANDING OFFICER:



BURL A. WOOD  
Capt AGC  
Adjutant

13 Incls:

- Incl 1 - n/c
- Added 12 Incls
- 2. Claims Division Memo #99 dtd 11 Feb 45
- 3. Instruction for NOK of Deceased Personnel dtd 4 May 45
- 4. GSXRP Form #79 Claims & Benefits Under MPA
- 5. Memo #35-45 dtd 21 Nov 45
- 6. Staff Memo #11 dtd 22 Dec 45
- 7. Memo to all Personnel Proj "J" Dec Claims dtd 31 Jul 46
- 8. Office Memo #28 dtd 25 Oct 47
- 9. Ltr Hqs PHILRYCOM, subj: "Transfer of Incomplete Proj 'J' Claims".
- 10. Operating Procedure Deceased Claims Review Group
- 11. Ltr fr JAGO dtd 9 Jul 47
- 12. Cpy Commonwealth Act No. 675
- 13. Cpy Republic Act No. 209



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Authority NND 983078

DEPARTMENT OF THE ARMY  
OFFICE OF THE ADJUTANT GENERAL  
RECORDS ADMINISTRATION CENTER

ST. LOUIS 20, MISSOURI

4 May 1951

IN REPLY  
REFER TO:

ACRS-CE 201 Abulencia, Fortunato  
(15 Jun 50)

SUBJECT: Documents Required for Deceased Claims

TO: Commanding Officer  
AG Records Depository  
APO 928, c/o Postmaster  
San Francisco, California

1. Attention is invited to attached copy of letter your office dated 15 June 1950 transmitting claim for arrears in pay of Fortunato Abulencia, deceased, to the Judge Advocate General, Claims Branch, National Defense Force, Camp Murphy, Quezon City, P. I. for determination by that office of heirs and forwarding of completed claim assertion to Finance Officer, U. S. Army, Army Finance Center, OCF, Building 205, St. Louis 20, Missouri, through your office.

2. Information is requested as to whether your office has an agreement with the Judge Advocate General of the Philippine Army to supply the documents inclosed in aforementioned letter and how determination is made by your office regarding extent and number to be furnished in each particular case. All available background data on file in your office is also requested regarding the application of Philippine Republic Act 136, approved 14 June 1947, as pertains to this matter.

3. Civilian Personnel Records Branch, this Center, has copy of Philippine Republic Act No. 136, however the procedure for gathering and transmitting documents as mentioned above is not of record in that Branch.

4. It is further requested that your reply be made via Air Mail to Chief, Civilian Personnel Records Branch, Records Administration Center, AGO, Building 104, St. Louis 20, Missouri, Attention: Special Correspondence Unit.

BY ORDER OF THE SECRETARY OF THE ARMY:

5512

*James W. Hill*  
Adjutant General

1 Incl

Cpy ltr dtd 15 Jun 50



DEPARTMENT OF THE ARMY  
OFFICE OF THE ADJUTANT GENERAL  
RECORDS ADMINISTRATION CENTER  
ST. LOUIS 20, MISSOURI

IN REPLY  
REFER TO

AGRS-02 501 Administrative, Fortunate  
15 Jun 50

DECLASSIFIED  
Authority NND 883078

SUBJECT: Documents Required for Deceased Claims

TO: Commanding Officer  
AG Records Depository  
APO 952, c/o Postmaster  
San Francisco, California

1. Attention is invited to attached copy of letter your office dated 15 June 1950 transmitting claim for arrears in pay of Fortunato Abulnada, deceased, to the Judge Advocate General, Claims Branch, National Defense Force, Camp Murphy, Quezon City, P. I. for determination by that office of heirs and forwarding of completed claim application to Finance Officer, U. S. Army, Army Finance Center, GPO, Building 502, St. Louis 20, Missouri, through your office.

2. Information is requested as to whether your office has an agreement with the Judge Advocate General of the Philippine Army to supply the documents included in aforementioned letter and how determination is made by your office regarding extent and number to be furnished in each particular case. All available background data on file in your office is also requested regarding the application of Philippine Republic Act 156, approved 14 June 1947, as pertains to this matter.

3. Civilian Personnel Records Branch, GSA Center, has copy of Philippine Republic Act No. 156, however the procedure for certifying and transmitting documents as mentioned above is not of record in that Branch.

4. It is further requested that your reply be made via Air Mail to Chief, Civilian Personnel Records Branch, Records Administration Center, AGO, Building 101, St. Louis 20, Missouri, Attention: Special Correspondence Unit.



BY ORDER OF THE SECRETARY OF THE ARMY

*James W. [Signature]*  
Adjutant General

5515

1 Incl  
CIV 1st dtd 15 Jun 50

HEADQUARTERS  
 ADJUTANT GENERAL RECORDS DEPOSITORY  
 PHILIPPINES COMMAND (AIR FORCE) AND THIRTEENTH AIR FORCE  
 APO 900

DCiv - 1396

15 June 1950

AGRD-J 201 - ABULENCIA, Fortunato (Civ)

SUBJECT: Transfer of Incomplete Project "J" Deceased Claim

TO : Judge Advocate General, Claims Branch  
 National Defense Forces, Camp Murphy, Quezon City

Forwarded herewith claim for arrears in pay of Fortunato Abulencia filed by Maria Abulencia Aningalan, for your determination as to heirs and forwarding of completed claim assertion to Finance Officer, U. S. Army, Army Finance Center, OCF, Building 205, St. Louis 20, Missouri, through this office.

FOR THE COMMANDING OFFICER:

/s/ Richard Evans  
 RICHARD EVANS  
 WOJG USA  
 Asst Adj

## 14 Incls:

1. Det of status (dup) Civ SR #1570 dtd 12 May 50
2. Std Form No. 1055 (dup)
3. Supp Std Form No. 1055 (dup)
4. Afdvt of Maria A. Aningalan, 19 Oct 46
5. Power of Attorney of Guillermo A. Casilang 15 Oct 46
6. M/C of Fortunato Abulencia & Fortunata Tamayo
7. Afdvt re discrepancy of name of Fortunata Tamayo
8. M/C of Guillermo Abulencia & Maria Salindong
9. B/C of subject
10. B/C of Clarita Abolencia
11. B/C of Alicia Abolencia
12. B/C of Daniel Abolencia
13. B/C of Guillermo Abolencia
14. Cert of L C R re in availability of B/C of Norma Abulencia
15. D/C of Fortunata Tamayo

C O P Y

*Jan 11*



## GENERAL ACCOUNTING OFFICE

## OFFICE MEMORANDUM

CLAIMS DIVISION

Feb 11, 1945

CLAIMS DIVISION MEMORANDUM NO. 99.

Procedure for the development and settlement, in the Philippine Islands, of claims for arrears of pay and allowances of deceased Filipinos who served in the Army, including the Philippine Scouts, the Navy, or as civilian employees of any executive department or establishment of the United States, where death occurred on or after December 8, 1941.

In view of the cessation of hostilities in the Pacific Area and changed conditions resulting therefrom, and the present availability of adequate facilities for the prompt processing of claims for arrears of pay and allowances of the personnel indicated above in the United States, the assignment of personnel of the General Accounting Office to the Philippine Islands for the purpose of establishing therein an office for the settlement of such claims as directed in Claims Division Memorandum No. 91, August 2, 1945, will not be made and the project is abandoned. Claims Division memorandum No. 91, August 2, 1945, is accordingly rescinded.

