

DECLASSIFIED

Authority 883078

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Authority 883078

LOYALTY
POLICY ON COLLABORATION & LOYALTY STATUS
OF PHILIPPINE ARMY PERSONNEL

PA - 17

HEADQUARTERS
ADJUTANT GENERAL RECORDS DEPOSITORY
U. S. ARMY

GSXD

APO 900
16 May 1949

MEMORANDUM FOR: Lt. Col. James W. Hill
Adjutant General, PHILCOM
U. S. Army, APO 707

SUBJECT: Loyalty Status Board

1. I am in receipt this date of your Comment No. 1, dated 12 May 49 and the accompanying file, including the recommended 3rd Indorsement, on 2d Lt. Raymundo V. Luna, Infantry, relating to his loyalty status.

2. In view of the recommendations of the Board of Officers convened at AGRD, of the orientation given the Board by Major James Hargis, AGD, on the attitude and policy of PHILCOM on such matters of loyalty cases, and further in view of the approval of the Board recommendations by the Commanding Officer, AGRD (Col. Forster), the information contained in Comment No. 1 and in the 3rd Indorsement addressed to Secretary, National Defense, Republic of the Philippines (12 May 49) is not fully understood. Although the indorsement does not state in so many words that the findings and recommendations of the Loyalty Board, Armed Forces of the Philippines, were either concurred in or not concurred in, the general tenor of the indorsement, you will agree, is that PHILCOM accepts the clearance of the officer. This is clearly indicated by the words: "...has been reviewed and made a matter of record in this headquarters..." Thus, we have not raised any objection to clearing this officer despite a careful analysis and unbiased study by competent officers convened under orders at AGRD and who recommended to the contrary.

3. This note is not designed to question a decision of higher headquarters but rather to confirm what appears to be a reversal of the AGRD Board of Officers recommendations, as approved, and to ask whether this clearance of a Philippine Army officer in the face of conclusive evidence, in the Board's opinion, to the contrary represents a basis of action for future board action in similar cases.

1 Incl
n/c

Wm. M. GOLD
Lt Col AGP
Deputy Comr

C O P Y

SAC Div Files
JEF

file

HEADQUARTERS
ADJUTANT GENERAL RECORDS DEPOSITORY
PHILIPPINES COMMAND
SERVICE AND CERTIFICATION DIVISION
APO 900

C H E C K S H E E T

Do Not Remove From Attached Sheets

FILE NO:
SUBJECT:

DATE: 7 May 49 OS/msa

FROM: Adm Off, S & C Div TO: Major Baken
Capt Sproul
Capt Baker
Lt Baker

1. Attached is some information regarding loyalty cases that has been gleaned from our files.

2. It is believed this information may be of value as background material for Loyalty Status Board.

Otto Stanhiser
OTTO STANHISER
Capt AGD
Adm Off, S & C Div

Major Baken
Capt Sproul
Capt Baker
Lt Baker

PMB
[Signature]
[Signature]

No incls received. Uley

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C O P Y

HEADQUARTERS
PHILIPPINES COMMAND
UNITED STATES ARMY

GSAPA 334

APO 707
4 May 1949

SUBJECT: Loyalty Boards

TO: Commanding Officer
Adjutant General Records Depository
APO 900

Authority is granted to the Adjutant General Records Depository to appoint Boards of Officers under the provisions of WD Letter File AG 210.8 (28 Jul 45) OB-S-A, subject: "Discharge of Disloyal Philippine Scouts and Similar Personnel, and Determination of their Status under the Missing Persons Act, as amended", dated 3 August 1945.

BY COMMAND OF MAJOR GENERAL SHEA:

/s/ M. O. Billbe
M. O. BILLBE
Capt., A.G.D.
Asst Adj Gen

C O P Y

2933

HEADQUARTERS
PHILIPPINES COMMAND
ADJUTANT GENERAL RECORDS DEPOSITORY
SERVICE AND CERTIFICATION DIVISION
APO 900

C H E C K S H E E T

Do Not Remove From Attached Sheets

JWP/JA

FILE NO:
SUBJECT: PA Loyalty Board Cases

DATE: 25 Apr 49

FROM: Director, S & C Div

TO: Maj Baken (Vets Br) *[Signature]*
Capt Baker (Proj J Br) *[Signature]*
Capt Stanhiser (Dir's O) *[Signature]* In Turn
Capt Sproul (Invesg Br) *[Signature]*
Lt Baker (Records Br) *[Signature]*

1. For your information.
2. Original should be returned to this office for Division's Central Files.

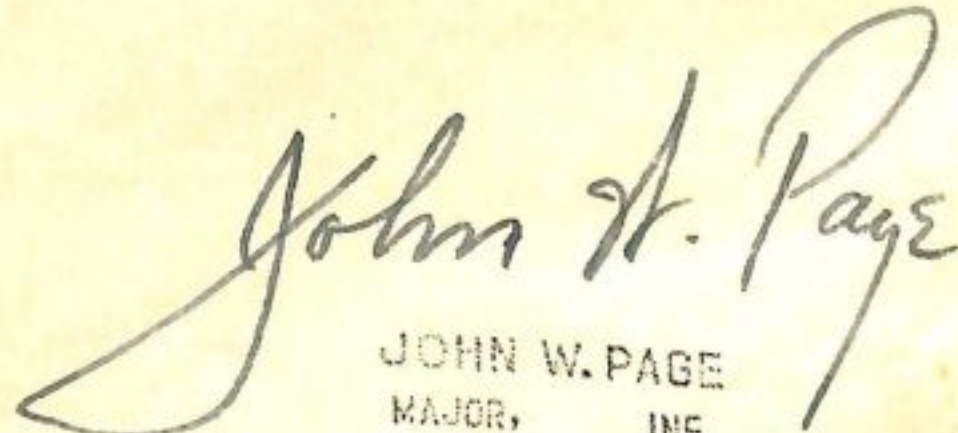
Incl
Comments on PA Loyalty Bd
Cases w/5 Incls.

John W. Page
JOHN W. PAGE
Major Inf
Director, S & C Div

23 April 1949

PHILIPPINE ARMY LOYALTY BOARD CASES

1. Authority to try collaboration cases is contained in WD Letter, AG 210.8, dated 3 August 1945, subject: "Discharge of Disloyal Philippine Scout and Similar Personnel". (Incl #1).
2. A Philippine Scout Loyalty Board was set up at that time at the old Recovered Personnel Division (now AGRD). Similar Loyalty Status Boards for Philippine Army personnel were set up, although officers sitting on these Boards were composed of PA personnel; review, however, of its findings were made by U. S. Army officers, precisely assigned at RPD.
3. The granting of independence to the Philippines on June 1946 technically rescinded U. S. authority over PA personnel. However, since RPD was the agency handling the backpay program, review of PA Loyalty Board findings was included as one of its functions. (See AFWESPAC Cir. 100, 5 Jun 46 and PHILRYCOM Cir. 21, 13 Mar 47, inclosed as Incls. #2 & #3, attached).
4. Since June 1946, approximately 46 loyalty cases involving PA personnel were still outstanding and subject to review by PHILCOM (per verbal agreement between the Secretary of National Defense, Republic of the Philippines and Headquarters AFWESPAC). Although this agreement was not made of record till some time in March 1949 (through efforts of Maj James Hargis, AGRD, PHILCOM), it is believed that representatives of Headquarters AFWESPAC (now PHILCOM) in this agreement were Col Morris H. Marcus and Lt Col J. R. Gilbert, former Directors of the then Recovered Personnel Division, PHILCOM. To date, 21 individual cases remain to be reviewed of the 46 names outstanding since June of 1946. (See Incl #4).
5. General method or procedure followed in the review of these PA Loyalty cases by PHILCOM was merely to concur or follow the recommendations made by the PA Board, and make as a matter of record the Board findings. No actual review by a Board of Officers was made of each case; nevertheless, review was made by a study of the man's 201 file. Steps have been taken recently to appoint a Board of review in these cases. (See Incl #5).



