

STUDY - PREPARE STATE DEPARTMENT REPLY TO PHILIPPINE ECONOMIC MISSION CLAIM "PREPARE STATE DEPARTMENT REPLY TO PHILIPPINE ECONOMIC MISSION ARMY VETERAN"

ANNEX 4

DECLASSIFIED

Authority AND 83678

~~STUDY-DETERMINATION UNDER THE MISSING PERSONS ACT ANNEX 4 DRAFT OF STATE DEPARTMENT  
REPLY TO PHILIPPINE ECONOMIC MISSION CLAIM THE CASE OF THE PINLINDING ARMY~~

DECLASSIFIED  
Authority AND 83308

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Authority NND 883678

ANNEX 4

Draft of State Department Reply

to

Philippine Economic Mission Claim

"The Case of the Philippine Army Veteran"

*4 Drawings*

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Authority AJND 883078

*Annex 4*

INDEX

REFERENCES

TAB

Draft of Proposed Reply to Claim "The Case of the Philippine Army Veteran". . . . .	A
DF from Chief, Records Administration Branch, TAGO to Chief, ARGEN, TAGO with Reply Re Comments to Draft of Proposed Reply to Claim "The Case of the Philippine Army Veteran". . . . .	B

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TAB A

Dir. ASPCOS

Dir. Army Library

Dir. A-AF Postal Svc

Chief, Devtl Rec Br

Chief, Opr Br

Chief, Pub Br

Chief, Stat & Sect Br

CC, Army Rec Center

CO, L&MC

Chief, Compt Div

Chief, Inv Div

Chief, Civ Pers Div

ATTN:

REMARKS:

CHECK ACTION DESIRED

INFORMATION	SIGNATURE	NOTE AND RETURN	FILE
<input checked="" type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FROM	TELEPHONE	DATE	
<i>R B Belup</i> GEORGE A. GOULD Colonel, AFM, Chief		1957	25 Jan

Administrative Services Division, GPO

DECLASSIFIED  
 Authority AND 88300

## SUMMARY SHEET

(DA Form 340-13)

TO		FOR		FROM
DCSLOG	COA	APPROVAL	AGENCY	TAGO
DCSOPS	ACSI	SIGNATURE	GRADE & NAME OF CONTACT	73893
DCSPER	TAG	COORDINATION	73893	
CRD	CLL	SECRETARY OF THE ARMY		73893

FILE REFERENCE	SUBJECT	DATE
ADCE	Claim of the Republic of the Philippines	17 JAN 1957

IMPLICATIONS: (This action involves the implication(s) checked below, detailed discussion of which follows or is attached as separate inclosure(s). These have been considered in the final recommendation.)

- PRIMARY PROGRAM     MANPOWER     BUDGET     LEGAL  
 CONGRESSIONAL     PUBLIC RELATIONS     MORALE     SECURITY

## DISCUSSION

1. In early 1955 the Republic of the Philippines presented 16 claims against the United States. Replies to 13 of these claims which came within the purview of this Department were submitted to the Department of State on 27 August 1956.

2. Another of these claims involved both the Department of the Army and the Veterans Administration. This claim (Tab A) duplicated to a considerable extent the contents of many of the other claims. It was understood that the Department of State would develop the reply to this claim. However, representatives of that Department recently requested Army representatives to prepare the reply to that portion of the claim which involved the Department of the Army.

3. In this claim, the Republic of the Philippines contends that large numbers of Philippine Army veterans have been denied benefits because of alleged adverse actions and restrictive policies by the United States Government and particularly the Department of the Army. The Republic of the Philippines recommends that all claims which have been unfavorably considered be reopened and that these cases be jointly reviewed by representatives of the United States and the Philippine Government.

4. The attached proposed letter to the Assistant Secretary of State for Far Eastern Affairs transmits this Department's reply to this claim. The reply indicates (a) the many difficulties encountered in processing the subject claims, (b) the reasons that given actions were taken, (c) Cases are still being considered and original determinations or redeterminations are being made if justified, (d) That policies and procedures for processing claims are thorough, sound, and fair, and (e) That the reopening of all negative cases is not warranted.

5. This matter has been coordinated with Department of State representatives who are in accord with this proposed reply.

## RECOMMENDATION

Recommend that the attached letter (Tab B) be signed and dispatched.

## COORDINATION

TAG - Comdr (Col. H. S. Lewis - 719th)  
 COA - Comdr (Mr. E. K. Shultz - 73893)

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2 Incl

1. Tab A
2. Tab B

HERBERT M. JONES  
 Major General, USA  
 The Adjutant General

DA FORM 520

PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE

GPO: 1954 O-31272

Copy for:

Chief, Adm Svs Div, TAGO

DEPARTMENT OF THE ARMY  
OFFICE OF THE ASSISTANT SECRETARY  
WASHINGTON 25, D. C.



IN REPLY REFER TO:

Honorable Walter F. Robertson  
Assistant Secretary of State  
For Far Eastern Affairs  
Department of State

Dear Mr. Robertson:

Reference is made to the 16 claims presented to the United States by the Philippine Economic Mission in early 1955. The comments of the Department of the Army on 13 of these claims which relate to matters within the purview of the Department were submitted to you by letter from this office dated 27 August 1956.

Another one of the claims, "The Case of the Philippine Army Veteran," involved both the Department of the Army and the Veterans Administration and duplicated to a considerable extent the content of many of the other claims. Originally, it was understood that the Department of State would develop the reply to this claim, based largely on the content of the replies to the other claims. However, it developed that detailed information would be required from this Department and the Veterans Administration. Accordingly, your representative informally requested that this Department prepare a draft of the reply to that portion of the claim falling within the purview of this agency.

There is attached a draft of a proposed reply to that portion of the claim which involves this Department. As in the case of the other claims, it is understood that a copy of the final reply prepared by the Department of State will be coordinated with the Department of the Army before it is presented to the Republic of the Philippines.

Please feel free to call upon this Department for any further assistance which you may desire.

Sincerely yours,

Robert D. King  
Deputy Assistant Secretary of the Army  
(Financial Management)

TAB-B  
enclosure  
missing



✓ CO, Army Rec Center

✓ ATTN: Mr. Spall

REMARKS: You asked for a copy of attached. We have not rec'd the green copies of summary sheet so don't know whether the S/A signed & dispatched case to State Dept.

