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CIVILIAN GUERRILLA MEMORANDUMS

RPD - 2

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RPD

Civilian Guerrilla Memorandums

13

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I N D E X

Memo. Number

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HEADQUARTERS
PHILIPPINES RYUKYUS COMMAND
RECOVERED PERSONNEL DIVISION

APO 707

DCS CIVILIAN GUERRILLA MEMORANDUM)

No. 1-D)

INSTRUCTIONS ON THE ACCOMPLISHMENT OF DCS FORM NO. 13.

*Settlement of
arrears in Pay*

The following instructions shall be followed as guide in the accomplishment of DCS Form No. 13:

Heading -

1. File No. - After GSYRP, place surname, first name, and middle initial, if any, all in capital letters, followed by (Off) for Officers and (EM) for enlisted men.

2. Claim No. and Date of Form - Place the claim number above APO 707. The draft of the form will be dated to show the date of adjudication, but it will be omitted in the final form. Control Sub-Section will date forms upon approval.

Subject - Complete the subject so as to read: "Settlement of Arrears in Pay under Missing Persons Act"

Par 1

(1) Name and ASN - The surname, first name, and middle initial, if any, of the deceased will be written with only the first letters capitalized. The latest ASN will be taken if the individual has two or more Army Serial Numbers. If the ASN is not known, write "Unknown".

(2) Last known military address - If the Individual returned to Military Control, entry will be the last unit assignment. Otherwise entry will be a verbatim copy of the organization shown in the guerrilla card, individual letter of recognition, or extract of the approved Roster. (Refer to DCS CIV GUER MEMO No. 5-D)

(3) Name of Claimant - Write the complete name of the claimant and indicate after his name the relationship with the deceased. Where an attorney-in-fact executed form 9, enter the name and relationship of the heir who granted the power of attorney.

(4) Home address of Claimant - Write the complete Post Office Address of the Claimant

DCS CIVILIAN GUERRILLA MEMO No. 1-D, Cont'd

(5) Name of Guerrilla Unit - Copy verbatim the organization shown in the Guerrilla Card, Individual Letter of Recognition, or extract of the Approved Roster.

- (a) Date of joining guerrilla unit - Date of Joining will be the date of induction or date of commencement of active service, whichever is later, as shown by evidence, irrespective of the date of recognition of the unit.
- (b) Date of recognition - Where the individual is listed in the approved Troop or Casualty Roster, delete "(Individual)" and indicate after the date of recognition of the unit (Cas-Ros), if the individual is listed in a Casualty Roster, and (TR) if he is listed in a Troop Roster. If the case in an individual recognition or terminal date unit, indicate inclusive dates of recognition. If the period of recognition is only for one day, the inclusive dates of recognition will be from that date to the same day, thus: "1 Oct 44 to 1 Oct 44". In cases of individual recognition the word "(Unit)" will be deleted, and a certified true copy of the Individual letter of recognition will be attached to the final adjudication work sheets.

(6) Date and place of death- When evidence of death is available, write the determined date of death followed by the place of death, thus:

"(6) Date of death 23 Jan 44 at Calapan, Mindoro, Philippines". If the locality cannot be determined, the words "in the Philippines" after the date of death will be entered. When evidence of death is not available write the presumed date of death followed by "(Presumed)". (Refer to DCS Civ Guer Memo #10-D for presumed date of death).

(7) Entitlement to Arrears in Pay - (Refer to DCS Civ Guer Memo #13-D) Delete the word "from" and add the words "while Missing and POW" as follows: " Enter in chronological order the inclusive periods of each Missing and POW status for which the individual is entitled to pay. After each period, indicate in parenthesis POW or Missing as the case may be. In cases where pay accrues after the date of death (See par 3, DCS No. 13-D) such period of entitlement will be entered followed by (Missing Deceased). On the next line below the last entry, write the word "None". If the case is negative for pay, entry will be "None".

(8) Quarters Allowance - (Refer to DCS Civ Guer Memo #15-D). Enter in chronological order the inclusive periods for which the individual is entitled to Quarters Allowance during the periods as shown in par 1 -(7). On the next line below the last entry, write the word "None". If the case is negative for pay, entry will be "None".

DCS CIVILIAN GUERRILLA MEMO No. 1-D, Cont'd

(9) Grades held - (Refer to DCS Civ Guer Memo #16-D). If the individual held only one grade during the periods of entitlement to pay as shown in par 1-(7), write only that grade held. If the individual held more than one grade due to a valid promotion and/or demotion, indicate in chronological order, the grades and the inclusive periods of each grade. On the next line below the last entry, write the word "None". If the case is negative for pay, entry will be "None".

(10) Guerrilla or Emergency Currency - (Refer to DCS Civ Guer Memo #17-D). Entry in this paragraph will always be an amount in Philippine currency. If no guerrilla or emergency currency was received, entry will be "None".

(11) Advance payment - This consists of Philippine Victory Currency received by the individual prior to the date when current pay was received by him as determined in accordance with evidence present in the 201 file. Evidence of receipt of such amounts may be found in Form 23 if one is on file, Form 9, or other evidence. It will always be entered as an exact amount. If no such amount was received, write the word "None".

(12) Initial Current Pay - Whenever there is evidence on file to indicate that the individual received a determined amount of current pay from or after the date current pay for his unit commenced, entry in this paragraph will be amount received, grade, and inclusive periods when the amount was received. If the individual died after the date when current pay for his unit commenced, and there is no evidence of the amount of current pay received, entry will be "Paid in full by Organization Commander since _____."