JOHN W. PAGE
MAJOR, INF
ACTS ASST ADJ GEN

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WAR DEPARTMENT
The Adjutant General's Office
Washington 25, D. C.

AG 210.8 (28 Jul 45) OB-S-A

fm-2B-939 Pentagon

VIA AIR MAIL

3 August 1945

SUBJECT: Discharge of Disloyal Philippine Scouts and Similar Personnel, and Determination of their Status under the Missing Persons Act, as amended.

TO: Commander-in-Chief, United States Army Forces, Pacific

REFERENCES: a. Letter AG 210.8 (1 May 45)OB-S-A, 4 May 1945, subject: Discharge of Disloyal Philippine Scouts and Similar Personnel.

b. Radiogram WAR 26675, 3 July 1945, to Commander-in-Chief, Army Forces, Pacific.

c. Letter AG 210.8 (15 Jun 45)OB-S-A, 5 July 1945, subject: Disloyal Philippine Scouts.

1. The purpose of this letter is:

a. To consolidate previous directives to the Commander-in-Chief, Army Forces, Pacific, pertaining to discharge of disloyal Philippine Scouts and similar personnel.

b. To rephrase previous directives to indicate clearly that the discharge of the mentioned personnel under conditions other than honorable by reason of service under the Japanese or a Japanese puppet government shall not be ordered if it appears that the person concerned remained loyal notwithstanding his mentioned conduct.

c. To provide for equitable treatment of persons heretofore discharged under the mentioned directives without consideration of their loyalty.

2. References noted above are rescinded and the following substituted therefor:

Section I. Discharge of Disloyal Philippine Scouts, Filipino Reserve Officers called to active duty under U. S. Army Officers' Reserve Corps commissions, and former Philippine Scouts appointed temporary officers, AUS; and determination of status of mentioned personnel under the Missing Persons Act, as amended.

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AG 210.8 (28 Jul 45)OB-S-A

(Cont'd)

3 August 1945

1. The Secretary of War directs authority is granted under paragraph 1, Army Regulations 615-365, 15 December 1944, for the Commander-in-Chief, Army Forces, Pacific, to discharge, for the convenience of the government, under conditions other than honorable, disloyal enlisted men of the Philippine Scouts administratively determined to have served under the Japanese or a Japanese puppet government in any capacity. In any case in which the mentioned Commander-in-Chief believes that the facts may justify such discharge, it may be accomplished in compliance with the following provisions:

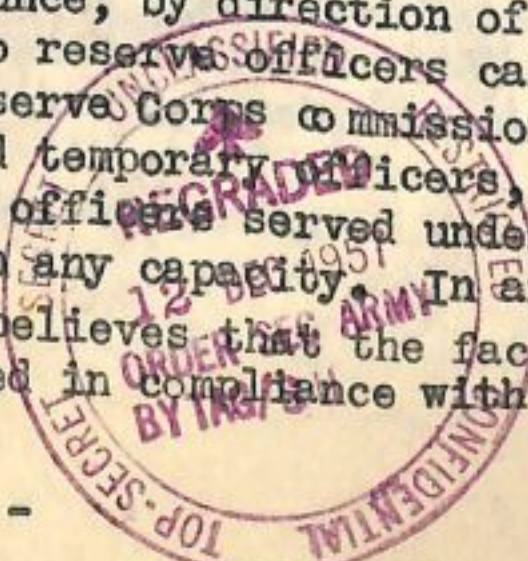
a. The provisions of subparagraph 6a, Army Regulations 615-365, 15 December 1944, and paragraph 4, Army Regulations 615-360, 20 July 1944, shall not be applicable in the mentioned cases.

b. The mentioned Commander-in-Chief shall convene a board of officers, three in number if practicable, to determine in each case, subject to review and final determination by the mentioned Commander-in-Chief, whether the enlisted man concerned served under the Japanese or a Japanese puppet government in any capacity. Such action will not be based upon mere suspicion alone, but will rest upon evidence. Evidence that the enlisted man concerned admitted such service shall be deemed sufficient to support an affirmative finding. The mentioned affirmative finding shall not be made in any case in which it clearly appears that the person concerned remained loyal notwithstanding such conduct.

c. The enlisted man concerned shall be entitled to notice, actual wherever possible, of the mentioned hearing and to counsel upon his request.

d. Upon an approved affirmative finding, the enlisted man concerned shall be discharged for the convenience of the Government, under conditions other than honorable (WD AGO Form 53-56, 1 Nov 1944), with character of less than "good", as the mentioned Commander-in-Chief shall determine on the basis of the record. There shall be placed upon the face of the certificate of discharge the words, "By reason of service under the Japanese (or a Japanese puppet) government". If discharge is ordered, the record of proceedings and action thereon, including a statement of the evidence, shall be forwarded to the Adjutant General for filing.

2. The Secretary of War directs authority is granted to the mentioned Commander-in-Chief to announce, by direction of the President, the discharge of disloyal Filipino reserve officers called to active duty under U.S. Army Officers' Reserve Corps commissions and disloyal former Philippine Scouts appointed temporary officers, AUS, upon administrative determination that such officers served under the Japanese or a Japanese puppet government in any capacity. In any case in which the mentioned Commander-in-Chief believes that the facts may justify such action, it may be accomplished in compliance with the following provisions:



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AG 210.8 (28 Jul 45)OB-S-A

(Cont'd)

3 August 1945

- a. Army regulations relating to reclassification of officers and directives relating to action by the Secretary of War's Separations Board, shall not be applicable in the mentioned cases.
- b. The provisions of subparagraphs 1b and 1c above, shall apply.
- c. Upon an approved affirmative finding, the discharge of the officer concerned shall be announced by direction of the President. The discharge (WD AGO Form 53-99, 1 Nov 1944) shall contain the statement "By reason of service under the Japanese (or a Japanese puppet) government". If such discharge is ordered, the record of proceedings and action thereon, including a statement of the evidence, shall be forwarded to the Adjutant General for filing.

3. The Secretary of War directs authority is granted to the Commander-in-Chief, Army Forces, Pacific, under the provisions of the Missing Persons Act, as amended, to make a determination of "absent from Post of Duty without Authority", for Filipino personnel covered by paragraphs 1 and 2 above, when there is reasonably conclusive evidence of intent to avoid or shirk combat or hazardous duty or of abandonment of loyalty."

Section II. Rescission of honorable discharge from Philippine Scouts and reenlistment in the Army of the United States in cases of disloyalty.