Claims on behalf of the involved estates will be presented by the Judge Advocate General of the Philippine Army, or his designated delegate, to the Army Service Forces, Office of the Fiscal Director, Office Special Settlement Accounts, 27 Pine Street, New York, New York (where the accounts involve members of the military forces or civilian employees of the War Department), and to the Navy Department, Bureau of Supplies and Accounts, Field Branch, 19th Street and Euclid Avenue, Cleveland, Ohio (where the accounts involve members of the Naval forces or civilian employees of the Navy Department). The accounts will be stated in the said offices in accordance with established practices, whereupon the stated accounts together with appropriate administrative reports with claims attached will be transmitted to the Claims Division, General Accounting Office, Washington, D. C., for such further development as may be required, settlement, and the issuance of certificates of settlement. Certificates of settlement will be scheduled to such Army and Navy disbursing officers for payment as may be indicated by the War and Navy Departments from time to time.

Where no balance appears due in any particular account, the claim will be disposed of by the Claims Division by letter of certificate of disallowance addressed to the Judge Advocate General of the Philippine Army, or his delegate, and copies shall be furnished Office Special Settlement Accounts, and Navy Department, Bureau of Supplies and Accounts, Field Branch, Cleveland, Ohio. Complaints of parties in interest will be referred to the Judge Advocate, or his delegate. Appeals by the Judge Advocate General, or his delegate, relative to the amount allowed or disallowed, or for any other reason will be referred in the usual manner to the Comptroller General of the United States, Washington, D. C.

No account of any decedent herein will be settled unless and until proper claim is received in the Claims Division, General Accounting Office from the Judge Advocate General of the Philippine Army, or his delegate.

No account of any decedent herein will be settled unless claim is filed on behalf of heirs, the existence of whom must be known to the claiming officer of the Philippine Government, and his certificate to the effect that claim is filed on behalf of known heirs in each case will be sufficient for the purposes of settlement, without further proof or evidence of identity of the various heirs, unless the circumstances in particular cases so require.

Until the close of these claims has been processed, the War and Navy Departments will deliver the claims and attached accounts to the Claims Division, General Accounting Office, under separate cover, distinctively marked, and distinguishing claims involving civilian employees from those on behalf of personnel of the armed forces. Upon receipt, they will be promptly processed and certificates of settlement will be scheduled to proper disbursing officers under separate cover with appropriate and distinctive marking; i.e., "Philippine Accounts."

(Signed) A. B. Thomas

Chief, Claims Division

Approved for the War Department:

(Signed) Kenneth C. Royall

Kenneth C. Royall  
Under Secretary of War

Approved for the Navy Department:

(Signed) James Forrestal

PROCEDURE FOR EFFECTING SETTLEMENT  
OF ARREARS OF PAY OF CERTAIN DECEASED FILIPINO PERSONNEL

1. Purpose. The purpose of this memorandum is to expedite the settlement of claims for arrears of pay due deceased Filipino personnel of the War Department, military and civilian, whose estates are to be administered under Philippine Commonwealth Act No. 675 of July 24, 1945.

2. Procedure for Processing. a. Claims for amounts due the estate of deceased Filipinos will be accepted only when presented over the signature of the Judge Advocate General of the Philippine Army, or his duly authorized representative. Proof or evidence of identity of heirs is not required, unless warranted by circumstances in particular cases. Therefore, the Judge Advocate General of the Philippine Army will submit a claim form indicating that such claim is submitted on behalf of heirs whose existence is known to him, in substantially the following form:

"I, Colonel John A. Doe, claim the arrears of pay under the provisions of Commonwealth Act Number 675, dated July 24, 1945, as amended, of \_\_\_\_\_, who died  
(Name) (Rank) (serial number component)  
\_\_\_\_\_, or who was presumed to have died on \_\_\_\_\_.  
(Date) (Date)

This claim is submitted on behalf of known heirs.

JOHN A. DOE  
Colonel, PA  
Judge Advocate General

In the event that the claim is made by another officer acting under delegated authority, the claim form will show his name, grade and title.

A copy of the instrument delegating authority to any officer to act for the Judge Advocate General of the Philippine Army and a copy of all changes, new authorizations or rescissions will be promptly forwarded to the Claims Division, General Accounting Office, Washington 25, D. C.

The Office of Dependency Benefits, Special Settlement Accounts Division, 213 Washington Street, Newark 2, New Jersey, is charged with the responsibility for the developing and processing of these cases to the Claims Division, General Accounting Office, for settlement. However, since in some cases certain details as to the financial status of the deceased are lacking, it is essential that a determination of the status of the decedent since date of last payment in full be made. Accordingly, the certified claim of the Judge Advocate General of the Philippine Army will be forwarded to the Adjutant General, Headquarters, USAF Western Pacific, who will determine the status of the decedent during the entire period since date of last payment in full. A copy of the report of determination in each case will be attached to the claim and forwarded to the Office of Dependency Benefits, Special Settlement Accounts Division, 213 Washington Street, Newark 2, New Jersey.

b. The Special Settlement Accounts Division will prepare an administrative report or a departmental settlement of account in each case in accordance with present policies and procedures established for that office for transmittal to the General Accounting Office, Claims Division, 3800 Newark Street, N.W., Washington 25, D. C. These claims and attached papers will be transmitted under separate cover, distinctly marked distinguishing claims involving deceased civilian employees from those submitted on behalf of military personnel.

c. The office of the Fiscal Director, Headquarters, USAF Western Pacific, is designated as the paying office for Certificates of Settlement issued by the General Accounting Office in Filipino cases. The General Accounting Office agreed to schedule these certificates to the paying office under separate cover with appropriate and distinctive marking, i.e., "Philippine Accounts."

d. The designated paying office will pay the amounts certified to be due in each case to the Judge Advocate General of the Philippine Army for distribution to the heirs in accordance with Commonwealth Act No. 675 of July 24, 1945. Copy of the Certificate of Settlement issued by the General Accounting Office in each case (Form 40a, Notice of Payment of Settlement, to accompany check) will accompany the payment.

e. Where no balance appears due in any particular account, the claim will be disposed of by the Claims Division, General Accounting Office, by letter or certificate of disallowance addressed to the Judge Advocate General of the Philippine Army, or his delegate, and copies shall be furnished the Special Settlement Accounts Division. Complaints of parties in interest will be referred to the Judge Advocate General, or his delegate. Appeals by the Judge Advocate General, or his delegate, relative to the amount allowed or disallowed, or for any other reason will be referred in the usual manner to the Comptroller General of the United States, Washington 25, D. C.

HEADQUARTERS  
UNITED STATES ARMY FORCES IN THE FAR EAST  
RECOVERED PERSONNEL SECTION

APO 501  
4 May 1945

SUBJECT: INSTRUCTIONS FOR NEXT OF KIN OF DECEASED PERSONNEL  
AND/OR APPLICANTS FOR FAMILY ALLOWANCES AND  
ALLOTMENTS.

TO : WHOM IT MAY CONCERN.

1. You have made an appointment for assistance in processing your claim for arrears in pay, death benefits or for family allowances or allotment of pay. Please be prompt in keeping this appointment.