/s/ RBB 1957  
for GEORGE A. GOULD 30 Jan  
Colonel, AGC, Chief

Administrative Services Division, OTAG

C O P Y

PHILIPPINE ARMY VETERAN"  
OF CLAIM

Philippine Army veterans have been denied the actions and restrictive policies by recommendations are made that all cases of service in USAFFE be reopened and reviewed by representatives of the United States.

covered in "The Case of The Philippine" rather separate claims. Since these covered in replies to the respective requests are contained herein.

AND DISCUSSION

Pay Program

of the Philippines a multitude of implementation of the Missing Persons Act (P.C. App. 1001 et seq.) and the regular to make the findings necessary for the Act, a special unit, subsequently Division, was formed within the Office G-1, Headquarters, United States Army Personnel Division began its operations

ROUTING SLIP

USE 43-13-7

CONCURRENCE OF SWEEP ACTIONS

TO INITIALS DATE

C. O.

Executive Officer

Lt Col Ellison

Maj Wilmoth

Maj Schneider

Capt Salzen

Civilian Tech Advisor

Admin Officer

Management Office

Chief, WW I Br

Chief, WW II Br

Chief, PW II Br

Chief, Spec Actions Br

Chief

Recovered Pers Rec Br

Chief, Field Rec Br

Chief, AF Pers Rec Br

Admin Svc Office

Admin Sec

Mail Sec

Classified Rec Sec

SUSPENSE DATE:

REMARKS:



REQUIRED

NOTE AND RETURN

SEE ME

TELEPHONE

DATE

File

## CLAIM - "THE CASE OF THE PHILIPPINE ARMY VETERAN"

## NATURE OF CLAIM

1. That large numbers of Philippine Army veterans have been denied benefits because of alleged adverse actions and restrictive policies by the United States Government. Recommendations are made that all cases involving negative determinations of service in USAFFE be reopened and that these cases be jointly reviewed by representatives of the United States and the Philippine Governments.

2. A number of subjects covered in "The Case of The Philippine Army Veteran" are duplicated in other separate claims. Since these matters have been thoroughly covered in replies to the respective claims, no comments on these subjects are contained herein.

## BACKGROUND AND DISCUSSION

Arrears In Pay Program

3. Following the liberation of the Philippines a multitude of problems arose incident to the implementation of the Missing Persons Act of 1942 (56 Stat. 143; 50 U.S.C. App. 1001 et seq.) and the regulations relating thereto. In order to make the findings necessary for the award of benefits under that Act, a special unit, subsequently known as the Recovered Personnel Division, was formed within the Office of the Assistant Chief of Staff, G-1, Headquarters, United States Army Forces, Far East. The Recovered Personnel Division began its operations

at Tacloban, Leyte, in January 1945. It subsequently moved to Manila where it operated for the remainder of its existence.

4. At the outset, the operations of the Recovered Personnel Division were concerned solely with the application of the Missing Persons Act to United States personnel. It was contemplated by the War Department that determinations under the Missing Persons Act relating to members of the Army of the Philippines should be made by officials of that Army. In April 1945 the Army of the Philippines established a "Philippine Army Recovered Personnel Division" which, although distinct from the organization mentioned in paragraph 3, above, necessarily functioned with it. On 28 November 1945 the Philippine Army Recovered Personnel Division was placed under the direct operational control of the Recovered Personnel Division which, by this time, was functioning as a part of the Adjutant General's Office, United States Army Forces, Western Pacific.

5. The operation of the Arrears in Pay Program was suspended on 19 May 1946, following the enactment of Public Law 301, 79th Congress (60 Stat. 6, 14), which made the Missing Persons Act, supra, inapplicable to members of the Army of the Philippines. It was resumed in July 1947 when the requisite Congressional authority was received (61 Stat. 455). The Recovered Personnel Division continued its investigations and activities during this interim period although the work force of the Philippine Army branch was considerably reduced. At the

peak of its activity in November 1947 the Recovered Personnel Division employed the services of approximately 1,954 persons. Of this number, it is estimated that approximately 200 were officers of the Army of the Philippines, 400 were enlisted men of that Army, and 675 were its civilian employees, the exact number having been subject to considerable fluctuation.

6. The processing and adjudication of arrears in pay claims was accomplished under the most adverse conditions possible. The administration of this function was particularly difficult due to:

a. The lack of reliable records. There were relatively few records in the custody of the Republic of the Philippines or the United States Army pertaining to Philippine Army personnel. The majority of the military personnel records had been destroyed before or during the Japanese occupation. Therefore it was necessary to resort to secondary evidence in a large number of cases.

b. The lack of experienced personnel. The interviewing of more than 350,000 claimants and the processing of more than 400,000 claims required a large staff. Experienced personnel were unavailable.

c. The urgency for expeditious processing. The dire needs of Philippine Army personnel and their families made it imperative that claims be processed expeditiously.

7. One of the most essential criteria in the processing of arrears in pay claims was the establishment of military status. Page 19 of The Case of The Philippine Army Veteran lists requirements which the United

States Government allegedly imposed to prove USAFFE status. Although the Republic of the Philippines criticizes this policy and contends that it was practically impossible for claimants to meet those requirements by providing original documents, experience has proven in literally thousands of cases that the required records have been furnished. These documents consisted primarily of those furnished individuals during their period of service. The Republic of the Philippines also states that in addition to the required original documents, evidence of induction and service had to be submitted in the form of affidavits of persons who served in the Army with the individual concerned. This statement is in error in that if the specified original documents were submitted, no affidavits were required to further substantiate USAFFE status. The use of affidavits was an alternate procedure permitted when original documents were not available.

8. The basic policy governing establishment of USAFFE status was developed by Philippine Army personnel assigned to the Philippine Army Recovered Personnel Division in cooperation with U. S. Army personnel. This policy was published by the Commonwealth of the Philippines in Circular Number 180, Army Headquarters, dated 1 December 1945 (Exhibit A). The criteria contained in this Circular are essentially the same as those listed on page 19 of the claim. Under the provisions of Circular 180 an individual was required to provide documentary proof to establish his identity as serving in the USAFFE. These same requirements have been

utilized by the successive U. S. Army organizations which have been involved in the certification of service of Filipinos.