1. The Secretary of War directs authority is granted for the Commander-in-Chief, Army Forces, Pacific, in any case in which a disloyal enlisted man of the Philippine Scouts was or is hereafter honorably discharged from the Philippine Scouts for the purpose of reenlistment in the Army of the United States, to rescind the mentioned discharge and reenlistment for fraud by reason of the concealment of services under the Japanese or a Japanese puppet government in any capacity. In any case in which the mentioned Commander-in-Chief believes that the facts may justify such action, it may be accomplished in compliance with the following provisions.

a. The mentioned Commander-in-Chief, shall submit to a board, convened as directed in Paragraph 1 of Section I hereof, the issues whether the enlisted man concerned served under the Japanese or a Japanese puppet government in any capacity, and whether he failed to disclose such conduct prior to his discharge from the Philippine Scouts and reenlistment in the Army of the United States. Affirmative findings shall not be made in any case in which it clearly appears that the person remained loyal notwithstanding such conduct.

b. Upon approved affirmative findings,

- (1) the discharge and reenlistment shall be declared by direction of the Secretary of War to be null and void by reason of fraud, and the enlisted man dropped from the enlistment in the Army of the United States (a certificate of discharge shall not be issued with respect to the enlistment in the Army of the United States):
- (2) the person concerned shall thereupon be discharged from his enlistment in the Philippine Scouts under conditions other than honorable; and
- (3) the status of the person concerned under the Missing Persons Act, as amended, shall be determined under the provisions of paragraph 3 of Section 1 hereof.

2. These proceedings shall conform to the procedure outlined in paragraph 1 of Section I hereof.

Section III. Redetermination of affirmative findings made under Section I and Section II.

1. The Secretary of War by direction of the President directs authority is granted for the mentioned Commander-in-Chief to take action in compliance with the following provisions in any case in which affirmative findings were made under Section I and Section II hereof without consideration of the question whether the person concerned remained loyal notwithstanding service under a Japanese or a Japanese puppet government and in which the mentioned Commander-in-Chief believes that the facts may warrant the relief hereafter provided:

a. There shall be submitted to a board of officers, convened in accordance with Section I hereof, the issue whether it clearly appears that the person concerned remained loyal notwithstanding his mentioned conduct.

b. Upon an approved affirmative finding in the case of a former enlisted man,

- (1) if it is determined by the mentioned Commander-in-Chief that such former enlisted man shall not render further military service, the mentioned Commander-in-Chief shall administratively determine that the discharge is deemed to be under honorable conditions and an appropriate indorsement may be placed upon the outstanding discharge certificate, unless it appears that his discharge under honorable conditions is otherwise not warranted, in which event there shall be noted administratively a change in the basis for the discharge under other than honorable conditions and a like notation may be indorsed upon the outstanding certificate; or

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AG 210.8 (28 Jul 45)OB-S-A

(Cont'd)

3 August 1945

- (2) if it is determined by the mentioned Commander-in-Chief that such former enlisted man shall render further military service, he shall be reenlisted in the Army of the United States, and, if his reenlistment is honorably terminated, the outstanding discharge from the prior enlistment in the Philippine Scouts shall at that time be administratively determined to be under honorable conditions and an appropriate indorsement then placed upon the outstanding certificate of discharge from the Philippine Scouts; and
- (3) a redetermination of his status under the Missing Persons Act, as amended, may be made.

c. Upon an approved affirmative finding in the case of a former officer,

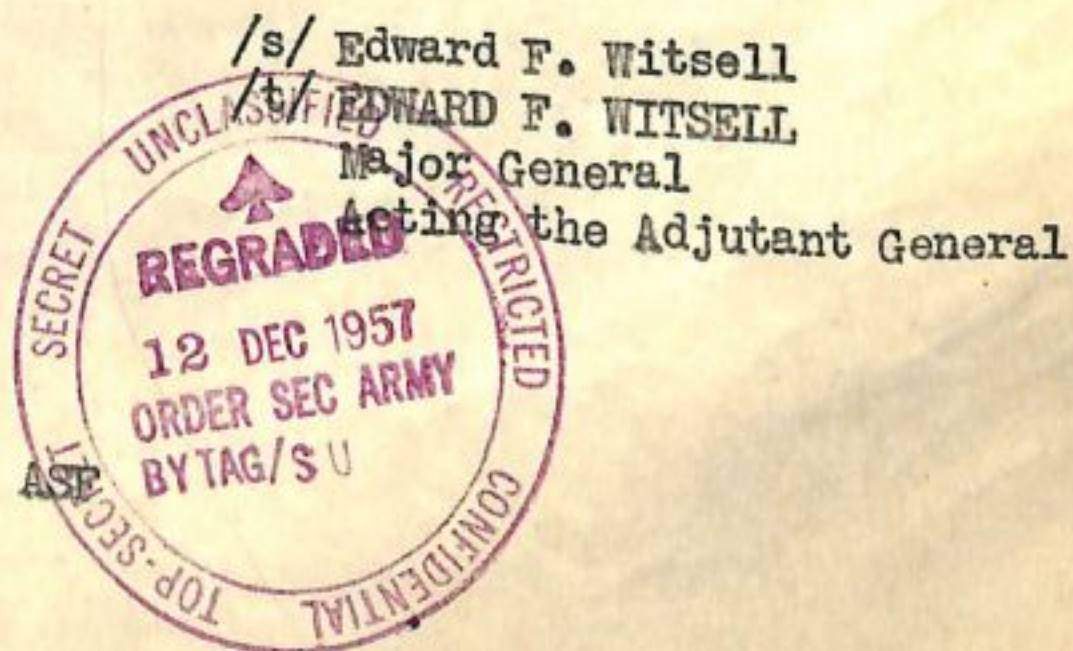
- (1) if it is determined by the mentioned Commander-in-Chief that such former officer shall not render further military service, the provisions of subparagraph lb(1) of this Section shall apply; or
- (2) if it is determined by the mentioned Commander-in-Chief that such former officer shall render further military service, the provisions of subparagraph lb(2) of this Section shall apply, except that instead of reenlistment the mentioned Commander-in-Chief by direction of the President shall announce his appointment as a temporary officer, AUS, in the grade held by him at the time of his discharge; and
- (3) a redetermination of his status under the Missing Persons Act, as amended, may be made.

2. These proceedings shall conform to the procedure outlined in paragraph 1 of Section I hereof.

By order of the Secretary of War:

COPIES FURNISHED:

A.C. of S., G-1, WDGS
A.C. of S., G-2, WDGS
A.C. of S., Operations Div., WDGS
War Department Dependency Board
Director of Personnel, ASF
Director, Military Personnel Div., ASF
The Judge Advocate General
Officers Branch, AGO
Enlisted Branch, AGO



C O P Y

HEADQUARTERS
UNITED STATES ARMY FORCES WESTERN PACIFIC
OFFICE OF THE COMMANDING GENERAL

CIRCULAR)
NO...100)

APO 707
5 June 1946

FUNCTIONS AND RESPONSIBILITIES OF RECOVERED
PERSONNEL DIVISION

1. Effective immediately, the Recovered Personnel Division, Adjutant General's Section, Headquarters, AFWESPAC, will assume the responsibility for adjudication and computation of arrears in pay to Philippine Army personnel prior to a actual payment by Finance Officer, Philippine Army.