2. You will need the following papers to present in support of your claim as shown above:

- (1) Date of Birth of Minors who are Under 18 Years of Age
  - a. A certified copy of the public record of birth or church record of baptism;
  - b. If above cannot be produced, an explanation and affidavit from physician or midwife in attendance at birth.
  - c. If, neither of the above can be produced, then the affidavits of two or more disinterested persons, stating their ages, and the name, date, and place of birth of the person whose birth or age is being established; and stating that from their own knowledge such person is the child of such parents, naming the parents.
- (2) Proof of Marriage to Soldier:
  - a. A duly certified copy of the public or church record.
  - b. If above cannot be produced, an explanation and affidavit of the clergyman or magistrate who officiated.
  - c. If b above cannot be procured, the production of the original marriage certificate accompanied by proof of its genuineness and the authority of the person to perform the marriage.
  - d. If a, b, or c above cannot be procured, then the affidavit of two or more eyewitness to the ceremony.

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- (3) Adoption of a Minor Under 18 by the Soldier or Previous Adoption of the Soldier by a Foster Parent:  
A certificate from the clerk of the court which legalized the adoption, or certified copy of order of adoption from a court of competent jurisdiction.
  - (4) Change of Name of a Dependent of the Soldier:  
Certified copy of the decree of the court or other court record effecting such change of name.
  - (5) Guardianship of a Dependent of the Soldier:  
Certified copy of court decree.
  - (6) Relationship and Dependency of Class B Dependents:  
Proof of status by affidavit (of two disinterested persons attesting to the relationship and dependency) is required. If any of the above subjects under headings 1 through 6 are involved, the proof for that subject by submission of the appropriate documents as listed for that subject must be furnished.
  - (7) If you are applying for death benefits - conclusive evidence of death of the War Department Employee or soldier.
  - (8) All papers pertaining to employment of civilians by the War Department or of military status of U. S. Army and Philippine Scout Personnel.
  - (9) Certified copy of court order appointing you Executor or/ Executrix of estate of deceased personnel.
  - (10) Any unpaid official government checks issued to the deceased.
3. You will assist us in assisting you and expedite your claim if you ascertain that you have all the information required.

SECTION 35 (A) OF THE CRIMINAL CODE (18 U.S.C. 83) MAKES IT A CRIMINAL OFFENSE PUNISHABLE BY A MAXIMUM OF TEN (10) YEARS' IMPRISONMENT, \$10,000 FINE, OR BOTH, TO MAKE A FALSE STATEMENT OR REPRESENTATION TO ANY DEPARTMENT OR AGENCY OF THE UNITED STATES.

HEADQUARTERS  
PHILIPPINE MARINES COMMAND  
REGIMENTAL PERSONNEL DIVISION  
Project "J" Deceased Claims Section  
APO 907

Claims and Benefits under the Missing Persons Act.

TO: Heirs of deceased military and civilian personnel of the War Department domiciled in the Philippines.

In order to meet the requirements of existing laws and regulations including Republic Act No. 136, which supersedes Commonwealth Act No. 675 as amended by Act No. 684, compliance with the policies herein set forth is necessary to establish entitlement to arrears in pay and any allowances due the deceased. Furnish all of the evidence indicated by red pencil mark only.  
(See definitions Par. VI)

The following is the Order of Succession which will govern the distribution of the estate of deceased personnel in the absence of a will or in cases where legal or intestate succession is proper:

- Class 1. Legitimate children and descendants (including legitimate and legally adopted children)
- Class 2. Legitimate parents and ascendants
- Class 3. Acknowledged natural children and their legitimate descendants.
- Class 4. Brothers and sisters, nephews and nieces
- Class 5. Surviving spouse
- Class 6. Collateral relatives within the sixth civil degree
- Class 7. The State.

NOTE: In every inheritance, the relatives nearest in degree in each line excludes the more remote, except in cases where the right of representation exists. Thus, if there are legitimate children and descendants (Class 1) surviving the decedent, the proof required shall be only for those individuals belonging to that Class (Class 1), and it shall be unnecessary to submit proof for those belonging to the subsequent classes. If no Class 1 and 2 heirs survive, but only Class 3, claimants should submit all the supporting certificates of birth, death and/or marriage as indicated herein. In the latter case, certificates of Classes 4 and 6 are unnecessary.

(2) It must be noted, however, that regardless of who are the immediate legal heirs, the marriage certificate and death certificate, if dead, of decedent's spouse (Class 5); the birth, marriage, and death certificates and acknowledgment papers of legally acknowledged natural children (Class 3); and the adoption papers of legally adopted children should always be submitted.

SUPPORTING PAPERS RE DECEASED PERSONNEL

- 1. Proof of service of deceased.
- 2. Proof of death of soldier or employee.

NOTE: Supporting papers of deceased personnel (soldier or employee) will be submitted in all cases, regardless of who are the heirs.

SUPPORTING PAPERS RE CHILDREN OR DESCENDANTS OF DECEASED PERSONNEL

- (1) Marriage certificate or certificates of deceased personnel.
- (2) Birth certificate of the children, or legitimated children.



- irrespective of whether they belong to a first or second marriage.
- (3) If any of the children have died, death certificates of said children, together with their marriage certificates, if married, and the birth certificates of their children, if any.
  - (4) Adopted papers in case of legally adopted children.
  - (5) Proof of acknowledgment of acknowledged natural children.

SUPPORTING PAPERS RE PARENTS OR OTHER ASCENDANTS OF DECEASED PERSONNEL

- (1) Proof that he died single and without issue, or that all his children and descendants have died before his death.
- (2) Birth certificate of deceased soldier.
- (3) Marriage certificate of the parents.
- (4) Subsequent marriage certificate of the widowed mother or father, if he or she has remarried.
- (5) Decree of final divorce, if any.
- (6) Death certificates of the deceased parent or parents.
- (7) Birth certificates of brothers and sisters of deceased personnel, if parents died subsequent to death of soldier or employee.

NOTE: If parents are dead but are survived by grandparents, marriage certificate of the latter and birth certificate of the former shall be submitted in addition to documents check above.

SUPPORTING PAPERS RE ACKNOWLEDGED NATURAL CHILDREN OF DECEASED PERSONNEL

For the purpose of this claim a child is duly acknowledged in accordance with the provisions of the Civil Code and the provisions of Sec. 6 of Republic Act No. 136, if ONE of the following documents is presented to this Office:

- 1. Originals or certified true copies of the judicial decree of acknowledgment (Arts. 136-136, C.C.).
- 2. A will, duly probated in court, in which the child is acknowledged (Arts. 131, C.C.).
- 3. A public instrument in which the child is acknowledged, showing consent of the child if of legal age, or with the consent of the court if child is a minor (Arts. 131 & 133, C. C.).
- 4. (a) Certification by the Judge who issued the acknowledgment papers certifying to such acknowledgment.  
(b) Affidavit of two disinterested persons, certifying to the fact of acknowledgment.

NOTE: 1 - In (a) & (b) above, the certificate of loss or destruction of the pertinent records by the legal custodian, or in lieu thereof, an affidavit re such loss or destruction by two disinterested persons, should be submitted.

- 5. (a) When the fact of delivery and identity of child is fully established (this is with respect to the mother only).  
(b) When the fact of continuous possession of the status of an acknowledged natural child is fully established.

NOTE: Any of the facts mentioned in par. 5 (a) and (b) may be proved by the affidavit of two disinterested persons. The birth certificate or the baptismal certificate is admissible to establish par. 5 (a).