9. June 30, 1948, the date upon which the U. S. appropriation lapsed, was established as the original target date for completing the Arrears in Pay Program. Despite the many difficulties encountered, the staff of the Recovered Personnel Division, composed of both Philippine Army and United States Army personnel, completed the processing of more than 400,000 claims by June 30, 1948. The disbursements of payments resulting from these claims were made by the Philippine Army. It was realized that additional time would be required to effect payments on claims processed immediately prior to the deadline date and to make adjustments in claims previously processed. Accordingly, a lump sum of \$93,778,000 was advanced to the Philippine Army for use in the payment of various types of claims and for the payment of additional amounts which might be determined to be due on claims previously filed where redeterminations were approved by the Recovered Personnel Division. A date of 30 June 1949 was established for completion of the payments of all approved arrears in pay claims. This date was further extended to 31 December 1949, the date on which the Arrears in Pay Program was closed.

Certifications to U. S. Veterans Administration

10. The United States Veterans Administration established an office in Manila in March 1945. Every claim filed with that agency required service data from the United States Army. The same findings made by

the Army under the Arrears in Pay Program were initially utilized in making certifications of service to the Veterans Administration. The volume of Veterans Administration cases was relatively small during the period of the Arrears in Pay Program. However, the volume of cases increased greatly during the latter part of 1948 and during 1949.

11. The effect of the rapid and mass processing of claims for arrears in pay, under the adverse conditions previously outlined, soon began to show up in certifying military service to the Veterans Administration. It became quite obvious that many errors in determinations had been made, most of which were in favor of the claimants. Closer scrutiny of cases brought to light not only cases of dubious eligibility, but fraud and collusion as well. A more thorough examination of affidavits submitted revealed inaccuracies in many cases to such a degree that positive certifications could not be made to the Veterans Administration without further processing.

12. It became readily apparent that the United States Army could not make accurate certifications on a considerable number of Veterans Administration cases without on-the-spot investigations. Therefore, personnel were recruited and this staff began to conduct field investigations throughout the Islands in January 1949. These investigations confirmed the view that many of the affirmative determinations made under the Arrears in Pay Program could not be relied upon for certifying service to the Veterans Administration.

13. From the inception of the Arrears in Pay Program an aggressive



effort was made to collect and assemble wartime records. As a result, a conglomeration of wartime records was assembled. These records consisted of miscellaneous rosters, diaries, memoranda, orders, radiograms, unit histories, newspapers, and similar papers. These records were in very poor condition, consisted of every form and shape, and were of little value in their original form. To make these records accessible they had to be sorted, indexed and filed in a systematic manner. It was necessary to extract or cross reference the data contained in this mass of records to the appropriate individual files. This was a very tedious, time-consuming operation and unfortunately much of the data contained in these records was not fully accessible during the Arrears in Pay Program.

14. Because of the conditions outlined herein it was determined that a thorough review should be made of all cases previously certified to the Veterans Administration. Before this review project was undertaken, the extensive sorting, indexing, extracting and filing of the miscellaneous "archives" was completed to assure the ready availability of all pertinent information from records on hand.

15. This review project was begun in February 1950 and was completed in June 1951. More than 47,000 cases were reviewed. Many cases required extensive field investigations throughout the Islands. While this review project did result in 134 cases being changed from negative to positive, it was also found that 6,524 cases were unfounded and required a factual determination of negative.

16. These redeterminations were not made as a result of changes in policies. They were made primarily because of the availability of

additional authentic records. In addition, extensive field investigations assisted materially in resolving many doubtful cases.

Problems in Processing Philippine Army Claims

17. The Republic of the Philippines argues that the policies governing determinations of military service are in some instances too difficult, if not impossible, to meet. It is implied that the United States Government should be more liberal in accepting affidavits as reliable evidence. The information furnished herein is provided so that there might be a better understanding of the many difficult problems encountered in processing these claims and the reasons why certain actions were taken.

18. Most of the policies for determining military identity, periods of service, rank, promotion, and the like, were established during the period of 1945-1947. As previously indicated, the Philippine Army not only cooperated in the development of the initial policy on evidence required to prove USAFFE status, but also published the policy. There naturally have been some refinements in the techniques and procedures in the processing of cases over the years.

19. Only very fragmentary rosters and miscellaneous organizational records were recovered although an exhaustive effort was made to assemble every piece of paper relating to Philippine Army personnel. As previously outlined, all documentation which was recovered was carefully screened, indexed or extracted and placed in individual files. It was impossible for the United States Army to determine, on the basis

of fragmentary records available to it, the individuals who served in the Philippine Army. It was, therefore, necessary in the light of unfortunate experience to require that certain minimum evidence be available to establish entitlement to arrears in pay. It is not believed that the requirement was either onerous or difficult of compliance in the case of valid claims. The United States Army made every effort to assist claimants. Many hours and sometimes days, often involving extensive field investigations, were spent in processing and developing a single case.

20. Many claimants were able to produce original or reliable copies of records which readily substantiated their claims. Other claims were substantiated by the records collection which the U. S. Army had assembled. However, a very large percent of the claims had to be resolved almost exclusively on the basis of information provided by the claimant and affidavits submitted on his behalf. This evaluation of affidavits has been by far the greatest single problem which the United States Army has faced in certifying military service of Philippine Army veterans.

21. In addition to the problem with affidavits, there was extensive fabrication of other documents. Individuals became experts in the making and aging of documents and the forging of signatures. This problem became so great that a "document specialist" had to be employed to determine the authenticity of documents submitted as evidence. In this connection, one of the claimants cited as an example in The Case of The Philippine Army Veteran submitted fabricated documentation.

22. As previously indicated, affidavits were accepted practically at face value during the period of the Arrears in Pay Program. However, the U. S. Army found that affidavits generally could not be accepted as reliable evidence until they were closely scrutinized as to their accuracy. It is believed that this difficult problem arose as a result of organizations and unscrupulous individuals engaging in selling false affidavits on a large scale basis. Also many Filipinos paid little attention to the actual content of affidavits to which they affixed their signatures. A cursory check of a large percentage of the affidavits received revealed that they were in direct conflict with reliable historical facts. Many others contained information completely contrary to data contained in the affiant's own military personnel record. It is recognized that the Republic of the Philippines did attempt to correct this condition; nevertheless, it continued to a great extent.

