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HEADQUARTERS, ARMY SERVICE FORCES
Office of The Judge Advocate General
Washington 25, D. C.

25 Feb 1946

SUBJECT: SS DON ISIDRO, Death of eleven members of the crew

TO : Commanding General
AFWESPAC
APO 707, c/o Postmaster
San Francisco, California
ATTENTION: Chief of Claims

1. There is inclosed herewith pertinent parts of file including an agreement dated 22 January 1942 between Army authorities and the De La Rama Steamship Company, Inc., providing for the operation of the SS DON ISIDRO in carrying Army cargo and agreeing in the event of the loss of members of the crew the United States would pay the dependents of such deceased members the amounts specified in the list attached to the agreement above mentioned.

2. While the authority to make an agreement to be performed over an indeterminate time is doubtful, it is understood that the beneficiaries, or at least some of them, will be agreeable to accepting a lump sum in full settlement. This office is advised that there are and will remain available certain funds with which to discharge the Government's obligation under this contract by commuted settlement but that these funds will no longer be available after 30 June 1946. It is therefore requested that an investigation be made as to whether the beneficiaries of the 11 deceased members of the crew are alive and their ages and condition of health. It is also requested that there be ascertained whether any of the beneficiaries have died and if so the names, ages and sex of their respective heirs. It is also requested that there be ascertained if possible from each of the beneficiaries who are still alive the sums they are willing to accept in full settlement of their rights under this agreement, and in the event that any of them are deceased whether there are any duly qualified legal representatives who may deal on behalf of the surviving minors who under the terms of the agreement are entitled to receive payment until they become of age provided, of course, such deceased beneficiaries were wives of the deceased members of the crew.

3. There are also inclosed herewith copies of letters from Mrs. Delgado and Mrs. Jacobilla which have been transmitted to this office by the De La Rama Steamship Company. It is appreciated that it may be difficult to reach all of these beneficiaries and to attempt to negotiate an agreement with all of them prior to the time stated above, but it is requested that this office be advised by cable as soon as possible when you have been able to negotiate with any one or a substantial number of the beneficiaries and of the amount which they are willing to accept in settlement so that as many of these cases as possible can be settled while funds are still available. If some of the beneficiaries cannot be located or are unwilling to agree upon a settlement it is

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nevertheless felt that as many settlements as possible should be made at this time from the funds available, leaving the remaining claims to be dealt with in such manner as may be possible at a later date. It would appear that the only other method of settling their claims would be by special bill in Congress.

4. In negotiating for settlement it is suggested that any sum which would approximate the commuted value of an annuity equal in amount to the sum payable under the agreement, taking into account the age and circumstances of the beneficiaries, would be acceptable.

5. Mr. Michael Garrett of the De La Rama Steamship Company has recently departed this country for Manila and has requested that these papers be forwarded to you and has been instructed by his Company to render you all assistance possible in making the investigation above requested.

6. Claim is being made by the De La Rama Steamship Company for approximately \$12,000 covering the loss of personal effects of the members of the crew in addition to death benefits above mentioned. It will not be necessary to give consideration to the claim as the members of the crew were not employees of the United States and there is no contractual obligation upon it to pay such claim.

7. In view of the limited time involved it is requested that this matter be expedited as much as possible.

FOR THE JUDGE ADVOCATE GENERAL:

- 3 Incls
1. File
2. Cy ltr fr Mrs. Delgado
3. Cy ltr fr Jarobilla

s/ Thomas F. Mount
t/ THOMAS F. MOUNT
Lieutenant Colonel, JAGD
Chief of Claims Division

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BASIC: Ltr fr TJAG, Washington 25, D. C., dtd 25 Feb 46, subj:
"SS Don Isidro, Death of eleven members of the crew."

1st Ind

HEADQUARTERS, CLAIMS SERVICE, AFWESPAC, APO 707, 7 May 1946

TO: The Judge Advocate General, Washington 25, D. C.
Attention: Chief of Claims Division

1. Attached find copies of two radiograms advising of results of negotiations for releases.

2. The list of exhibits enclosed includes acceptance agreements from the widows and mothers of men who were lost on "SS Don Isidro", as follows:

a. Adela Amante Manga	- \$10,000
b. Victorina de Jayme	- 6,000
c. Maximiana Milgazo Jaravilla	- 6,000
d. Salvacion Montealegre	- 6,000
e. Clara Aldana de Cordova	- 6,000
f. Agapita G. Delgado	- 5,000
g. Josefa Vda de Masangkay	- 6,000
h. Trinidad T. Vda de Reynes	- 6,000

3. According to the inclosed recommendations of Mr. Michael Garrett, the amounts listed above are fair and reasonable.

4. No widow, mother, or dependent children of Quirano Sabando and Amado Longno have been located, and it is the opinion of Mr. Garrett that no other heirs are entitled to benefit for their deaths. Please advise immediately if other heirs of these parties should be contacted.