DECLASSIFIED  
Authority: NN D 33278

Memo 35-45

MEMORANDUM  
No. 35-45 )WAR DEPARTMENT  
Washington 25, D.C., 21 November 1945FISCAL PROCEDURE FOR SETTLEMENT OF ARREARS  
OF PAY OF CERTAIN DECEASED CIVILIAN EMPLOYEES

1. Purpose. The purpose of this memorandum is to expedite the processing and settlement of claims for arrears of pay in the cases of certain deceased civilian employees entitled to benefits under the provisions of the Act of 7 March 1942 (56 Sta. 143); as amended (WD Cir. 305, 1944).

2. Procedure for processing. a. The Office of Special Settlement Accounts, 27 Pine Street, New York 5, New York, is charged with the responsibility for developing and processing these cases to the Claims Division, General Accounting Office, Washington, D. C., for settlement. However, before such claims can be processed, it is essential that certification of availability of funds be obtained from appropriate authorities, in order that the General Accounting Office may make proper settlement. The Office of Special Settlement Accounts must rely on the chiefs of services for this certification where the civilian employee was a former field service employee thereof.

b. Accordingly, when the Office of Special Settlement Accounts has a case of the type described ready for final processing, it will transmit the case direct to the proper chief of service for the necessary certification of availability of funds.

c. Upon receipt of such cases, the chief of service concerned will certify the availability of funds immediately, giving this type of case the highest possible priority, and return same direct to the Office of Special Settlement Accounts, Attention: Master Pay and Allotment Accounts Branch.

(AG 248.2 (9 Nov 45))

BY ORDER OF THE SECRETARY OF WAR:

## OFFICIAL:

H. N. GILBERT  
Major General  
Acting, The Adjutant General

DWIGHT D. EISENHOWER  
General of the Army  
Acting Chief of Staff

HEADQUARTERS  
UNITED STATES ARMY FORCES WESTERN PACIFIC  
RECOVERED PERSONNEL DIVISION

APO 707  
22 December 1945

STAFF MEMORANDUM )  
: )  
NO.....11 )

Payments to Beneficiaries

1. The following is quoted from an opinion of Judge Advocate General, War Department:

"1. It is the opinion of this office that the Commander in Chief, Army Forces, Pacific, may legally be authorized to determine that, in cases of death in the Philippine Islands of War Department civilian personnel or Philippine Army personnel, a casualty status within section 2 of the Missing Persons Act (act 7 Mar 1942, 56 Stat. 144), as amended (sec 2, Act 1 Jul 1944, 58 Stat. 679; 50 U.S.C. App., Sup. IV, 1002), shall not exist beyond (a) the date of receipt by the next of kin from local officials of notification of death or the date of receipt of such notification by General Headquarters, Army Forces, Pacific, whichever is earlier, or (b) the date of actual death where the next of kin were present with such personnel at the time of death."

2. The following policy will be effective immediately with respect to the date to which payments to beneficiaries shall extend.

a. Payments to beneficiaries shall extend up to the dates determined under (a) and (b), Par. 1-above.

b. Where it is necessary to make a finding of death in the case of Philippine Army or resident War Department civilian employees, such death will be presumed to have occurred one year and one day after the beginning of an absence of missing or missing in action, unless there is evidence warranting a reasonable presumption that the individual was living after that date. In this case, payments to beneficiaries will be approved up to and including the presumed date of death.

s/ Morris H. Marcus  
t/ MORRIS H. MARCUS  
Colonel AGD  
Director, Rec Pers Division

C O P Y

*Final*

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RECOVERED PERSONNEL DIVISION  
Deceased Claims, APC Section

APO 707  
31 July 1946

MEMORANDUM:

TO : All Personnel  
Proj "J" Deceased Claims

1. The following information relative the preparation of cases for forwarding to JAGPA and OSSA is published for your information and guidance.

a. Civilian US Govt Employee - Filipino:  
Since WD does not have casualty information, each case will include a signed original SR & D marked "Action Copy OSSA" and either a true copy or second signed copy of the SR & D marked "File Copy JAGPA". The OSSA copy will be forwarded by JAGPA accompanied by an individual claim form for each case, the other copy will remain in JAGPA files. Since heirs will be determined and paid under Philippine law, Supplement to Form 1055 is necessary, except when the amount due is less than \$50.00.

b. Philippine Scouts: Since the WD already has casualty information on this category of personnel, it will not be necessary for copies of the SR & D to accompany the claim. JAGPA will, however, file an individual claim form with OSSA in each case. Since heirs will be determined and paid under Philippine law, Supplement to WD Form #14 is necessary in all cases.

c. AUS: Since WD has casualty information, it is not necessary that SR & D accompany case. If deceased was a US citizen, case is forwarded direct to OSSA and since heirs will be determined and paid under US law, Supplement to WD Form #14 is not necessary. If deceased was not a US citizen, heirs will be determined and paid under Philippine law and the supplement is necessary.

d. Civilian US Govt Employee - US Citizen:  
Since WD may not have casualty information, an original, signed SR & D will accompany the case direct to OSSA but it is not necessary to furnish TAG with an info copy. Since heirs will be determined and paid under US law, the Supplement to Form 1055 is not necessary.

E. F. FORSYTHE  
Chief of Section  
Proj "J", Deceased Claims

Info Copy, Military Section

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Paul F

HEADQUARTERS  
PHILIPPINE-RYUKYUS COMMAND  
RECOVERED PERSONNEL DIVISION  
PROJECT "J" BRANCH  
Determination Finance & Statistics Section

AFPO 707  
25 October 1947

OFFICE MEMORANDUM  
NO. .... 28

SUBJECT: Procedure for Preparing and Transferring Incomplete Deceased Cases to The Judge Advocate General, Army of the Philippines.

1. Re-review of all incomplete cases.

a. Lists of incomplete cases will be compiled by the DF & S Section from the locator cards in the Statistics Sub-Section and submitted to the Files and Records Section for securing needed folders.

b. Reviewers will review the cases to accomplish the following:

- (1) Segregation of cases into two categories i.e. those in which JAG AP has jurisdiction over the estate and those in which they do not have jurisdiction. Provisions of letter dated 9 July 1947, Headquarters Army of the Philippines will govern.
- (2) Segregation of contents of such 201 file into 2 categories:
  - a. Papers which are necessary for the determination of the lawful heir of the estate.
  - b. All other papers plus one copy of those listed in paragraph a above.
- (3) Determine what is necessary to bring the claim to completion and so inform the claimant using the appropriate attached form letter. Information copies of these letters will be distributed as indicated on each individual form letter.
- (4) All claims found complete by the review will be handled in the usual manner.

*Amel d*

- (5) Construct folders in accordance with the following plan:
- a. Folder number 1 will contain all papers indicated in paragraph b(2)a and will be arranged as indicated by inclosure 1.
  - b. Folder number 2 will contain all papers indicated in paragraph b(2)b and will be arranged as indicated by inclosure 2.
  - c. Folders will be tabbed as indicated by inclosure 3.