23. Only two examples of the large-scale racketeering in false affidavits among the civilian population need be cited. These were the "Naguilian Ring" and the "Baguio Ring." The former was a group of individuals in northern Luzon who specialized in promoting the cases of the relatives of persons who allegedly had died in line of duty while serving with guerrillas, but actually had not. In fact, upon investigation it was found that many of them had been executed by the guerrillas as Japanese sympathizers.

24. The "Baguio Ring" was composed of a group of unscrupulous individuals believed to have been led by a person who had at one time been assigned to duty with a Recovered Personnel Division team. This

group built up an elaborate network of cases based on secondary evidence, whereby each member of the Ring supplied his partners with affidavits falsely attesting to his alleged service in the unit. Following a thorough investigation of the matter, approximately 100 claims were found to be fraudulent and the Veterans Administration was notified accordingly.

25. In considering the circumstances under which affidavits were made, and the illiteracy of many of the affiants, it is understandable how a reasonable number of these inaccurate affidavits could have been received. However, in literally thousands of cases there was evidence of intended fraud against the United States Government. No doubt, as indicated in The Case of The Philippine Army Veteran, "Many of these were victims of the unscrupulous who as soon would ill-advise them as not, in order to get the award." However, regardless of past difficulties encountered with respect to affidavits, such documents are still accepted as secondary evidence. Naturally, great care is exercised in determining the validity of each affidavit received.

26. Another difficult problem in certifying military service on Philippine Army and guerrilla personnel has been the fraud which the key personnel of military organizations committed against the United States Government by placing names of individuals who performed no valid military service on rosters of their organizations in return for monetary remuneration. For example, during the latter part of 1950 and the early part of 1951, in processing Veterans Administration cases, it became apparent that collusion had been resorted to in the compilation

and submission of the roster of the Bataan Military District. A roster containing 707 names had been approved, thus granting military status to that number of individuals. Upon completion of a thorough field investigation it was found that only 53 of the 707 individuals listed on the roster had performed valid military service.

#### Statistics

27. As previously indicated, very few records existed on Philippine Army personnel. There existed no strength reports showing the total Philippine Army strength nor were there casualty reports which would identify all those individuals in a status of missing, missing in action, captured, or interned. The United States Army had no means of determining the number of personnel involved except by reports of personnel returning to military control upon reoccupation of the Islands or by the receipt of individual claims for arrears in pay, veterans benefits, prisoner of war benefits, etc.

28. In view of the above, there are no reliable figures on Philippine Army personnel. However, it is generally agreed that there were approximately 120,000 members of the Philippine Army who served with the Armed Forces of the United States pursuant to the Military Order of the President of the United States of July 26, 1941. With respect to prisoners of war, there are no accurate statistics available. Very little reliability can be placed on any estimates regarding prisoners of war in the absence of official records. However, it is noted in the claim, The Case of the Philippine Army Veteran, that The Adjutant

General of the Philippine Army estimates that there were 111,000 prisoners of war. This estimate, however, appears to include the large number of Filipinos who were dispersed, fled to the hills to avoid capture, or by one means or another did not become prisoners.

29. On page 9 of The Case of the Philippine Army Veteran it is stated that "More than 300,000 Filipinos have recognized guerrilla service." United States Army records show that approximately 260,000 guerrillas were recognized, which includes approximately 37,000 USAFFE personnel. Therefore, there were only approximately 223,000 recognized civilian guerrillas.

30. Irrespective of what the correct statistics might be, it is believed to be a completely fallacious approach to attempt to utilize unofficial statistics as a means of arguing that Philippine Army veterans are being denied benefits to which they are entitled. To begin with, the Veterans Administration does not make an award on each positive determination made by the U. S. Army. For example, in a death compensation case, the U. S. Army may make a positive determination, while the Veterans Administration may deny the award because the widow has later remarried. In addition to the above, it is a known fact that many Filipinos have chosen not to file claims under the various benefits program, for reasons unknown.

#### CONCLUSIONS

31. In conclusion it is considered that the policies and procedures which have been developed for making service determinations on Philippine Army personnel are thorough, sound, and fair. The great majority of the



determinations were made while the U. S. Army activity engaged in this function was physically located in Manila. Moreover most the the personnel engaged in rendering those determinations were Filipinos, many of whom were actually personnel of the Philippine Army. Those personnel were thoroughly familiar with the conditions which existed during the war since they themselves had experienced the occupation.

32. The overwhelming majority of all negative cases have been subjected to at least three thorough reviews. Many individual cases have actually been reviewed far more times than this. These reviews have revealed that a number of cases are unquestionably without foundation. Claimants have been discouraged from submitting additional evidence on such cases. It is believed that the Republic of the Philippines can understand such action in light of the tremendous administrative burden involved in reopening and reevaluating each such case over and over again.

33. However, the function of certifying service on Philippine Army veterans has not been terminated. The Department of the Army is continuing to certify service data on Philippine Army and guerrilla personnel. Every week new cases are received and many requests are received with new evidence for reconsideration of prior determinations. These cases are being carefully evaluated or reevaluated to assure that proper determinations are made. In those instances in which the new evidence does reveal that valid service was performed, redeterminations are made and new certifications are submitted to the Veterans Administration and other interested agencies.



34. As indicated on page 14 of The Case of The Philippine Army Veteran, the U. S. Army recently certified 400 positive cases to the Foreign Claims Settlement Commission on the basis of new and reliable evidence furnished. This roster pertained to prisoners of war for the Leyte-Samar area. Contrary to implications contained in this Claim, the U. S. Army took this action on its own initiative upon receipt of the valid roster.

35. While the United States Government is most desirous of fulfilling all its obligations to Philippine Army veterans, the reopening of all these negative claims which have already been subjected to numerous reviews is not warranted. Accordingly, the United States Government cannot accept the recommendations contained in this claim, The Case of The Philippine Army Veteran.