2. The functions and responsibilities will include:

- a. Control and supervision of Philippine Army loyalty status boards.
- b. Review of board proceedings of Philippine Army loyalty status boards, recommending action by this headquarters in each case where a finding of disloyalty has been reached.
- c. Supervision of the Philippine Army in all recovered personnel activities on behalf of this headquarters.
- d. Final adjudication and approval of all matters pertaining to payment of arrears in pay submitted to this headquarters by the Philippine Army.
- e. Confirmation on behalf of the Commanding General, AFWESPAC, of all Philippine Army promotions except current promotions.
- f. As far as practicable, the securing of all data necessary to:
 - (1) Provide information for settlement of arrears of pay and allowances.
 - (2) Provide information for settlement of claims from beneficiaries of deceased Philippine Army personnel.
 - (3) Obtain complete records relating to initial individual records and to final records on separation from active service of Philippine Army personnel. This includes all categories of Philippine Army forces, namely, former USAFFE personnel, recognized guerrillas, and guerrillas recognized hereafter.

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Incl #2

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3. The Recovered Personnel Division will be guided by War Department directives and current established policies. Changes in existing policies and recommendations for future policy decisions will be submitted to this headquarters for approval.

4. AFWESPAC Circular 102, 28 November 1945, is rescinded. (GSXRP 323.361).

BY COMMAND OF LIEUTENANT GENERAL STYER:

J. G. CHRISTIANSEN
Major General, U.S.A.
Deputy Commander and
Chief of Staff

OFFICIAL:

JOHN R. SPARK
Major, AGD
Asst Adj Gen

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E X T R A C T

HEADQUARTERS
PHILIPPINES--RYUKYUS COMMAND

CIRCULAR)
NO. 21)

APO 707
13 March 1947

Section

* * * * *

*

Functions and Responsibilities of Recovered Personnel Division.....

V

* * * * *

V. FUNCTIONS AND RESPONSIBILITIES OF RECOVERED PERSONNEL DIVISION.

Paragraph 2b, Circular 100, Hq AFWESPAC, 1946, is rescinded and the following substituted therefor:

b. Review of board proceedings of Philippine Army Loyalty Status Boards in cases where the accused had been ordered discharged by Headquarters AFWESPAC prior to 1 July 1946, when they have been re-opened on the basis of additional evidence presented, and retention in the Philippine Army of the officer or enlisted man concerned is recommended. (GSXRP 323.361).

BY COMMAND OF MAJOR GENERAL MOORE:

J. G. CHRISTIANSEN
Major General, USA
Deputy Commander and
Chief of Staff

OFFICIAL:

/s/t/ BENITO MORALES
Lt Col, AGD
Asst Adj Gen

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E X T R A C T

Incl #3

HEADQUARTERS
 PHILIPPINES - RYUKYUS COMMAND
 RECOVERED PERSONNEL DIVISION
 PHILIPPINE ARMY BRANCH
 LIVING CLAIMS SECTION

APO 707

<u>N A M E</u>	<u>R E M A R K S</u>
1. Antonio, Manuel *	Discharged from the service for the convenience of the government under conditions other than honorable.
2. ARQUEZA, Eleodoro	
3. ASIS, Leocadio de	
4. AUSEJO, Monico V.	
5. CASABAR, Vicente D.	
6. CASTILLO, Gabriel *	
7. CASTRO, Antonio M.	
8. CASTRO, Fred Ruiz *	
9. CRUZ, Juan B. Jr.	
10. CUARESMA, Francisco *	
11. CUEVAS, Diosdado	
12. DACANAY, Patrocinio T. *	
13. DIGAMON, Restituto V.	
14. DONDONAY, Pablo D. *	
15. DUAY, Melecio B.	
16. EBREO, Igmedio D. *	
17. FIGUEROA, Ruben R. **	
18. FILOTEO, Ravoy C.	
19. ELIZALDE, Augusto C. *	
20. FUSILERO, Hilario G. *	
21. GARCIA, Pastor *	
22. GATCHALIAN, Mateo L. *	
23. GAVIRA, Alfredo B.	
24. GOMEZ, Manuel A. *	
25. GUNABE, Luciano IR *	
26. GUTIERREZ, Valentin *	
27. HERRERA, Carlos *	
28. LEGARDE, Ludovico *	
29. LUNA, Raymundo V.	
30. MENDOZA, Feliciano L.	
31. MONZON, Patricio R. *	
32. OSIAS, Victor M. *	
33. PARGAS, Rafael *	
34. PANANUERA, Trifino C.	
35. ROMERO, Antonio R. *	
	37. REYES, Arsenio
	38. SANCHEZ, Demosthenes *
	39. SOTTO, Voltaire O.
	40. SUNCUACO, Luis A.
	41. TIONGSON, Angel O.
	42. TOLENTINO, Conrado C. *
	43. TUCAY, Domingo R.
	44. VARGAS, Donato
	45. VIEJO, Ernesto A.
	46. VERA, Vicente de *

Note: * Cleared thru Hq PHILCOM
 ** Cleared but claim was tampered.

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C O P Y

HEADQUARTERS
ADJUTANT GENERAL RECORDS DEPOSITORY
PHILIPPINES COMMAND
UNITED STATES ARMY

SPECIAL ORDER
NO.....16

APO 900
18 April 1949

1. Following board of officers is appointed and will meet at the call of the president thereof, to review the findings of the Philippine Army Loyalty Board cases.

Major PALMER M. BAKEN	0-336117	Veterans Br	President
Capt ELMER L. BAKER	0-498137	Project "J" Br	
Capt OTTO STANHISER	0-497973	Director's Office	
Capt DONALD N. SPROUL	0-49441	Investigation Br	
1st Lt PAUL E. BAKER	0-1002861	Records Br	

BY ORDER OF COLONEL FORSTER:

OFFICIAL:

JAMES C. BILLINGS
1st Lt Inf
Adjutant

s/ James C. Billings
t/ JAMES C. BILLINGS
1st Lt Inf
Adjutant

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C O P Y

Incl #5

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JWP/ja

GSXDA

14 Jan 49

Director

TO: Chief, Investigation Branch

1. For your information.
2. Bring the contents of this correspondence to Mr Brumfield's attention at Manila Regional Office, US VA.
3. I believe this whole matter may be a dead issue insofar as our being involved is concerned.
4. Return with your comments to this office.

Incl: 1st Ind, HNDF to CG PHILCOM
re reqst for Loyalty Bd proceedings, dtd 4 Jan 49.

J. W. P.

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Authority 883078

BASIC: Ltr fr Hq PHILCOM, APO 707, dtd 26 Nov 1948
Subj: Request for Loyalty Board Proceedings.

AGC6
HEADQUARTERS NATIONAL DEFENSE FORCES, Camp Murphy, Q C /gal
4 January 1949 1st Ind

TO: Commanding General, PHILCOM, APO 707

This Headquarters will interpose no objection to the lending of files containing loyalty status board proceedings to the Adjutant General Records Depository on a loan basis provided, however, said records are handled as strictly confidential papers and that a limited number be taken at a time, as these records are still being utilized by other offices of this Headquarters when referring to individuals whose loyalty status files contain the desired information.

FOR THE CHIEF OF STAFF:

LUIS FLORENTIN
Colonel, AGS
The Adjutant General.

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HEADQUARTERS
PHILIPPINES COMMAND
UNITED STATES ARMY

JWP/erm

OSXDA

AGO 707
26 November 1948

SUBJECT: Request for Loyalty Board Proceedings.

TO : Chief of Staff
Armed Forces of the Philippines
Camp Murphy, Quezon City

1. It is requested that the Adjutant General Records Depository be furnished the files containing loyalty board proceedings pertaining to veterans and/or claimants whose service must be certified to the United States Veterans Administration as a basis for veteran benefits.