Incl  
Form ltr

s/ James H. Hill  
t/ JAMES H. HILL  
Captain, Inf  
Chief of Section

DECLASSIFIED

Authority NND 983078

PAPERS IN FOLDER NO. 1 WILL BE ARRANGED AND  
BOUND AS INDICATED IN DIAGRAM

[REDACTED]

COPY LTR TO CLAIMANT  
NOTIFY SAME OF TRANSFER

COPY OF FORMS WDFD 1055 & Supp,  
4a & 101 or 14 & Supplement

ALL SUPPORTING CLAIM  
EVIDENCE

PAPERS IN FOLDER NO. 2 WILL BE ARRANGED AND  
BOUND AS INDICATED IN DIAGRAM

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LEFT SIDE OF FOLDER

RIGHT SIDE OF FOLDER

WD AGO FORMS 0353  
0365 & 52-1

COPY OF SR & D  
OR RF

Correspondence Pertaining  
To The Determination un-  
der M P A

BOARD PROCEEDINGS  
(if any)

COPY LTR TO CLAIMANT  
NOTIFYING SAME OF  
TRANSFER

COPY OF FORM #14 &  
SUPPLEMENT or WDFD  
#1055 & Sup

COPIES OF ALL SUPPORTING  
EVIDENCE IN FOLDER NO.1



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PS - AUS - WDC

LAST NAME, FIRST NAME, MI ASN

TAB WILL BE MADE OF PAPER TAPE (Glued)  
WITH INFORMATION PRINTED BY HAND

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Authority NND 983078

HEADQUARTERS  
PHILIPPINES-RYUKYUS COMMAND

AFO 707

D

SUBJECT: Transfer of Incomplete Project "J" Deceased Claim

TO : Judge Advocate General, Claims Branch, Headquarters Army  
of the Philippines, Camp Murphy, Quezon City

Forwarded herewith claim for arrears in pay of  
filed by

for your determination as to heirs and forwarding of completed  
claim assertion to Finance Officer, U. S. Army, Army Finance Center,  
OGF Bldg. 205, St. Louis 20, Missouri, through this office.

FOR THE COMMANDING GENERAL:

Incls

1. WDFD STD Form
2. Supp

GSKRP Form No. 192b

/gbb

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Authority NND 883078

HEADQUARTERS  
PHILIPPINES-RYUKYUS COMMAND  
RECOVERED PERSONNEL DIVISION

AFO 707

FILE D \_\_\_\_\_

Re:

Dear

Reference is made to your claim for arrears in pay based on the service of your \_\_\_\_\_ who

A recent review of your case reveals that the following supporting evidence is necessary to complete your claim for payment:

If the original of the foregoing documents are not obtainable, affidavits of two disinterested persons will be accepted in lieu thereof, provided they are accompanied by a certification from the Local Civil Registrar or Parish Priest to the effect that the records were either lost or destroyed.

A representative of your Philippine Red Cross Chapter or the Legal Aid Office of the Department of Justice will personally contact you and assist you in accomplishing the supporting papers and will forward same without delay, free of charge, to The Judge Advocate General, Headquarters, Army of the Philippines, Camp Murphy, Quezon City. In future correspondence please refer to the file number above.

Sincerely,

JAMES H. HILL  
Captain, Inf

INFO COPY: Phil. Red Cross  
Legal Aid Office, Dept of Justice  
Judge Advocate General, Hq AP

HEADQUARTERS  
PHILIPPINES-RYUKYUS COMMAND  
RECOVERED PERSONNEL DIVISION

FILE D \_\_\_\_\_

APG 707

Dear

Re:

Reference is made to your claim for arrears in pay based on the service of your \_\_\_\_\_ who

A recent review of your case reveals that the following supporting evidence is necessary to complete your claim for payment:

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Authority NND 983078

The inclosed must be accomplished by you, properly notarized by a person authorized to administer oaths, and forwarded in triplicate to the Judge Advocate General, Headquarters, Army of the Philippines, Camp Murphy, Quezon City.

If the original of the foregoing documents are not obtainable, affidavits of two disinterested persons will be accepted in lieu thereof, provided they are accompanied by a certification from the Local Civil Registrar or Parish Priest to the effect that the records were either lost or destroyed.

A representative of your Philippine Red Cross Chapter or the Legal Aid Office of the Department of Justice will personally contact you and assist you in filling out the form and accomplishing the required supporting evidence and will forward same to the Judge Advocate General, Headquarters, Army of the Philippines, without delay, free of charge.

Your claim was transferred to the Office of the Judge Advocate General, Headquarters, Army of the Philippines on \_\_\_\_\_. Any question in connection therewith should in the future be addressed to that office and not to the Recovered Personnel Division. In future correspondence please refer to the file number above.

Sincerely,

\_\_\_\_\_  
Incl

JAMES H. HILL  
Captain, Inf

INFO COPY: Phil. Red Cross  
Legal Aid Office, Dept of Justice  
Judge Advocate General, Hq AP  
/gbb GSXRP 205c (Rev 27 Oct 47)

HEADQUARTERS  
PHILIPPINES-RYUKYUS COMMAND  
RECOVERED PERSONNEL DIVISION

FILE D \_\_\_\_\_

AF0 707

DECLASSIFIED

Authority NND 833078

Re:

Dear

Reference is made to your claim for arrears in pay based on the service of the above named individual who .

A recent review of your case reveals that the following supporting evidence is necessary to complete the claim for payment:

The inclosed must be accomplished by you, properly notarized by a person authorized to administer oaths, and forwarded in triplicate to the Judge Advocate General, Headquarters, Army of the Philippines, Camp Murphy, Quezon City.

A representative of your Philippine Red Cross Chapter or the Legal Aid Office of the Department of Justice will personally contact you and assist you in filling out the form and will forward same to the Judge Advocate General, Headquarters, Army of the Philippines, without delay, free of charge.

Your claim was transferred to the Office of the Judge Advocate General, Headquarters, Army of the Philippines on . Any question in connection therewith should in the future be addressed to that office and not to the Recovered Personnel Division. In future correspondence please refer to the file number above.

Sincerely,

\_\_\_\_ Incl

JAMES H. HILL  
Captain, Inf

INFO COPY: Phil. Red Cross  
Legal Aid Office, Dept of Justice  
Judge Advocate General, Hq AP  
GSXRP Form 205d (Rev 27 Oct 47)

/gbb

HEADQUARTERS  
PHILIPPINES-RYUKYUS COMMAND  
OFFICE OF THE COMMANDING GENERAL

APO 707

SUBJECT: Transfer of Incomplete Deceased Project "J" Claims

TO : Chief of Staff, Army of the Philippines  
Camp Murphy, Quezon City  
APO 501

1. Under the provisions of Commonwealth Act 675, as amended, the Recovered Personnel Division of my headquarters assembles the evidence necessary to support the claims of heirs of deceased Filipino members of the Army of United States, Philippine Scouts and War Department Civilian employees, classified as Project "J" under the Missing Persons Act, and transmits the completed claims to the Claims Division, Office of the Judge Advocate General, your headquarters. The Claims Division determines the proper heirs in each case in accordance with Philippine Law and asserts the claim to the General Accounting Office, Washington, D. C. through my headquarters. The General Accounting Office computes the amount due and makes payment to your Judge Advocate General as administrator of the estate. He, in turn, advises the Recovered Personnel Division of receipt of the payment and makes distribution to the lawful heirs.

2. As of this writing the Recovered Personnel Division has approximately 6200 deceased claims on hand which have not been transmitted to your Claims Division due to a lack of certain supporting evidence necessary to the determination of lawful heirs. The nature of additional evidence required has been made known to the claimant in each case. A review of these cases is now in progress and every possible effort is being made to bring these claims to completion. This review will be completed on or about 31 July 1947 at which time it is expected that approximately 3000 claims will still be incomplete.