C O P Y

COMMONWEALTH OF THE PHILIPPINES  
ARMY HEADQUARTERS  
APO 501

Exhibit A

CIRCULAR )  
: )  
(NUMBER 180)

1 December 1945

The following directive is published for the informations, guidance and necessary action of all concerned:

I. In the near future, Philippine Army Processing Teams will report to the following Philippine Army Replacement Bns, and PA Units of the following Area Comd:

- |                      |                        |
|----------------------|------------------------|
| 1. Beverbang (Luzon) | 5. 96 Div Area Command |
| 2. Palo (Leyte)      | 6. 93 Div Area Command |
| 3. Iloilo (Panay)    | 7. 86 Div Area Command |
| 4. Iligan (Mindanao) | 8. USAFIP Area Command |

II. The mission of the above mentioned teams will be to process Philippine Army personnel, and to gather information, so that payment of arrears in pay can be made and final discharge from the Philippine Army can be accomplished.

III. To accomplish this processing and to gather the information required for discharge from the Philippine Army, certain information will have to be supplied by the Philippine Army Personnel to be processed.

IV. It will be necessary for those Philippine Army Personnel, who may fall in the categories listed and explained below, to have in their possession the documentary evidence to verify oral statements, when they are processed.

1. AFFIDAVIT SHOWING DATE OF LAST PAYMENT.- Whenever an individual claims that he was last paid in full to a date prior to that which would normally be the date applicable in his particular case, he must furnish an affidavit executed by his Finance Officer, Commanding Officer or Executive Officer attesting to the date of last payment in question (Applicable dates for the following are shown: Corregidor - 31 March 1942; Sulu Archipelago - 30 November 1941; Bataan - 28 February 1942).

2. MARRIAGE CERTIFICATE.- An enlisted man who was married after 8 December 1941 must furnish a copy of his marriage certificate.

3. CERTIFICATE OF PHYSICIAN.- Any individual who returns to military control on a date later than that upon which he could reasonably have been expected to return, and who claims that his late return to military control was due to illness or physical disability, must furnish an affidavit or certificate executed by the doctor who treated him. It should be stated in addition to the details of his illness or disability in the affidavit or certificate, that the illness or disability in question was of such nature as to make it impossible to return to military control at an earlier date.

C O P Y

C O P Y

Circular No. 180, HPA, 1 Dec 45 (Cont'd)

4. INDIVIDUAL PLANTED IN JAPANESE AGENCY.- If an individual worked in an activity controlled by the Japanese or the Puppet Government and he makes a statement that he was ordered or directed to enter such employment by a recognized guerrilla leader or a superior United States Army or Philippine Army Officer of recognized loyalty, this individual must furnish an affidavit executed on PA RPD Form 17 signed by the leader or officer who issued such an order or directive.

5. IDENTIFICATION OF SOLDIER IN PHILIPPINE ARMY.

a. A person's identity as a member of the Philippine Army will be established by one or more of the following papers:

- (1) Special Orders calling him to active duty;
- (2) Special Orders of promotion dated prior to 7 May 1942;
- (3) Orders of appointment or certificate of membership issued by a recognized guerrilla leader;
- (4) Official rosters of personnel compiled by unit commanders or by guerrilla leaders;
- (5) Other official military records preserved by the claimant and found to be genuine and satisfactory;
- (6) (a) In the case of Philippine Army officers only, affidavits of two disinterested commissioned officers who know the facts, preferably of a grade equal to or higher than the rank of the claimant, and whenever possible such affidavits to be those of the Commanding Officer and Executive Officer of the unit concerned.  
(b) In the case of Philippine Army enlisted personnel only, affidavits of any two commissioned officers conversant with facts, or any two non-commissioned officers conversant with the facts who are equal to or higher in grade than the claimant.

6. PROMOTIONS IN PHILIPPINE ARMY.-

a. Confirmation of a claimed promotion will be based upon evidence deemed to be reasonably conclusive of the fact that promotion was made by a recognized commander and that the individual performed duties thereunder commensurate with the grade. This will ordinarily be established by one or more of the following:

- (1) Special Orders issued by a competent authority announcing the promotion;
- (2) Any authentic military record indicating the claimant held the claimed grade; such as copy of payroll, assignment order, or roster (effective date must be shown otherwise date appearing in military record must be considered effective date)
- (3) For officers: Affidavit of the Commanding Officer, Chief of Staff, Adjutant or personnel officer of the command under which the individual served. (Affidavit should show effective date).

C O P Y

C O P Y

Regular No. 180, HPA, 1 Dec 45 (Cont'd)

(h) For enlisted men: Affidavits of unit commander, personnel officer, First Sergeant, or company clerk of the unit in which the EM served (Affidavit should show effective date).

b. Failure to produce proper evidence above will result in denial of the claim and processing in the highest grade confirmed without further delay.

V. All supporting papers will be turned over to the Processing Teams when Philippine Army Personnel are processed. The importance of having these supporting papers in an individual's possession, if applicable in the individual's case, cannot be stressed too highly.

VI. It is directed that this information be brought to the attention of all personnel by commanding officers concerned and that this publication be posted on bulletin boards of all units. Distribution will be made to all subordinate units to include companies, batteries and special headquarters.

VII. To accomplish this processing and thus facilitate discharge and payment it is desirable that Philippine Army personnel remain at or near their camps and await the arrival of the processing teams.

By order of the Secretary of National Defense:

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

OFFICIAL:

/s/ Luis Ramos  
/t/ LUIS RAMOS  
Colonel, A. G. S.,  
The Adjutant General,

1 Incl: - PA RFD Form 17

DISTRIBUTION:  
"A" "I" "X"

Reproduced: 4 Mar 46  
32d AAA Brigade Area Command

DISTRIBUTION:  
"A"

C O P Y

DETAILED ACCOUNT OF CLAIMANT'S GUERRILLA ACTIVITIES

UNITED STATES OF AMERICA  
COMMONWEALTH OF THE PHILIPPINES } S.S.