2. Until recently the United States Veterans Administration, Manila Regional Office, has been accepting without question the statements of this division to the effect that an individual did or did not have derogatory information in his file, to include reference to the fact that, in pertinent cases, the individual had or had not been cleared by loyalty boards. Trials by loyalty boards, including findings and recommendations, were reviewed by U. S. Army authorities. This action resulted in an approval or concurrence with board findings and recommendation, or in non-concurrence. However, the Manila Regional Office, US Veterans Administration desires to receive from the Adjutant General Records Depository the complete record of the loyalty board hearing, in order that it might not only have the statement of the Army regarding the loyalty status of the individual, but that it might also review the evidence and testimony of record and determine under the US Veterans Administration criteria, as expressed in Section IV, Public Law 164, the loyalty of the individual concerned.

3. It is requested that you indicate by indorsement hereon whether these loyalty board files could be turned over to this division on a loan basis, to be returned upon completion of use. They would assume a status similar to that of records of the Philippine Government now being used by the Adjutant General Records Depository (old RFD), and would be handled, of course, as strictly confidential papers.

JWP
AGRD FILE COPY

Ltr to C/S, AFP (continued)

4. All assistance in this regard will serve to expedite the preparation of veterans' claims for granting veteran benefits under laws and precedents of the United States Government.

FOR THE COMMANDING GENERAL:

JOHN W. PAGE
Major Inf
Actg Asst Adj Gen



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Authority 883078

6951
~~5536~~

GSXRF

MHM/RB JR/ws

2 FROM; Rec Pers Div To: G-3, PA Sec. 4 Jan 1946

There appears no objection to the amendment to G.O. 135, HPA, 18 Aug 1945, as set forth in 3d Ind. of Secretary of National Def. A comparable provision was contained in Par 1b (2) of G.O. No. 20, HPA, 17 March 1945.

M.H.M.

5 Incls: N/C -----

REC PERS FILE
M.H.M.

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Lt. Schilling/lbe
Tel. 4-77-29

FROM: G-5

TO: G-3 Philippine Army Section 18 December 45

The attached correspondence pertaining to whether or not services of medical personnel during the Jap occupation is an act of collaboration with the Japanese, is forwarded as pertaining to your office.

5 Incls:

- 1 - Ltr dtd 19 Nov 45
- 2 - 1st Ind dtd 20 Nov 45
- 3 - 2nd Ind dtd 28 Nov 45
- 4 - 3rd Ind dtd 7 Dec 45
- 5 - 4th Ind dtd 11 Dec 45

KIRBY GREEN
Colonel, GSC
A C/S, G-5

*check not
need for file.*

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES

4th Indorsement
Manila, 11 December, 1945

Respectfully forwarded to the Assistant Chief of
Staff, G-5, AFWESPAC, Manila.

/s/ JOSE S. REYES
JOSE S. REYES
Secretary to the President

C O P Y

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COMMONWEALTH OF THE PHILIPPINES
DEPARTMENT OF NATIONAL DEFENSE
MANILA

3rd Indorsement
December 7, 1945.

Dec. 10 1945
(2985)

Respectfully forwarded, thru the President of the Philippines, to the Commanding Officer, AFWESPAC, inviting attention to the basic communication and the preceding 2nd indorsement hereon.

This office concurs in the view of the Chief of Staff, PA, and therefore proposes the following supplementary provision to G.O. No. 135, HPA, c.s.,:

"Insert as par c of Subsection 1 the following:

"c. Exceptions may be made in the following cases only:

"Officers and enlisted men of the Philippine Army who performed duties solely pertaining to the medical profession and to the chaplain service, who remained at posts of duty with an evident intention to sustain the physical and cultural welfare of their people without participating in any way in enemy policy."

The favor of your comment and concurrence is requested.

/s/ ALFREDO MONTELIBANO
ALFREDO MONTELIBANO
Secretary of the National Defense

C O P Y

COMMONWEALTH OF THE PHILIPPINES
ARMY HEADQUARTERS
OFFICE OF THE CHIEF OF STAFF

2nd Indorsement
28 November 1945

Respectfully forwarded to the Secretary, Department of National Defense, Manila, inviting attention to the basic communication.

In keeping with the direct spirit of the provisions of the Geneva (Red Cross) Convention of 27 July 1929, which gives extraordinary privileges to personnel of hospitals, notably Doctors, in providing that they "shall be respected and protected under all circumstances. If they fall into the hands of the enemy they shall not be treated as prisoners of war . . ." (Ch. 3, Art. 9) and further prohibiting their detention by the enemy (id. Art. 12), this Headquarters believes that measures should be taken to exempt from the provisions from G.O. 135, "service" devoted solely to the health and welfare of the Filipino people during the Japanese regime. This view is further strengthened by the recent directive of President Truman to the Attorney General regarding the same activities. The pertinent part of said directive are as follows:

"Some of these, especially those engaged in health and educational work, remained at posts of duty with an evident intention to sustain the physical and cultural welfare of their people. Others of the Clerical and Custodial services continued in office in order to earn their accustomed livelihood and participated in no way in enemy policy."

However, under the provisions of G.O. 135, a presumption of disloyalty attaches to anyone employed in "any service" in the puppet government, without any exception whatever. Under the same provisions, humanitarian services rendered solely for the welfare and benefit of the Filipino people are not excluded under the adverse presumption of said General Order.

/s/ R. JALANDONI
R. JALANDONI
Brigadier General, Philippine Army,
Deputy Chief of Staff

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Authority 883078

MEDICAL SECTION
4TH REPLACEMENT BATTALLION
CAMP MURPHY
APO 75

19 November 1945

SUBJECT: Legal Opinion, Request for -

TO : The Adjutant General, HPA, APO 501
(Thru proper channels)

1. Request opinion of JAG, PA, as to whether or not employment in the Puericulture Center, City of Manila, during the Japanese occupation is exempted from G.O. #135, in view of the directive of the President of the United States to the Attorney General, Philippines, that employment in the government during the Japanese regime having connection with the preservation of health and sanitation in the community, is not an act of collaboration with the Japanese.

2. It must be stated in this connection, that as a physician in the Puericulture Center before and during the Japanese regime, my work was purely dedicated to the promotion of health and sanitation of the community and none others.

/s/ FLORENCIO Y. BAUTISTA
/t/ FLORENCIO Y. BAUTISTA
1st Lieutenant, MC

201 BAUTISTA, F Y (OFF) 1st Ind

Hq 4th Repl Bn (PA) APO 75 20 Nov 1945

TO: The Adjutant General, HPA, APO 501

Request appropriate action.

FOR THE COMMANDING OFFICER:

/s/ FERNANDEZ
PABLO FERNANDEZ
1st Lt, Inf
Adjutant

C O P Y

10/25/45

My dear Attorney General:

While the mass of the Filipino people and many of their leaders remained staunchly loyal during invasion and rendered invaluable assistance to our arms, it is necessary to admit that many persons served under the puppet governments sponsored by the enemy. Some of these especially those engaged in health and educational work, remained at their posts of duty with an evident intention to sustain the physical and cultural welfare of their people. Others of the clerical and custodial services continued in office in order to earn their accustomed livelihood and participated in no way in enemy policy. But, regretably, a number of persons prominent in the political life of the country assisted the enemy in the formulation and enforcement of his political policies and the spread of his propaganda. Others in the field of trade and finance seized upon the occasion to enrich themselves in property and money at the expense of their countrymen.