3. Since the basic work of establishing the claim and the status of the deceased under the Missing Persons Act has been accomplished by the Recovered Personnel Division, it is recommended that the following action be taken:

a. That, on completion of the review now in progress, all claims remaining incomplete be transmitted to the Claims Division, Office of the Judge Advocate General, your headquarters.

b. That the additional evidence required to complete the claim be transmitted to your Claims Division as received.

c. That your Judge Advocate General assert the incomplete claims to the General Accounting Office through my headquarters and withhold distribution to heirs pending receipt of the additional evidence required.

(Prepared by DML, Prof "J", RPD;  
Reviewed and concurred in by DML,  
AG, C/S.)

JAC/9

d. That your Claims Division continue to advise the Recovered Personnel Division of all payments received from the General Accounting Office.

h. Concurrently with the transfer of incomplete claims, the Recovered Personnel Division will again advise claimants and all interested agencies of the supporting evidence required to complete the claim and instruct them to forward same to your Claims Division.

5. In the event of your acceptance of the above recommendations it is suggested that a conference be arranged between the Office of the Judge Advocate General, your headquarters and the Recovered Personnel Division, this headquarters for the purpose of planning the necessary coordination between the two agencies.

GEO. F. MOORE  
Major General, U. S. Army  
Commanding

OPERATING PROCEDURE  
DECEASED CLAIMS REVIEW GROUP

## 1. MISSION

The Deceased Claims Review Group is charged with the review of claims under the MPA filed by the heirs of deceased members of the Philippine Scouts, Army of the United States and War Department Civilian personnel.

## 2. OPERATION

Cases are received from the Message Center, Proj "J" Br. and from the Processing Sub-Section, RCP, thru the Chief of the Adjudication and Determination Sub-Section, DFS, and are acted upon as follows:

a. Members of the PS, AUS and Civilian personnel of the War Department who died prior to returning to military or WD control:

(1) Upon receipt of the case, the name of the the subject individual is checked against the War Department Casualty listing as of 7 Dec 41, and against the Death Records of the O'Donnell Concentration Camp, Capas, for possible evidence of death. When the case pertains to a WD civilian personnel, it is forwarded to the Determination Group (Civilian Deceased) for verification of service and determination of death and status under the MPA.

(2) After the subject has been verified to have been a member of the PS or the AUS, the case is forwarded to the Determination Group (military deceased) for a determination of death and status of the soldier under the MPA (SR&D).



At the same time, WDFD Form #14 and a Supplement thereto is sent to the claimant, together with a letter of instructions wherein are enumerated the supporting evidence necessary to establish the relationship of the claimant to the subject, i. e., certificates of births, marriages deaths and affidavits as required by existing laws and regulations of the Republic of the Philippines (Republic Act No. 136). For civilian cases, Std Form 1055 and supplement thereto is sent to the claimant together with a letter of instructions.

(3) When no evidence of death of the soldier is available in the office, but service with the PS or AUS has been verified, the claimant is advised to submit, in addition to the forms and supporting papers stated in (2) above, conclusive evidence as to the date, place and cause of death of the subject, his prisoner of war status and civilian activities if a POW and later released, upon receipt of which, the case is forwarded to the Determination Group (Military, Deceased) for SR&D, if possible.

(4) When the name of the subject does not appear in the Casualty Listing of the War Dept., the claimant is advised to submit conclusive proof as to the enlistment or induction of the soldier, in the form of official documents or affidavits of unit officers, which should include the place and date of enlistment or induction and the name of the officer who enlisted or inducted him into the PS or AUS, upon receipt of which, the case is forwarded to the following for verification of service:

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(a) To the Determination Group (Military, Deceased) if the evidence shows that the soldier was enlisted prior to 7 Dec 41.

(b) To the Military Adjudication Group if the evidence indicates that the soldier was enlisted subsequent to 7 Dec 41.

(5) Upon receipt of evidence (certificates and affidavits) submitted by the claimants, same are investigated as to their validity. Certificates of births, marriages and deaths must either be the original documents or certified copies signed by the Local Civil Registrar. Affidavits must be sworn to before a person authorized to administer oaths.

(6) Cases are returned to this group by the Determination Groups (Military and Civilian) upon completion of SR&D for military cases and Civilian SR for civilian cases, after which, the claims are transmitted as follows:

- (a) Complete claims are transmitted to the Judge Advocate General, Armed Forces of the Philippines for determination of Legal heirs and forwarding of claim to FOUSA thru Proj "J", Br. AGRD. Claimants are informed of the action taken on their claims.
- (b) Incomplete claims are transferred to the JAG, AFP, and the claimants are advised of the transfer and are requested to forward any additional supporting evidence to said office.
- (c) In the event that the deceased soldier is a citizen of the US, the complete claim is transmitted direct to FOUSA for settlement. However, claims for deceased American civilian employees are settled thru the JAG, AFP.

(7) Claims are assigned numbers, DPS, DAUS or DCiv, as the case may be, upon transmittal and such action is indicated on locator cards.

(8) Notice of settlement of claims are received from the JAG, AFP, which are also indicated on the locator cards and notice sent to the Chief of the Statistics Sub-Section, DFS.

b. Members of the Philippine Scouts, Army of the United States and Civilian Personnel of the War Dept., who died subsequent to reporting to military or WD control, but prior to the settlement of their arrears in pay under the **MFA**:

(1) Heirs of the deceased soldier or employee are requested to file a formal claim as in par (2), a., above.

(2) Upon receipt of claim, the case is forwarded to the Determination Group (Civilian, deceased) or to the Adjudication Group (military, living claims) for a redetermination of status.

(3) Claims are transmitted to the JAG, AFP, or the FOUSA as in par (6), (a), (b) and (c) above.

c. Deceased members of the PS and AUS, retired:

(1) Heirs of deceased soldiers are requested to file a formal claim as in par (2), a., above and completed claims are transmitted for settlement as in par (6), a., above.

d. Folders are returned to the 201 Files Sub-Section, RCP, thru the Message Center, Proj "J" Br. after every action has been taken on the claim.

*3 copies*

HEADQUARTERS, ARMY OF THE PHILIPPINES  
THE JUDGE ADVOCATE GENERAL'S OFFICE  
CAMP MURPHY, QUEZON CITY

PAJAG-C-285-General

9 July 1947

The General Accounting Office  
Claims Division  
Washington 25, D.C., U.S.A.

Gentlemen:

Enclosed are copies of Philippine Republic Act No. 136, which has superseded C.A. Nos. 675 & 684 effective 14 June 1947, and which was approved by the Philippine Congress and the President of the Philippines upon recommendation of this Office with the concurrence of the Commanders in the Philippines of the U.S. Army and Navy (see enclosures).

This new law seeks, in general, to facilitate the role of the JAG, PA, in the settlement of all claims under his jurisdiction.

Under this new law (as well as under the old law), the jurisdiction of this Office is limited to the following deceased Filipino citizens, who at the time of their deaths, were domiciled in the Philippines:

1. Members of the US Army
2. Members of the US Navy
3. Members of the US Coast Guard
4. Members of the Philippine Scouts
5. Members of the Philippine Army; and
6. Members of duly recognized Philippine guerrilla organizations.

Citizenship of decedent is immaterial, however, in the following cases:

1. Civilian employees of the US War Department
2. Civilian employees of the US Navy Department
3. Civilian employees of independent establishments of the US government
4. Civilian employees of the US Executive Department
5. Civilian employees of the Philippine Army
6. US Maritime civilian employees
7. Civilians representing claims for supplies furnished or services rendered under the laws of the United States, and/or to the Philippine Army.