A F F I D A V I T

I, \_\_\_\_\_, Commanding Officer of \_\_\_\_\_  
of legal age, and a citizen of the Commonwealth  
(Name of Guerrilla unit)  
of the Philippines, with residence and postal address at \_\_\_\_\_  
after having been duly sworn to in accordance with law, depose and say:

That \_\_\_\_\_ was made a member of my organi-  
zation on \_\_\_\_\_, 194\_\_\_\_, and that I ordered him to work for  
\_\_\_\_\_ a Japanese puppet  
agency for a period beginning \_\_\_\_\_ 194\_\_\_\_, for the purpose of  
gathering and furnishing my unit with information concerning Japanese activities.

That \_\_\_\_\_ complied with such orders and  
furnished my unit with valuable information continuously through the entire pe-  
riod of his employment by such Japanese puppet agency. The information and/or  
supplies furnished by the above-named individual were as follows: (List the most  
important contributions of information and/or supplies made by subject individual  
to your unit).

FURTHER, affiant sayeth not.

DATED at \_\_\_\_\_, on \_\_\_\_\_, 194\_\_\_\_

\_\_\_\_\_  
(Name) (Rank) (ANS)

\_\_\_\_\_  
Organization

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 194\_\_\_\_  
at \_\_\_\_\_.

\_\_\_\_\_  
(Administering Officer)

\_\_\_\_\_  
(Official Designation)

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AGAR-R

Case of the Philippine Army Veteran

THRU: Chief, Admin Svc Div, TAGO CO, ARGEN, TAGO

DEC - 3 1956

Mr. Iorio/mh/755

TO: Chief, Compt Div, TAGO  
ATTN: Mr. McCool

1. In response to request in preceding comment, the following suggested changes are submitted for your consideration:

a. That the more detailed resume of events contained in Inclosure 2 be substituted for Paragraph 3 of the proposed draft (Incl. 1).

b. With respect to the 350,000 claimants referred to in Paragraph 4b, the Adjutant General Records Depository History (see excerpt, Incl. 3) would seem to indicate a figure of 458,000.

c. That the following two sentences be substituted for the first sentence of Paragraph 6:

"The basic policy governing establishment of USAFFE status was developed by the U. S. Army in cooperation with officers of the Philippine Army assigned to Philippine Army Recovered Personnel Division. No record has been found to show that there were objections to this policy at that time."

(See Tabs A and B in the reference material entitled "Policy on Military Identity From 1945 to date," which was forwarded with DF AGAR-E 314, 23 October 1956, Subject: Review of Comments Concerning "The Case of the Philippine Army Veteran.")

d. In Paragraph 8, the figure \$93,778.00 should be shown as ₱93,778.00.

e. The third sentence of the second paragraph under "The Processing of Philippine Army Claims" may either be eliminated or changed to read:

".....the Philippine Army assisted in the development of the policy on evidence required to prove USAFFE status."

f. In the ninth paragraph under "The Processing of Philippine Army Claims," the phrase "big personnel of military organizations" appears to refer to high ranking officers of guerrilla organizations; it is suggested that this sentence be rephrased as follows:

"Another difficult problem in certifying military service on Philippine Army has been the fraud committed against the United States Government by various high ranking officers of guerrilla organizations. These officers, for a monetary remuneration, placed names of individuals who performed no valid military service on the rosters of their organizations."

AGAR-R

SUBJECT: Case of the Philippine Army Veteran

g. The second sentence in the first paragraph under "Statistics" should, for the sake of accuracy, have the word "all" inserted before "those individuals in a status of missing, ....." The records of the deceased prisoners of war at "Capas" are an example of some of the casualty records that are on file.

2. The date the U. S. Veterans Administration established a regional office in Manila is not immediately available; however, this may be rephrased to show the reopening date subsequent to the liberation of the Philippines in 1945. This date could be verified with the Veterans Administration Central Office.

3. Regarding the case of Dionisio L. Mahusay, referred to in the fourth paragraph under "Certification of Military Service to the U.S.V.A.," the Document Examiner's report in this case is believed to be controversial. If reference to this particular document is considered important to the proposed reply, it is believed that the document in question should be submitted for examination by an appropriate agency such as the Federal Bureau of Investigation.

3 Incl

1. Draft of reply to  
Philippine Claim
2. Proposed Par. 3  
substituted
3. Excerpt from AGRD History

DAVID H. ARP, Colonel, AGC  
Commanding



4-27  
CG, Army Rec Cen, TAGO  
2910 Page Boulevard  
St. Louis 16, Missouri

Case of the Philippine Army Veteran  
Chief, Rec Adm Br, TAGO

Mr. McCoal/mr/7369

1. Attached is a first draft of reply to claim entitled "The Case of the Philippine Army Veteran." It has just come out of the typewriter, so I haven't done any editing on it at all.

2. The State Department has been checking on the status of this matter at least once a week, and is exceptionally anxious for a reply. However, it is important that the reply be accurate and effective. Would you please have your people look this over very carefully and critically. I would appreciate it if Major Johnson would also look it over. It is particularly important that the figures be correct. But don't hesitate to change or rewrite anything you think necessary. Col. Levie's office is also going over the draft.

3. Would you please try to get your comments out so as to reach me on Thursday, 6 December. By Friday I would like to get the paper in final form, prepare a summary sheet, and start it on its way to the Assistant Secretary of the Army.

4. The Chief, Administrative Services Division hasn't seen this DF or the enclosed draft. I will touch base with him on Monday, and again after I receive your comments. Your assistance is appreciated.

1 Encl  
Draft of reply to  
Philippine Claim

OLIVE D. McCOOL  
Chief, Records Admin Br, TAGO

THE CASE OF THE PHILIPPINE ARMY VETERAN

1. The attached presentation by the Economic Mission of The Philippines is a resume of its interpretation of the facts relating to various problems of the Philippine Army veteran.

2. As most of the resume pertains to claims previously submitted by the Mission, only those items not included in other claims will be discussed herein.