Reports have appeared in the press which indicate certain loyal Filipinos are convinced that a number of persons who gave aid and comfort to the enemy are now holding important offices in the Commonwealth government. Reports further indicate that the Commonwealth government has not yet found the means of effectively investigating, charging, or trying the offenders. It is essential that this task be completed before the holding of the next Commonwealth general election.

Considering that disloyalty to the Commonwealth is equally disloyalty to the United States, I request that you send experienced personnel to the Philippines to discover the status and to recommend such action as may be appropriately taken by the United States. Such recommendations should be made through the United States High Commissioner to the Philippine Islands. I am further requesting that the Secretaries of War and Navy direct the staffs of their intelligence sections to cooperate with you and make available to you all records and evidence bearing on this important problem.

Representatives of the Federal Bureau of Investigation assigned to the Philippines should be directed to report through the United States High Commissioner in connection with this and other operations in the Philippine Islands.

Sincerely,

(HST)

(President Truman)

The Honorable
The Attorney General
Washington, D. C.

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HEADQUARTERS AFWESPAC

CHECK SHEET

Do Not Remove From Attached Sheets

File No. Subject Philippine Army Loyalty Status Boards

JTK/fxh

(5) FROM: DC & C/S

TO: AG-RJR

22 Dec 45

1. The recommendation made in paragraph 8a of your Check Sheet that the functions assigned by paragraphs 2a and 2b of AFWESPAC Cir. 102 be transferred to AC/S G-1, is not favorably considered.

2. The recommendation in paragraph 8b that processing under the Missing Persons Act be completed without regard to the action of Philippine Army Loyalty Status Boards is approved.

3. There is no objection to you making any readjustments in your office necessary for the expeditious and effective review of Philippine Army Loyalty Board proceedings.

W.A.W., JR.
W.A.W., JR.

[Handwritten initials]

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Philippine Army Loyalty Status Boards

JTK/fzh

(5) FROM: DC & C/S

TO: AG

22 Dec 45

1. The recommendation made in paragraph 8a of your Check Sheet that the functions assigned by paragraphs 2a and 2b of AFWESPAC Cir. 102 be transferred to AC/S G-1, is not favorably considered.

2. The recommendation in paragraph 8b that processing under the Missing Persons Act be completed without regard to the action of Philippine Army Loyalty Status Boards is approved.

3. There is no objection to you making any readjustments in your office necessary for the expeditious and effective review of Philippine Army Loyalty Board proceedings.

W.A.W., JR.



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HEADQUARTERS AFWESPAC

CHECK SHEET

Do Not Remove From Attached Sheets

File No. GSAA Subject Responsibility for PA Loyalty Status Boards

(3)

FROM: G-1, PA & PS Div. TO: D/C, C/S DATE: 11 December 1945
THRU: G-3

1. In reference to paragraph 8a, C/N (1).

For G-1 or any other General Staff Section to take over the missions assigned in paragraph 2 A and B, Circular 102, it would be necessary to procure additional personnel and set up a special branch. On the other hand, it is believed that RPD, already having jurisdiction over Philippine Scout Loyalty Status Board, could do the same in regard to Philippine Army Loyalty Status Boards without major difficulty. In view of the fact that the Philippine Army is being demobilized without reference to loyalty status, the cases confronting the Loyalty Status Boards should be progressively reduced in number.

2. In reference to paragraph 8b, C/N (1).

The extent to which information accumulated by the Philippine Army Loyalty Status Boards is used in processing of Philippine Army personnel under the Missing Persons Act is considered a matter for RPD to decide. However, it is believed unwise for this headquarters to issue any directive which would tend to preclude the use of information gained by the Philippine Army Loyalty Status Board.

3. This recommendation if carried into effect would only serve to diffuse administration and responsibility for the project as a whole. Recommend disapproval of both proposals contained in paragraph 8, C/N (1). There is no G-1 objection to the establishment of a review agency for the matters in question in the office of The Adjutant General, if General Danielson so desires.

R
RUSSEL B. REYNOLDS,
Major General, GSC, *py*
Assistant Chief of Staff, G-1

(4) FROM: G-3 TO: DC add CS

18 Dec 45
Col Kreuter 46153

1. Concur with the recommendation appearing in paragraph 3 preceding check note.

Donovan
LEO DONOVAN
Maj Gen, GSC
G-3

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HEADQUARTERS AFWESPAC
Check Sheet

Do not remove from attached sheets

File No. GSXRP Subject: PA Loyalty Status Boards

(1) FROM: Dir, Rec Pers Div TO: G-1,
THRU: AG 1 December 1945

1. Par 2a and b, Cir 102, AFWESPAC, cs, designates as a responsibility of Recovered Personnel Division the control and supervision of PA Loyalty Status Boards and the review of their proceedings.
2. The purpose of these Boards is to determine whether or not a member of the PA who served with an agency of the Japanese or puppet government during the occupation remained loyal notwithstanding such service and, in case of finding of disloyalty, to recommend appropriate action such as, administrative separation from the service or court martial. There are at present ten (10) Loyalty Status and one (1) Review Boards established by PA and composed of PA personnel. As of 24 Nov 45, 289 cases have been completed, resulting in recommendation of dismissal in 38 cases; GCM in 5; and retention in the service of the remainder. The PA estimates a total of 35,000 cases will be heard by these Boards.
3. All determinations of status and entitlement to benefits under the Missing Persons Act for members of the PA, including disallowance of benefits where employment by Japanese or puppet government is involved and finding of "absence from post of duty without authority" when abandonment of loyalty is involved, are made by this Division under established policies and procedures of the WD and this command without reference to the action of the PA Loyalty Status Boards.
4. It is apparent that the ratio of the cases coming before the Board to those recommended for and tried by GCM is very small and that an indeterminate time will be involved in the hearing of the 35,000 cases and completion of any GCM's resulting therefrom.
5. The only connection between the processing and settlement of accounts of PA personnel under the Missing Persons Act by this Division and the action of the PA with respect to the loyalty status of the individual would be in those cases where an individual's account had not been settled and a GCM sentence to forfeit all pay and allowances due or to become due was executed. Any unsettled arrears in pay payable under the Missing Persons Act would technically be subject to such a forfeiture.

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HEADQUARTERS AFWESPAC
Check Sheet

Do not remove from attached sheets

File No. GSXRP Subject: PA Loyalty Status Boards

(1) FROM: Dir, Rec Pers Div TO: G-1,
THRU: AG 1 December 1945

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HEADQUARTERS AFWESPAC
Check Sheet

Do not remove from attached sheets

File No. GSXRP

Subject: PA Loyalty Status Boards

(1) FROM: Dir, Rec Pers Div TO: G-1 (contd) 1 Dec 45
Thru: AG

6. However, it is not deemed either expedient or equitable to delay the settlement of the accounts of PA personnel under the Act upon the possibility that in a minute portion of the cases some of the pay might be forfeited by a subsequent court martial. Such action would be in effect a deliberate withholding of pay because of the possibility that the individual may at some future time become subject to a court martial. Such practice is not followed in the usual administration of military justice. Further, under existing policy of administering the Act, payment of arrears in pay for the period from beginning of employment or disloyalty until the date of return to military control or service with recognized guerrilla unit is disallowed by this Division, so that actually any arrears in pay under the Act forfeited by such subsequent GCM sentence, would be pay due for service prior to the surrender and during POW and casualty status, to which the individual is rightly entitled.