Monies due to non-citizens of the Philippines who were members of the US Army, U.S. Navy and U.S. Coast Guard are beyond our jurisdiction.

*md*

Respectfully,

*PA*

FRED JULIE CASTRO  
Major, JAGS

The Judge Advocate General

*PA*

Encl:

C.A. No. 675 as amended by C.A. No. 684 (5)

Republic Act No. 136 (5)

Letter of Commander, U.S. Naval Forces Philippines dtd 21 Mar '47 (3)

Letter of Commanding General, WILMINGTON, dtd 21 Mar '47 (3)

FIRST CONGRESS OF THE PHILIPPINES  
SPECIAL SESSION

Began and held at the City of Manila on Saturday the ninth day of June, nineteen hundred and forty-five.

(COMMONWEALTH ACT NO. 675)

AN ACT PROVIDING FOR THE IMMEDIATE PAYMENT OF SALARIES AND ALLOWANCES OF DECEASED FILIPINO MEMBERS OF THE UNITED STATES ARMY, UNITED STATES NAVY, PHILIPPINE SCOUTS, PHILIPPINE ARMY, INCLUDING DULY RECOGNIZED GUERRILLA ORGANIZATIONS, AND CIVILIAN EMPLOYEES OF THE WAR AND NAVY DEPARTMENTS, AND OTHER DEPARTMENTS OF THE UNITED STATES GOVERNMENT AND OF THE PHILIPPINE ARMY.

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

SECTION 1. Arrears in pay and allowances under the laws of the United States of deceased Filipinos who were members of the United States Army, the United States Navy, the Philippine Scouts, or of the Philippine Army, including duly recognized guerrilla organizations, and civilian employees of the War and Navy Departments or other executive departments and independent establishments of the United States Government and of the Philippine Army, who were domiciled in the Philippines at the time of their death, shall be administered by the Judge Advocate General of the Philippine Army or his duly authorized representatives.

The term "arrears in pay and allowances" shall be understood to mean the salaries, quarter allowances, bonuses, and any other cash allowance to which the deceased might have been lawfully entitled.

SEC. 2. For the purpose of this Act, provincial and city fiscals, except fiscals of the City of Manila, and justices of the peace for their respective provinces, cities, or municipalities, are hereby designated as ex officio representatives of the Judge Advocate General and shall, without any additional compensation, render such assistance in the administration of this Act as may be required by the Judge Advocate General: Provided, however, That the Judge Advocate General may appoint such other representatives as he may deem necessary from time to time.

SEC. 3. The Judge Advocate General or his representative shall thereupon proceed immediately to ascertain by the best means within his power the names and residences of the persons who are lawfully entitled to the arrears in pay and allowances referred to in this Act, and shall summarily distribute the same to said legal heirs in accordance with the provisions of the Civil Code regarding succession.

SEC. 4. In the case of legal heirs who are minors or incompetents, the Judge Advocate General is hereby empowered to name the best qualified guardian for the said heirs, who shall discharge his duties as such in accordance with the instructions and orders of the Judge Advocate General: Provided, however, That the widow, and in case of her inability, the oldest child, if of age, shall be given the preference in the appointment of such guardian: Provided, further, That before a guardian appointed hereunder enters upon the execution of his trust, he may be required to give a bond, in such sum as the Judge Advocate General directs, and under such conditions as he may prescribe.

SEC. 5. The Judge Advocate General and/or his representatives are hereby empowered to administer oaths and summon witnesses and require them to appear and testify upon oath before them in order to carry out the purpose of this Act.

SEC. 6. Whenever a dispute arises as to who of two or more claimants are the legal heirs of the deceased, the Judge Advocate General of his representative shall suspend the summary distribution of the arrears in pay and allowances until the courts shall have finally decided the controversy. Cases coming under this section shall be decided within a period of sixty days from the time a competent court has taken cognizance of the case.

SEC. 7. If at any time prior to the final distribution of the arrears in pay and allowances, an administrator of the estate of the deceased shall have been duly appointed by a court of competent jurisdiction, the Judge Advocate General or his representative shall nevertheless proceed to the final summary payment of the same.

SEC. 8. After the Judge Advocate General shall have distributed the arrears in pay and allowances in conformity with the foregoing provisions, such estate shall, as regards such arrears in pay and allowances so distributed, be deemed lawfully settled; and the Judge Advocate General shall no longer answerable therefrom bringing an action against any person or persons who had so received said arrears in pay and allowances for the enforcement of any lawful claim thereto.

SEC. 9. The arrears in pay and allowances to which the legal heirs of the deceased may be entitled to receive shall be exempt from execution and taxation.

SEC. 10. All documents which the Judge Advocate General or his representative may require from the legal heirs of the deceased in order to prove their claim to said arrears in pay and allowances, are hereby exempt from the documentary stamp tax.

SEC. 11. No attorney, agent, or other person in charge of the preparation, filing, or pursuing of any claim for arrears in pay and allowances under this Act shall demand or charge for his services fees more than five per centum of the total money value of such arrears in pay and allowances, and said fees shall be come due and demandable only after the payment of the said arrears in pay and allowances is received by the widow or orphan entitled thereto. The retention or deduction of any amount from any such arrears in pay and allowances for the payment of fees for such services is prohibited. A violation of any provision of this section shall be punished by imprisonment of from six months to one year, or by a fine of from six hundred to one thousand pesos, or by both such imprisonment and fine.

SEC. 12. This Act shall take effect upon its approval.

Approved,

July 24, 1945.

## COMMONWEALTH ACT NO. 684

AN ACT TO AMEND COMMONWEALTH ACT NUMBERED SIX HUNDRED AND SEVENTY-FIVE SO AS TO INCLUDE PAYMENT UNDER SAID ACT OF AMOUNTS DUE TO ANY OTHER DECEASED CIVILIANS FOR SUPPLIES FURNISHED OR SERVICES RENDERED UNDER THE LAWS OF THE UNITED STATES.

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

SECTION 1. Section one of Commonwealth Act Numbered Six hundred and Seventy-Five entitled "An Act providing for the immediate payment of salaries and allowances of deceased Filipino member of the United States Army, United States Navy, Philippine Scouts, Philippine Army, including duly recognized guerrilla organizations, and civilian employees of the War and Navy Departments and other departments of the United States Government and of the Philippine Army," is hereby amended to read as follows:

SECTION 1. Arrears in pay and allowances under the laws of the United States of deceased Filipinos who were members of the United States Army, the United States Navy, the Philippine Scouts, or the Philippine Army, including duly recognized guerrilla organizations, and civilian employees of the War and Navy Departments or of other executive departments and independent establishments of the United States Government and of the Philippine Army, as well as amounts due to estates of deceased civilians representing, who were domiciled in the Philippines at the time of their death, shall be administered by the Judge Advocate General of the Philippine Army or duly authorized representatives.

"The term "arrears in pay and allowances" shall be understood to mean the salaries, quarters allowances, bonuses, and any other cash allowance to which the deceased might have been lawfully entitled at the time of death, including all amounts due to the estates of deceased civilians for supplies furnished or services rendered under the laws of the United States, which amounts represent amounts due from the United States."