3. The resume contains an estimate of the strength of the Philippine Army at the fall of the defenses of the Philippines. No completely accurate figure can be given since most of the strength accounting reports were lost due to action by the enemy. Through reports by field commanders in the Philippines, the following estimate is made:

Philippine Army-----	120,146	
Guerrillas (Recognized)-----	260,715*	
		<hr/>
		380,861*
Philippine Scouts-----	15,000	
		<hr/>
		15,000
	Total	
		<hr/>
		395,861

Major Command Breakout

Luzon Force

PA.....	59,000
PS.....	10,350

Harbor Defenses

PA.....	1,951
PS.....	1,850

Visayan-Mindanao Force

PA.....	49,795
PS.....	1,950

Missing due to dispersing of units during battle

PA.....	5,400
PS.....	350

## Killed or missing as result of battle

PA.....	4,000	
PS.....	500	
	Total	<u>135,146</u>
Guerrillas recognized after liberation		260,715*
	Total	<u>395,861*</u>

\*Of this figure, it is estimated that approximately 37,000 are USAFFE personnel. Therefore, to reflect a more correct estimate the 260,715 should be reduced by 37,000, leaving the total recognized civilian guerrillas as 223,715. By the reduction of 15,000 Philippine Scouts, this leaves a total corrected Philippine Army figure of:

USAFFE.....	120,146	
Guerrillas.....	223,715	
	Total	<u>343,861</u>

4. The estimate submitted by the Mission is fairly accurate. However, they report that there are more than 300,000 recognized guerrillas. This is not so. The statistics presented by the Mission relating to the number of awards that have been made for service connected injuries or deaths cannot be verified. It should not be implied that all of the members of the Philippine Army are entitled to benefits, as mentioned, as all members did not sustain service connected disabilities.

5. The statements made by the Mission relating to prisoner of war status and payments by the Foreign Claims Settlement Commission cannot be fully reconciled. No exact figures can be quoted on the number of prisoners taken by the Japanese. It has been estimated by Americans who were interned for a short period at Camp O'Donnell and by field commanders, that approximately 50,000 Filipinos\* were imprisoned at that camp. In order to break down the POW estimates, the following is presented for the Philippine Army and Philippine Scouts:

LOCATION	STRENGTH	DIED ON DEATH MARCH	MADE PRISONERS	DISPERSED	MISSING OR KIA
Luzon-Corregidor	73,951	7,000	48,000		
Vix-Mindanao	51,795		10,000	60,746	
Missing or KIA	<u>9,400</u>				<u>9,400</u>
	135,146	<u>7,000</u>	<u>58,000</u>	<u>60,746</u>	<u>9,400</u>

It can be seen by the above figures that approximately 65,000 Philippine Army and Philippine Scouts became prisoners of war. This differs from the 90,000 figure given by AGRD in 1950. It has been determined that the

estimate given at that time included American prisoners as well as the Filipino, since the figures were to be used by the then War Claims Commission in determining the number of potential payments that would be required for POW compensation. Further, it is estimated that approximately 36,300 died as a result of "Death March" atrocities, malnutrition, dysentery, etc. during the early days of imprisonment and during the period at camps.

Died on "Death March"	7,000
Died at O'Donnell	29,000
Died at other camps	<u>300</u>
	36,300

\*According to the G-1, Luzon Force, there were approximately 6,000 civilian employees with the Army on Bataan. Presumably, all of these were imprisoned at Camp O'Donnell. Names of numerous civilians are listed on the O'Donnell rosters. This is further cause of erroneous estimates having been made in the past.

6. No statistics were maintained during the program of certifying prisoner of war status of Filipinos to the FCSC. This office certified status only one time, and that was under PL 896. The FCSC automatically applied the certification to the subsequent PL 303. Therefore, the figures presented as applying to PL 896 will be scrutinized. Assuming that 145,107 claims were submitted to the Commission and later to the Department of the Army for certification, it is known that many, many of these were for alleged prisoner of war status as a guerrilla. Guerrillas were not entitled to prisoner of war compensation due to the language of PL 896, which reads "Prisoners of War" Sec. 6. (a) \*\*\*\*\* "the term 'prisoner of war' means any regularly appointed, enrolled, enlisted, or inducted member of the military, or naval forces of the United States" \*\*\*\*\*. It was a ruling of the War Claims Commission that guerrillas were not included within the meaning of the terms of the law. It is true that (using the total of 44,358 claims as allowed) 30.5% of the total claims presented were favorably considered. However, considering that 65,000 of the total indicated were eligible for prisoner of war compensation, then 68.2% were allowed by the Commission. Later in the claim, (page 24) the Mission refers to the figures for payment of POW claims as:

Philippine Army.....	47,000
Philippine Scouts.....	<u>12,000</u>
Total	59,000

As the figures presented by this office (65,000) represent both PA and PS, using the figure of 59,000 PA and PS as having received compensation, this represents 90.7% as favorably considered for POW compensation. This office has no way of ascertaining which of these percentages were certified to the Commission as being entitled to POW status. Assuming that the former is correct, the 20,642 cases lacked sufficient data to establish either USAFFE identity or prisoner of war period, or both. It must be appreciated that

positive proof of service as POW or identity as USAFFE is necessary before a positive certification can be made by The Adjutant General's Office. If the number of 20,642 is correct, it is regrettable that more favorable action could not have been taken; however, the same situation exists in the certification of service to the Veterans Administration for benefits of that office. Once again, lack of proof is the deterring factor. The burden of proof must necessarily rest on the claimant. Requirements for proof were first established by the Headquarters, Philippine Army, in Circular Nr. 180, dated 1 December 1945. These instructions required the individual to present evidence to establish his identity as a member of the USAFFE. These requirements have been carried forward by successive headquarters of the U. S. Army involved in the certification of service of the Philippine Army veteran. Presently, the same conditions are required. If the latter figure is correct the program is satisfactory. A careful analysis of the figures quoted by the Mission indicates many errors or misinterpretations. The Mission states that the FCSC, as is the VA, is bound by the certification of The Adjutant General. That is not so. The certification is used as a basis but not as final authority for the agency to act. As to the statements by the Mission that upon insistence of the FCSC, the unit at MPRC finally reconsidered a special area (Leyte) which resulted in the reversal of cases; that is only partially true. The FCSC was not required to insist as they merely forwarded a roster presented by one of the claimants, on appeal, and as a result of a special study by MPRC, reversal was made in a good many cases. That is fortunate. MPRC receives additional evidence in some form or another every week from claimants in the Philippines. These data are always considered and if proven acceptable, are incorporated into the records holdings and applied to the cases they represent. As to other appeals submitted through the FCSC, only certain types of evidence were acceptable. Upon the presentation of this evidence, each case was studied with favorable results in most instances. Reasons for this are obvious; evidence is now presented which was not available before, resulting in favorable action. This is not always the case as all evidence presented is not always acceptable as proof. The greater number of prisoners of war certified to the FCSC as positive are those that died at concentration camps and those that were released whose names appeared in the Manila Tribune. These two groups represent the majority. Those unable to prove such service, or induction, are living cases. The contention borne by the Mission does not follow that the majority of negative cases are death cases placing an unusually heavy responsibility on the survivor to furnish proof.