7. The function of the Boards of determining whether or not an individual should be retained in the service or subject to disciplinary action, is essentially a personnel function.

8. Accordingly, it is recommended that:

a. The functions presently assigned to Recovered Personnel Division by Par 2a and b, Cir 102, AFWESPAC, cs, be transferred to G-1, this headquarters.

b. Recovered Personnel Division be authorized to expedite and complete the processing of PA personnel under the Missing Persons Act without regard to the action of PA Loyalty Status Boards.

(2) FROM: AG TO: G-1

M. H. M.

4 December 1945

Concur

W. P. Moore
W. P. MOORE
Lt Col, AGD

C O P Y

(5)
DC & C/S

Philippine Army Loyalty Status Boards
AG-RP

22 Dec 45

1. The recommendations made in paragraph 8a of your Check Sheet that the functions assigned by paragraphs 2a and 2b of AFWESPAC Cir. 102 be transferred to AC/S G-1, is not favorably considered.
2. The recommendation in paragraph 8b that processing under the Missing Persons Act be completed without regard to the action of Philippine Army Loyalty Status Boards is approved.
3. There is no objection to you making any readjustments in your office necessary for the expeditious and effective review of Philippine Army Loyalty Board proceedings.

/s/ W.A.W.JR
/t/ W.A.W.JR

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(38)

(3)

G-1, PA & PS

Responsibility for PA Loyalty Status Board
11 December 45D/C, C/S
THRU: G-3

1. In reference to paragraph 8a, C/N (1).

For G-1 or any other General Staff Section to take over the missions assigned in paragraph 2 A and B, Cir 102, it would be necessary to procure additional personnel and set up a special branch. On the other hand, it is believed that RPD, already having jurisdiction over Philippine Army Loyalty Status Boards without major difficulty. In view of the fact that the Philippine Army is being demobilized without reference to loyalty status, the cases confronting the Loyalty Status Boards should be progressively reduced in number.

2. In reference to paragraph 8b, C/N (1).

The extent to which information accumulated by the Philippine Army Loyalty Status Boards is used in processing of Philippine Army Personnel under the Missing Persons Act is considered a matter for RPD to decide. However, it is believed unwise for this headquarters to issue any directive which would tend to preclude the use of information gained by the Philippine Army Loyalty Status Board.

3. This recommendation if carried into effect would only serve to diffuse administration and responsibility for the project as a whole. Recommend disapproval of both proposals contained in paragraph 8, C/N (1). There is no G-1 objection to the establishment of a review agency for the matters in question in the office of The Adjutant General, of General Danielson so desires.

/1/ R

RUSSEL B. REYNOLDS

Major General, GSC

Assistant Chief of Staff, G-1

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(34)

Board
Responsibility for PA Loyalty Status
DC and CS 18 Dec 45
Col Kreuter 46153

G-3

(4)

Concur with the recommendation appearing in paragraph 3 preceding check note.

/s/ DONOVAN
/t/ LEO DONOVAN
Maj Gen, GSC
G-3

(2) FROM: AG

TO: G-1

4 December 1945

Concur

/s/ W. P. MOORE
/t/ W. P. MOORE
Lt Col, AGD

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MHM/RB, Jr/een

GSXRP

PA Loyalty Status Boards

FROM: Dir, Rec Pers Div TO: G-1,
THRU: AG

1 December 1945

1. Par 2a and b, Cir 102, AFWESPAC, cs, designates as a responsibility of Recovered Personnel Division the control and supervision of PA Loyalty Status Boards and the review of their proceedings.

2. The purpose of these Boards is to determine whether or not a member of the PA who served with an agency of the Japanese or puppet government during the occupation remained loyal notwithstanding such service and, in case of finding of disloyalty, to recommend appropriate action such as, administrative separation from the service or court martial. There are at present ten (10) Loyalty Status and one (1) Review Boards established by PA and composed of PA personnel. As of 24 Nov 45, 289 cases have been completed, resulting in recommendation of dismissal in 38 cases; GCM in 5; and retention in the service of the remainder. The PA estimates a total of 35,000 cases will be heard by these Boards.

3. All determinations of status and entitlement to benefits under the Missing Persons Act for members of the PA, including disallowance of benefits where employment by Japanese or puppet government is involved and finding of "absence from post of duty without authority" when abandonment of loyalty is involved, are made by this Division under established policies and procedures of the WD and this command without reference to the action of the PA Loyalty Status Boards.

4. It is apparent that the ratio of the cases coming before the Board to those recommended for and tried by GCM is very small and that an indeterminate time will be involved in the hearing of the 35,000 cases and completion of any GCM's resulting therefrom.

5. The only connection between the processing and settlement of accounts of PA personnel under the Missing Persons Act by this Division and the action of the PA with respect to the loyalty status of the individual would be in those cases where an individual's account had not been settled and a GCM sentence to forfeit all pay and allowances due or to become due was executed. Any unsettled arrears in pay payable under the Missing Persons Act would technically be subject to such a forfeiture.

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GSXRP

PA Loyalty Status Boards

FROM: Dir, Rec Pers Div TO: G-1 (contd) 1 Dec 45
Thru: AG

6. However, it is not deemed either expedient or equitable to delay the settlement of the accounts of PA personnel under the Act upon the possibility that in a minute portion of the cases some of the pay might be forfeited by a subsequent court martial. Such action would be in effect a deliberate withholding of pay because of the possibility that the individual may at some future time become subject to a court martial. Such practice is not followed in the usual administration of military justice. Further, under existing policy of administering the Act, payment of arrears in pay for the period from beginning of employment or disloyalty until the date of return to military control or service with recognized guerrilla unit is disallowed by this Division, so that actually any arrears in pay under the Act forfeited by such subsequent GCM sentence, would be pay due for service prior to the surrender and during POW and casualty status, to which the individual is rightly entitled.

7. The function of the Boards of determining whether or not an individual should be retained in the service or subject to disciplinary action, is essentially a personnel function.

8. Accordingly, it is recommended that:

a. The functions presently assigned to Recovered Personnel Division by Par 2a and b, Cir 102, AFWESPAC, cs, be transferred to G-1, this headquarters.

b. Recovered Personnel Division be authorized to expedite and complete the processing of PA personnel under the Missing Persons Act without regard to the action of PA Loyalty Status Boards.

..... M. H. M.

HEADQUARTERS
UNITED STATES ARMY FORCES, WESTERN PACIFIC
RECOVERED PERSONNEL DIVISION

al
X-000

17 November 1945

Memorandum for Record:

1. An approval from the Deputy Chief of Staff, dated 12 November 1945, was received, this date, to Check Note (Memorandum for the Deputy Chief of Staff, dated 11 August 1945) in particular, paragraph 1, Section III, thereof, which reads:

"It is recommended that the policy promulgated by Check Note 13 (Incl 2), which reads:

1. The matter covered in Carrier Note (12) has been presented to the C-in-C.

2. He desires the following interpretation to be put into effect with regard to pars. IV 1.b and IV ie. of the War Department Plan for Casualty Administration:

a. Individuals to be considered as in a missing in action status for the entire period during which they were absent from full military control, except:

(1) Cases of actual desertion of AWOL in the face of the enemy prior to the surrender of their unit.

(2) Cases of acceptance of positions in Japanese or puppet agencies. This is to include the Jap sponsored BC, municipal, provincial or "republic" offices, etc. ✓

b. Payment for the period "missing in action" to be based on the foregoing; that is, for all periods, whether prisoners of war, with guerrilla forces, at home or elsewhere, except when positive disloyalty has been demonstrated.