SECTION 2. Section eight of same Act is hereby amended to read as follows:

"SECTION 8. After the Judge Advocate General shall have distributed the arrears in pay and allowances in conformity with the foregoing provisions, such estate shall as regards such arrears in pay and allowances so distributed, be deemed lawfully settled; and the Judge Advocate General shall no longer be answerable therefore to any person. But this shall not preclude any lawful heir from bringing an action against any person or persons who had



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so received said arrears in pay and allowances for the enforcement of any lawful claim thereto: Provided, That the Judge Advocate General or his duly authorized representatives acting upon his behalf are authorized to furnish an acquittance to the Government of the United States in satisfaction of all claims made by beneficiaries or distributees of the estate of deceased claimants who have furnished supplies or services to the Government of the United States."

Sec 3. This Act shall take effect upon its approval.

Approved, September 26, 1945.

True Copy of Com Act No. 684

(S) Luis Torres  
LUIS TORRES  
Col. JAGS

TRUE COPY OF A TRUE COPY:

L. M. RUSHMORE  
1st Lt, Inf

C O P Y

First Congress of the Republic )  
of the Philippines ) (H. No. 1340)  
Third Session )

(REPUBLIC ACT NO. 209)

AN ACT TO AMEND THE TITLES AND SECTIONS ONE, THREE, SEVEN, EIGHT,  
AND NINE OF REPUBLIC ACT NUMBERED ONE HUNDRED AND THIRTY-  
SIX.

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

Section 1. The title of Republic Act Numbered One Hundred  
and thirty-six is hereby amended to read as follows:

"An Act Providing for the Immediate Payment of Monies Due  
to Deceased or Incompetent Filipino Members of the United States  
Army, United States Navy, or Philippine Scouts; to Deceased or  
Incompetent Members of the Philippine Army, including Duly Re-  
cognized Guerrilla Organizations, of any Nationality; to Deceased  
or Incompetent Civilian Employees of the War and Navy Departments  
and other Departments of the United States Government and of the  
Philippine Army; And to Deceased or Incompetent Civilians with  
Claims for Supplies Furnished or Services Rendered Under the laws  
of the United States and/or to the Philippine Army, and for other  
purposes."

Sec. 2. Section one of Republic Act Numbered One hundred and  
thirty-six is hereby amended to read as follows:

"Section 1. Monies under the laws of the United States and  
of the Philippines due to deceased or incompetent Filipinos who  
were members of the United States Army, United States Navy, or  
the Philippine Scouts; to deceased or incompetent members of the  
Philippine Army, including duly recognized guerrilla organizations,  
of any nationality; and to deceased or incompetent civilian em-  
ployees of the War and Navy Departments or of other Executive De-  
partments and independent establishments of the United States Govern-  
ment and of the Philippine Army, as well as amounts due to estates  
of deceased or incompetent civilians representing claims of  
supplies furnished or services rendered under the laws of the  
United States and/or to the Philippine Army, the said deceased  
being domiciled in the Philippines at the time of their death,  
shall be administered by the Judge Advocate General of the Armed  
Forces of the Philippines, or his duly authorized representatives.

"The term 'monies' shall be understood to mean (1) arrears in  
pay and allowances, including salaries, quarters allowances, bon-  
uses and any other cash allowance to which the deceased might  
have been or would be lawfully entitled; (2) all amounts due to  
the estates of deceased civilians for supplies furnished or ser-  
vices rendered under the laws of the United States and/or to the  
Philippine Army; (3) accrued retirement and insurance proceeds  
which upon the deaths of the individuals mentioned in section one  
of this Act became part of their estates, and (4) deposits.

"For the purposes of this Act, the term 'incompetent' includes  
any of the persons specified in Rule 93, section 2 of the Rules  
of Court, and the term 'monies' as defined above includes those  
due to such incompetent."

Inc 3

H. No. 1340

- 2 -

Sec. 3. Section three of Republic Act Numbered One hundred and thirty-six is hereby amended to read as follows:

"Sec. 3. The Judge Advocate General or his representative shall proceed to ascertain by the best means within his power the names and residences of the persons who are lawfully entitled to the monies referred to in this Act, and pursuant to the evidence submitted shall summarily distribute the same to said legal heirs as of the time of final decree of distribution in accordance with the provisions of the Civil Code regarding succession: Provided, however, That in the distribution of the estate under this Act, the usufructuary rights granted to the surviving spouse by the Civil Code shall not apply: Provided, further, That in the case of inheritance subject to 'reserva troncal', the obligation to reserve will not be imposed on the 'reservista' except if the said 'reservista' dies before receiving payment of the claim: And provided, finally, That in order to expedite the disposition of the monies referred to in this Act, where the evidence does not strictly conform with the statutory requirements, subject to the limitations imposed by section eight of this Act, the Judge Advocate General is empowered to pass upon the sufficiency of evidence of heirship."

Sec. 4. Section seven of Republic Act Numbered One hundred and thirty-six is hereby amended to read as follows:

"Sec. 7. Where monies under this Act are due to any incompetent, whether as the person primarily entitled thereto or as a legal heir, the Judge Advocate General or his duly authorized representative shall proceed to determine and appoint by the most expeditious manner consistent with the best interests of the incompetent the individual best qualified to be his guardian. The guardian so appointed shall receive and administer the monies for his ward and discharge his duties in accordance with the instructions and orders of the Judge Advocate General or his representative. For the purpose of this section, the Judge Advocate General or his representative may require and pass upon such evidence as he deems necessary and proper to determine the incompetence of the person for whom a guardian is to be appointed and the qualifications of any individual to act as his guardian: Provided, however, That the widow, and in case of her inability, the eldest child if of age, shall be given the preference in the appointment of such guardian: Provided, further, That before a guardian appointed hereunder enters upon the execution of said trust, he or she may be required to give a bond, in such sum as the Judge Advocate General or his representative may direct, and under such conditions as he may prescribe."

Sec. 5 Section eight of Republic Act Numbered One hundred and thirty-six is hereby amended to read as follows:

"Sec. 8. Whenever a dispute arises as to who of two or more claimants are the legal heirs of the deceased, the Judge Advocate General or his representatives shall suspend the summary distribution of the monies until the courts shall have finally decided the controversy in an action for interpleading under Rule Fourteen of the Rules of Court: Provided, however, That cases falling under this section shall be decided within a period of ninety days from the date that the interpleader is presented before a competent court: Provided, further, That complaints for interpleading presented pursuant to this section shall be exempt from the payment of all filing fees, legal fees and costs."

H. No. 1340

- 3 -

Sec. 6. Section nine of Republic Act Numbered One hundred and thirty-six is hereby amended to read as follows:

"Sec. 9. If at any time pending the final distribution or payment of the monies an administrator of the estate of the deceased or a guardian for the incompetent shall have been duly appointed by a court of competent jurisdiction, the Judge Advocate General or his representative shall nevertheless proceed to the final summary payment of the monies to the heirs of the deceased or the guardian appointed by him in the case of an incompetent: Provided, That if the deceased died leaving a will which covers only the monies as defined in this Act, only the Judge Advocate General shall proceed to probate said will: Provided, further, That if the will covers other properties of decedent, besides monies as aforementioned, the latter shall be paid by the Judge Advocate General in accordance with the will as probated and legalized by competent courts."

Sec. 7. This Act shall take effect upon its approval.

Approved,

President of the Senate

Speaker of the House of  
Representatives

Finally passed by the Senate on May 20, 1948.

Secretary of the Senate

This Act, which originated in the House of Representatives, was finally passed by the same on May 20, 1948.

Secretary of the House of  
Representatives

Approved: *1 June 48*

President of the Philippines

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Authority NND 883078

DECLASSIFIED

Authority: NND 883,078

DECLASSIFIED

Authority ND 333078