7. The Mission is questioning the procedures followed by the Department in making certifications to the Veterans Administration. The interpretation of what constitutes evidence has been constant throughout the entire program of certification. The criteria established by the Philippine Army in 1945 and referred to above have remained in effect all these years. The Missing Persons Act, PL 490, confers upon the department head making a determination the conclusive authority to do so. Primarily, the facts that must be established in USAFFE service are:

- a. Induction pursuant to the order of 26 July 1941.
- b. Subsequent service including all status, such as:
  - (1) Beleaguered (serving with a unit prior to surrender)
  - (2) Prisoner of War
  - (3) Missing, missing in action, guerrilla service, etc.
  - (4) No Casualty Status, if applicable
  - (5) Medical History
  - (6) Return to Military Control
  - (7) Discharge

Any evidence which is submitted and which relates to periods other than are pertinent cannot be accepted. It is noted that the Mission refers to cases wherein the evidence pertained to pre-war service in the reserve and in no way referred to induction into the service of the Armed Forces of the United States. Mere service in the Philippine Army does not necessarily mean that the individual had subsequent service in the Armed Forces of the United States. Actual induction and acceptance must have taken place. No formal inductions were effected prior to 1 September 1941, except in the case of the Air Corps, which was 15 August 1941. To submit that inductions were effected as early as February 1941, even before the order of President Roosevelt in July 1941, is a bit incongruous.

8. No attempt has been made to make an analysis of the problems relating to the Veterans Administration. This office is not in a position to make reply to this portion of the statements by the Mission.

9. As to the recommendations, it appears that there will never be satisfaction on the part of the Filipino or the Philippine Government regarding the certifications of service which may ultimately result in benefits to the claimant. Mistakes have been made by the U. S. Army in certifications and by the Philippine Army in its action. It has been extremely difficult to make proper certifications due to the lack of records and evidence. Also, there has been much fraud and attempted fraud on the part of claimants and their representatives. To attempt to ascertain the validity and acceptability of material that is presented in a case is nearly impossible. It is believed that such attempted fraud will continue as long as this program is active. Therefore, it is recommended that consideration be given to accepting the recommendations of the Economic Mission to this extent:

a. That a complete service determination program be initiated for every case presently in the files of MPRC. (Approximately 800,000).

b. That Philippine representation be made in these determinations at the review level. Any cases not reconcilable at the review level to be referred to a local review board which would be the final authority in the determination. Philippine representation would be made on the review board.

c. That a service determination, once made, would be irrevocable. A form would be prepared and distributed as follows:

(1) Philippine Army, one copy.

(2) U. S. Army, three copies. One of these copies would be forwarded to the Veterans Administration upon formal request by that agency.

d. That no recertification be attempted to the Foreign Claims Settlement Commission. This program should be considered closed and has expired by law.



DISCUSSION

3. Three months after the American liberating forces landed in the Philippines, a Recovered Personnel Unit of G-1 Section, Headquarters USAFFE, was activated for the purpose of recovering missing persons in that theater. At that time the affairs of the Philippine Army were administered by the Philippine Army Section, Headquarters USAFFE. Initially, Headquarters Philippine Army had responsibility in the processing of recovered Philippine Army personnel, subject only to the final responsibility resting with those officers delegated by the Secretary of War to take action under the Missing Persons Act. As early as 28 April 1945, Headquarters, Philippine Army had established a "Philippine Army Recovered Personnel Division." This was distinct from the United States Army Staff Section under G-1, Headquarters USAFFE. The Philippine Army was at that time operating in conjunction with Headquarters USAFFE. Later, in June 1945, the Philippine Army Recovered Personnel Division became an agency of the Recovered Personnel Branch, Personnel Division, Adjutant General's Office of the newly formed Headquarters, United States Army Forces, Pacific. With the transfer of that Headquarters to Japan, the Recovered Personnel Division was transferred to Headquarters, United States Army Forces, Western Pacific. The work involved in processing recovered personnel was enormous. The Philippine Army Recovered Personnel agency, which now came under the Recovered Personnel Division, consisted entirely of Philippine Army personnel, with some American advisers. It had made little progress in sorting, filing of records or building up 201 files



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necessary for this work. They were handicapped by the lack of supervisory personnel, proper instructions, and space in which to work. A complete reorganization to include proper American supervisory personnel was necessary and was effected without delay. The Commanding General, United States Army Forces, Western Pacific, in a letter dated 23 November 1945 to the Chief of Staff, Philippine Army, effected the immediate assignment of responsibility for the administration of the Missing Persons Act (Public Law 490, 77th Congress, as amended), as applicable to personnel of the Philippine Army, to the Recovered Personnel Division of his Headquarters. He also provided for the transfer of all records, documents and equipment and the use of such additional personnel and equipment of the Philippine Army units as necessary to assist Recovered Personnel Field Processing Teams. This action by the Commanding General was confirmed by the issuance of Circular Number 102, Headquarters, AFWESPAC dated 28 November 1945 and was published in Circular Number 179, Army Headquarters, Commonwealth of the Philippines, dated 1 December 1945.

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STUDY - PRE CASE OF THE PHILIPPINE ARMY TO PHILIPPINE ECONOMIC MISSION

ANNEX 4

~~STUDY-DETERMINATION UNDER THE MISSING PERSONS ACT ANNEX A DRAFT OF STATE DEPARTMENT  
REPLY TO PHILIPPINE ECONOMIC MISSION CEAM THE CASE OF THE PHILIPPINE ARMY  
VETERAN~~

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