3. In view of the foregoing, immediate payment of three months arrears of pay is authorized.'

be reconsidered and amended to conform with the War Department

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policy as promulgated in Section IV, paragraph 1e, War Department Plan (Incl 5), which reads:

'Determination or redetermination of whether or not military personnel or civilian employees are to be officially carried as missing or missing in action for any period requires consideration of the effects of enemy action upon the individual as to restraint imposed, separation from residence or family, lack of employment or means of livelihood, and other direct effect of hazards of war. A mere termination or suspension of official military or employment status by enemy occupation which has not deprived a resident of reasonable freedom of action and opportunity of livelihood, and has not caused him or his dependents to suffer serious deprivation by reason of his former official status, is not an absence occasioned by enemy action with entitlement during same to full pay and allowances of former employment, and hence does not warrant an official determination or redetermination of missing or missing in action.' "

2. Approval from the Deputy Chief of Staff reads:

"1. Recommendation contained in Section III, paragraph 1, is approved, although the Commander-in-Chief believes that the policy established by Washington contravenes the well-established principle that paroled prisoners of war are entitled to pay and allowances."

3. Paragraph 2, Section III of the Memorandum for Deputy Chief of Staff, dated 11 August 1945, reads:

"It is further recommended that present command policy be amended to provide that a person shall be determined not in a casualty status within the meaning of Section 2 of the Missing Persons Act from the date he accepts appointment or enters into service in any activity controlled by the Japanese government or by puppet government until the date he returns to full military control or definitely enters the service of a recognized guerrilla unit. Exception will be made for periods of ostensible employment under such Japanese agencies entered into at the direction of a recognized guerrilla leader or officer of the Army of the United States of recognized loyalty."

4. Paragraph 2, Section III, as quoted above, was answered by Check Note from the Deputy Chief of Staff, dated 12 November 1945 (received by the Recovered Personnel Division 17 November 1945) as follows:

"The policy recommended in Section III, Paragraph 2, was previously established by carrier note from this office, dated 2 July 1945, as shown by Incl No 4 of the attached file, which reads:

'File No: AG-PR Subject: Determination of Collabo-
ration Policy on Philip-
pine Army Personnel.

X
(1) From: AG To: DCofS Date: 23 June 1945

1. Attention is invited to the attached claim with supporting papers submitted by Jesus A. Lagdameo, Jr., Captain, PA, serial number O-2247.

2. This officer was a prisoner of war of the Japanese from 9 April 1942 through 10 August 1942. On 14 August 1942 he entered the employment of the Japanese Government. On 19 March 1945 he was returned to military control. Shortly thereafter on 5 April 1945 the Philippine Army Loyalty Board with the approval of the Chief of Staff, Philippine Army, and concurrence of the Secretary of National Defense relieved this officer from active service pursuant to General Orders No 20, Hq, Philippine Army, dated 17 March 1945.

3. The Recovered Personnel Division, Philippine Army, recommends payment of arrears in pay and allowances to this officer under the Missing Persons Act for the period 1 April 1942 to 13 August 1942, inclusive, the day preceding that on which he accepted employment by the Japanese Government. This recommendation is concurred in.

4. Recommend that approval be given to the following policy: A member of the Philippine Army, coming within the provisions of the Missing Persons Act, loses his status and rights under the Act effective on the date he accepted appointment or enters into service in a military or civil capacity in any activity controlled by the Japanese or by the Japanese sponsored puppet "Philippine Republic", provided he does not subsequently render valuable service to

a recognized guerrilla unit or does not accept the employment at the direction of a recognized guerrilla leader in order to obtain information or otherwise assist the guerrilla activity.

/s/ BMF
/t/ B.M.F.

2 Incl

1. Check Sheet from Hq, Philippine Army to this Hq, dated 21 June 1945 (in dupl) w/incls.
2. 201 File Lagdameo, J.A., Capt, PA.

(2) FROM: DC/S TO: Ch PA Sec 25 June 1945

For remark and recommendation.

/s/ RJM
/t/ R.J.M.

Incls n/c

(3) From: PA Section To: Deputy Chief of Staff Date: 29 June 1945

1. Concur in par. 3 of CN (1).
2. Reference par. 4 of CN (1). Recommend following policy:

A member of the Philippine Army coming within the provisions of the Missing Persons Act shall be considered "absent from post of duty without authority" from the date he accepts appointment or enters into service in a military or civil capacity in any activity controlled by the Japanese or by an Japanese sponsored puppet government, until the date on which he returns to full military control or enters the service of a recognized guerrilla unit. Periods of ostensible employment under such Japanese agencies, entered into at the direction of a recognized guerrilla leader or of a superior officer of the United States Army or of the Philippine Army of recognized loyalty shall not be considered as periods of absence from post of duty without authority.

3. The wording of the exception has been altered to cover cases of men planted by Gen Whitney's agents or by specific officers who were engaged in recognized intelligence work, such as Col. Manzano. Limiting it to "recog-

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nized guerrilla leaders" would be too restrictive. The wording of the original version would entitle a man to pay for periods of Japanese service if he subsequently saw the light (perhaps just before an American landing) and joined a guerrilla force. He may perhaps be forgiven and retained in the service, but certainly should not draw pay for the period.


/s/ CPS
/t/ C.P.S.

(4) FROM: DC/S TO: AG 2 July 1945

1. Recommendation contained in paragraph 3 of your CN dated 23 June above is approved.

2. Reference paragraph 4 of your CN of 23 June, the policy is approved as stated in paragraph 2 of the above CN, dated 29 June, from the Chief, PA Section.

/s/ RJM
/t/ R.J.M. "


F. N. CRANDALL
Major AGD
Asst Adj Gen

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FROM: Legal Officer

TO: Director

Date: 15 November 1945

1. The attached investigation discloses that after his release from the concentration camp, Major Rufino returned to Manila and entered into active operation of his motion picture establishment and served as a Director of the Philippine Bank of Commerce. It is not believed that the evidence shows the operation of the Bank to have been under such circumstances that it may be considered to have been operating as a Japanese "agency". However, it does appear that the "motion picture theatres were under the complete control of the Japanese activities". Major Rufino admits that Japanese propaganda films "were shown in his theatre during the occupation, claiming that he had no control over the selection of pictures to be shown" and that "control over selection of films to be exhibited rested with the 'Eiga Haikyusha'". The latter was set up by the Japanese to take the place of the previous film exchanges representing various American and native film corporations and received a percentage of the proceeds from the showing of the films.

2. The present policy denies casualty status from the date the individual "accepts appointment or enters into service in any activity controlled by the Japanese government or the puppet government".

3. It is true that subject was not an employee of the Japanese or puppet government agency within the narrow sense of that term as applied to a master and servant relationship. However, it is not believed that the above quoted policy and GNL3 should be construed to have such a limited meaning.

4. It is well known that propaganda has been carefully and deliberately employed by the Japanese in furthering their war effort. He voluntarily devoted his efforts and resources to the operation of an activity which was admittedly used by the Japanese in disseminating propaganda and participated with a Japanese agency in the profits therefrom. It is not believed that under these circumstances the individual should be considered missing and entitled to pay merely because he was in a strict legal sense not an employee.

1 Incl:

Report of Investigation

R. B. Jr.

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