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Authority NND 883078

7 AUG 46

QM SUPPLY DEPOT EMPLOYEES

(LEGAL OFFICER 9 MAY 46)

(3) FROM: Dir, Rec Pers Div TO: CIC, Civ Sec, DATE: 11 May 1946  
Rec Pers Div

Attention invited to recommendations contained in par 7 previous C/N which are approved. It is desired that you investigate the necessary further investigation through the medium of the I & R Branch.

5 Incls: n/c/

M. H. H.

The plan envisions an immediate construction program of strategic facilities to house the thousands of reservists involved as well as the intensive development of new air fields for the rapidly expanding air forces. All Philippine islands which were under American control will continue their national integrity. They will retain their own currencies, their own scale of pay, their own judicial system, their own customs, and their own code of military law. Their training, however, will be under the immediate direction of the officers of the American Army. In order that the Philippine services they will be paid and supplied from American sources.

(See pages 16 and 17. The Philippine Army: The establishment, organization and legal basis, by Philippine Research and Information, Staff, dated 26 Jan. 1946.) In a letter signed by Carl H. Spahr, Assistant Secretary, USAID, 2 Apr 1946, it was said:

The United States Government has adopted the policy of using the services of the Philippine Army in the reconstruction of the economy of the Philippines. The Philippine Army, retaining its own identity, will serve side by side with the United States under a single command.

The separate identity of the Philippine Army was previously recognized by the Congress of the United States in that there have been made for its operation and maintenance.

According to Sec. 1004 these units were and are to be organized and regulated, subject to review by the Secretary General, USAID, at his discretion in command.

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(2) FR: Legal Officer TO: Director, RFD DATE: 9 May 46

1. The activity is referred to in the basic check note and affidavits attached as "USAFFE Quartermaster Supply Depot." There is no information to indicate whether this installation was a Philippine Army project or an activity of the United States Army. It is my belief that practically all of the units in the Southern Islands were Philippine Army units. The term USAFFE has been loosely used in this theater to designate PA units and personnel ordered into the armed forces of the United States, although technically it applied to all of the forces in the Far East.

2. The organized military forces of the government of the Philippines were called into service by the President on 26 July 1942, and placed "under the command of a General Officer to be designated by the Secretary of War." Gen. MacArthur was designated as the Commanding General of the new Far East command. Shortly after he received command he issued a statement in which it was said:

"The plan envisions an immediate construction program at strategic localities to house the thousands of reservists involved as well as the intensive development of new air fields for the rapidly expanding air forces. All Philippine elements which come under American control will maintain their national integrity. They will retain their own uniforms, their own scale of pay, their own promotion list, their own rations, and their own code of military law. Their training, however, will be under the immediate direction of the officers of the American Army. On muster into the American services they will be paid and supplied from American sources."

(See pages 16 and 17. The Philippine Army: Its establishment, organization and legal basis, by Philippine Research and Information, USAFFE, dated 26 Jan. 1945.) In a letter signed by Carl H. Seals, Adjutant General, USAFFE, 2 Sept 1941, it was said:

"The United States Government has adopted the policy of using the agency of the Philippine Army in the employment of the manpower of the Philippines. The Philippine Army, retaining its own identity, will serve side by side with the United States under a single command."

3. The separate identity of the Philippine Army was expressly recognized by the Congress of the United States in that separate appropriations have been made for its operation and maintenance.

According to Gen. Fitch these funds were and are being expended by Philippine Army disbursing officers in accordance with Philippine laws and regulations, subject to review by the Commanding General, USAFFE or his successor in command.

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4. Civilian employees of the Philippine Army have been considered to be employees of the Philippine Commonwealth and not employees of the United States. (See ltr, Gen. Fitch to CP Hanson, Deputy Commissioner, U. S. Employees Compensation Commission dated 2 Oct 1945.) Section VIII of the War Department plan expressly states that civilian employees of the Commonwealth of the Philippines do not come under the provisions of the Missing Persons Act.

5. In view of the fact that most of the troops and installations in the Southern Islands were Philippine Army, and since it is likely that most of the persons referred to in the basic check note were employed by Philippine Army units, it is my opinion that it should be determined in every case, if possible, whether the unit or installation in which a claimant was employed was a Philippine Army or U. S. Army unit or installation. This would require accumulation of information and data from officers who know the facts and a vast amount of time would be consumed before the information can be gathered and conclusions reached which would enable this division to determine whether each claimant was an employee of the Philippine Army or the U. S. Army. Therefore a practical solution must be reached which will permit the adjudication of claims pending the accumulation of such facts. This I believe is possible.

6. The affidavits attached to basic check note show that most of the laborers were hired under the "cabo" system to haul and store supplies and materials during the period between 16 March and 7 April 1942. These individuals would under such facts be local labor casually hired.

7. I therefore recommend:

a. That all laborers on the project who were hired under the cabo system on a per diem basis be determined not to be War Department Employees for the Missing Persons Act for the following reasons to be stated in the determination:

(1) Evidence available, is insufficient to establish that subject was an employee of the War Department and was not an employee of the Philippine Army.

(2) If subject were employed by the U. S. Army he would be a local laborer casually hired and not within the provisions of the Missing Persons Act.

b. That all persons who were employed less than 30 days be treated the same as the above.

c. That an investigation be made to determine whether this activity was a Philippine Army project or U. S. Army activity and that claimant individuals who allege that they were employed on a monthly basis be suspended pending accumulation of facts and further consideration of whether the project can be classified as temporary or emergency and if so whether this is sufficient to justify a determination that such persons are not within the act.

GSXRP

Claims of Quartermaster Supply Depot  
Employees.

(1) FR: OIG, Civilian Section TO: Director DATE: 8 April 46  
RPD

1. We have approximately 610 claims from the island of Cebu by persons claiming employment with the Quartermaster Supply Depot for the dates 8 December 1941 to 10 April 1942.

2. The entire project was not centered in one place but was carried on in several towns throughout the island of Cebu. Although there was some work accomplished during previous months, the vast share of the hauling of supplies took place during March 1942, up until the invasion on 10 April 1942.

3. a. GREGORIO LLINES, Labor Supervisor states in his affidavit:

"The nature of this work was to supervise the hauling of USAFFE Supplies, Materials and War Ammunitions. I hired my men under my control. I was employed as Labor Supervisor from 16 March 1942 to 7 April 1942. "

b. LUIS BACUS, capataz, states:

"My job started on 29 March 1942 and ended 7 April 1942 because there were no more supplies."

c. RUSTICO HOLGANZA, Capataz, states:

"I was employed by Lt. Iway of the 82nd Inf. for hauling food supplies from the main road to the hills of Balerong. That the food supplies were stored in the hills so in case of invasion the enemy would not have access to it. The job in Balerong ceased because we had no supplies to handle."

d. CATALINO GIMENEZ, capataz, states:

"I hired men under my control. This job was done under the Cabo system. There were great changes among my men."

4. In view of the above statements and the statement of the Chief Capataz that as a general rule the Cabo system was practiced, and that the QM Supply Depot was an emergency project, hiring men on an emergency status, it is recommended that the employees on this project be considered as intermittent, part time or casually hired and therefore not entitled to benefits under the Missing Persons Act.

5 Incls

S. J. S.

- Incl 1 - (Tab A) Affidavit, Gregorio Llines
- Incl 2 - (Tab B) Affidavit, Luis Bacus
- Incl 3 - (Tab C) Affidavit, Rustico Holganza
- Incl 4 - (Tab D) Affidavit, Catalino C. Gimenez
- Incl 5 - (Tab E) Statement, Col. Paul S. Beard

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On Supply Dept Employees

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