5. The widow or mother of Alberto Jimenea has not been located. In case she is located at a later date, a supplementary report will follow:

6 Incls:
1-2-3 - n/c
4- Exh. on attached list
5- cc Radio site 28217
6- cc Radio site 28781

BASIL A. WOOD
Lieutenant Colonel, JAGD
Chief of Claims

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C E R T I F I C A T E

I, RAFAEL S. ACOSTA, Captain, T. C., U. S. Army Stationed with the Hqs Commandant, Recovered Personnel Division, certify that on or about 15 December 1941, the De La Rama Steamship Company, owner of the M/S Don Isidro decided to send the ship and the crew to Australia to keep her away from the incessant bombings at Manila Bay. I was one of the volunteers and the 3rd mate of the ship. We left Manila Bay late in the night of 15 December 1941 for an unknown destination in Australia. Before reaching Australia proper, the Captain of the ship told us that the first Port of call was Fremantle, Perth, South Australia. We arrived in this Port about the 24th of December and stayed there for about a couple of days for necessary ship servicing. While in Perth, we got an order from Brisbane that the US Army wanted the control of the ship so that from thereon, we found ourselves bound for Brisbane. We reached the Port of Brisbane on or about the 6th of January 1942. We stayed there until about the beginning of the last week of January 1942, in order to finish all the different necessary negotiations between the Captain and the U. S. Army Commander, in Australia. A few days before the ship was scheduled to sail out of Brisbane, the whole crew was called upon by the Captain of the ship, Captain Rafael J. Cisneros. He told us what had happened and touched the subject on the secret mission we are going to undertake. The mission was that we were going to load as much ammunition and food that the ship could hold which were to be delivered to General MacArthur in Corregidor, Philippines. Thereupon, Captain Cisneros thinking of the risk involved in the trip, asked each of the crew for volunteers. In my honest knowledge and belief, we mustered about 67 members of the crew.

We finally left Brisbane with this crew plus an additional

sixteen (16) American soldiers headed by 2nd Lieutenant Kane Jr., as gunners for the ship. We left Brisbane for Corregidor about the last week of January 1942. A route for the ship was given us by the navy which was from Brisbane passing the southern of Australia to Batavia then along the Coral Sea between East Indies and Northern Australia to Palaw Island then to Eastern Mindanao towards Corregidor. While in Batavia, on or about the 2nd week of February 1942, the Captain got information from the British Navy to proceed cautiously because of the increasing amount of air power of the Japanese in the East Indies Zone.

About noon time, on the 18th of February 1942, while we were about to turn our course towards Palaw Island, we sighted a Japanese reconnaissance plane in the area. Evidently, she saw us before we did as the next thing we knew of, she banked and turned around towards our ship. I was the Officer on watch at the time, and although the Captain and all the deck Officers were on the bridge with me, we were not too sure that it was a Japanese plane inasmuch as the under part of her wings was shaded due to the position of the sun. With the aid of glasses while looking at the plane, she approached our ship. I saw a tiny black stick dropped from the plane and I instantaneously yelled to the Captain "Bomba Captain". Simultaneously, the captain ordered the Quartermaster to put the wheel on hard right. The ship then swerved to the right. The bomb fell close aft about 50 yards away shaking the ship like a match stick. She made another pass and dropped one more bomb as we zigzagged.

Although our gunners were in action after the first bomb fell, we were not lucky enough to bag the plane in spite of our desire to get her. After she dropped the 2nd bomb, she left trailing some smoke behind her. After the incident, the captain called a meeting of all the officers, deck and engine, and told us what his intentions were. He said that he thought it wise while we were in that vicinity to go to either Thursday Island or Darwin where the Australian Navy

was stationed to ask them for further enemy information. The members of the Officers' Crew voted on Darwin so we changed the course to Darwin.

About 9:00 o'clock in the morning of 19th of February 1942, the Radio Operators came up the bridge and told the Captain that a big raid composing of about 100 planes was going on in Darwin. At that instant we were at the mouth of Darwin and we knew and expected that after Darwin on their way back to their bases, they will certainly pass above us. A few minutes later while all the crew was called and advised to be on their battle stations, the Japanese planes came. Four fighters came in first, strafed the ship for about a quarter of an hour and then followed by dive-bombers. The bombers dived-bombed the ship inspite of the gunnery action we had aboard ship. Our ill-fated ship received about 4 to 6 direct bomb hits.

With engines completely wrecked and the whole ship aflame we headed towards Bathurst Island some 10 miles ahead. While everything seemed to be burning aboard ship and there was no way to control her plus the large amount of ammunition in the holds and the full fuel tanks aboard, the Captain ordered abandon ship with the aid of two Army Life Rafts. Although most of the men were burned and injured including myself we were able to paddle our way with our hands towards the Island 24 hours later. Upon reaching the Island, we mustered the crew and found 11 missing who were declared dead, some of them died aboard ship and others in the rafts while on our way to shore. Two were dying in the Island and one of them was Lt. Kane who was shot in both ankles and had another in the thigh. We stayed in that Island without food or water for about 26 hours. Afterwards, an Australian Gun Boat saw our burning ship and came close to shore lowering a life boat and a cask of fresh water. I still believe that this was the sweetest water I've ever tasted in my life. They loaded us aboard the

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ship to take us to the hospital in Darwin and there we stayed until
we were transported to Brisbane, Australia about a month later.

Rafael S. Acosta
RAFAEL S. ACOSTA
Capt., T.C. O-888452
Rec. Pers. Div., Hq.
PHILRYCOM, APO 707

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