(Date when current pay for his unit commenced.)

If the individual died prior to the date when current pay for his unit commenced, or if he died after such date, and there is satisfactory evidence of non-payment of current pay as provided in DCS Civ Guerrilla Memo #13-D, entry in this paragraph will be "None".

(13) Other indebtedness - (Refer to DCS Civ Guer Memo No. 17-D). Itemize any indebtedness of the individual chargeable against arrears in pay. If there is no such indebtedness, entry will be "None".

Authenticating Officer - The name, rank, branch of Service, and designation of the authenticating officer will be typed on the proper space below "For the Commanding General."

DCS Form 13 will be accomplished in 6 copies. The adjudicator will initial all deletions on all copies. The original and two carbon copies will be sent to the Finance Service, HAP; a carbon copy will be fastened to group II of the claim papers and sent to the Judge Advocate General, and a carbon copy will be fastened to group I of the 201 file. One carbon copy will be sent to VA Regional Office, and will be marked "copy for VA" on the right margin of the front page.

/s/ Duane R. Essam
/t/ DUANE R. ESSAM
1st Lt AGD
Ex O for Deceased Claims Affairs

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PHILIPPINES - RYUKYUS COMMAND
RECOVERED PERSONNEL DIVISION

APO 707

DCS CIV GUER MEMORANDUM)

No. 2-D)

EFFECTIVITY OF CIV GUER MEMORANDUMS

1. ALL CIV GUERRILLA MEMORANDUMS will be effective at the time and on the date such memorandums are announced to the Adjudicators verbally or in writing. Effective date will be entered in the Master Policy file by the OIC of each building.

2. Adjudication completed by Adjudicators prior to receipt of change in policy will be processed under the policy in effect on date of Adjudication except in rare cases when in the opinion of the Executive Officer, Deceased Claims Affairs, such processing would be of great detriment to the government or the individual, in which cases special instructions will be issued.

/s/ Duane R. Essam
/t/ DUANE R. ESSAM
1st Lt AGD
Ex O for Deceased Claims Affairs
PA Branch

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DCS CIV GUER MEMORANDUM)

No.

3-D)

CONFLICTS OF POLICIES OR OF EVIDENCE

1. Whenever there is a conflict of policies in the determination of a claim, the case should be referred to the Executive Officer for Deceased Claims Affairs. If in the view of the Ex O, DCA, a change in policy is indicated the case will be referred to the Chief, PA Branch for appropriate action.

2. Where statements, information, or evidence in a claim are in conflict with one another, determinations will be made which best protect the interests of the government.

/s/ Duane R. Essam
/t/ DUANE R. ESSAM
1st Lt AGD
Ex O for Deceased Claims Affairs
PA Branch

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PHILIPPINES RYUKYUS COMMAND
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DCS CIV GUER MEMORANDUM)

No. 4-D)

AUTHENTICATION OF DOCUMENTS

1. Regardless of who the affiant may be, an affidavit must be sworn to before a person authorized to administer oaths. Judges, Justices of the Peace, Clerks of Court, Municipal Mayors, Notaries Public, etc., are among those authorized to administer oaths. Generally, all officials appointed by the President of the Philippines are authorized to administer oaths. (All commissioned officers of the Army of the Philippines on active duty, being Presidential appointees, may therefore administer oaths.

2. Certificates are acceptable from any commissioned officer but must contain the words "I certify" or "This is to certify".

3. True copies of documents certified by commissioned officers are acceptable as evidence to substantiate a claim.

/s/ Duane R. Essam
/t/ DUANE R. ESSAM
1st Lt AGD
Ex O for Deceased Claims Affairs
PA Branch

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RECOVERED PERSONNEL DIVISION

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DCS CIV GUER MEMORANDUM)

No. 5-D)

IDENTIFICATION OF CIVILIAN GUERRILLAS

1. Recognition of guerrilla service by Guerrilla Affairs Division, G-3 PHILRYCOM, is the basis of guerrilla status. Unless so recognized, a civilian volunteer has no military standing.
2. Recognized Civilian guerrillas are members of the Philippine Army inducted into the Armed Forces of the United States on or after 7 May 1942 and with no prior military status or active duty in the Philippine Army subsequent to 7 December 1941.
3. A deceased individual is a recognized guerrilla when his name is listed in the approved Troop or Casualty Roster of a recognized unit, or is individually recognized.
4. For purposes of adjudication, Rosters are classified into Casualty Rosters and Troop Rosters. A casualty Roster is one which lists the names of individuals who were killed in action (KIA), killed in line of duty (KILD) or died in line of duty (DILD). All other approved rosters are Troop Rosters.
5. Only the following are acceptable as proof of a deceased individual's recognized guerrilla status:
 - a. An authenticated guerrilla card prepared by this Division extracted from approved Troop or Casualty Rosters.
 - b. A true copy of a letter of individual recognition certified by an official of Guerrilla Affairs Division, G-3, PHILRYCOM.
 - c. In cases of members of Terminal Date Guerrilla Units, (Units recognized during specific period only) whose names are listed in the approved Troop Roster, an extract of so much of the approved Troop Roster containing the individual's name, certified by the Executive Officer for Administrative Affairs, PA Branch, this Division.

/s/ Duane R. Essam
/t/ DUANE R. ESSAM
1st Lt AGD
Ex O for Deceased Claims Affairs
PA Branch

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HEADQUARTERS
PHILIPPINES - RYUKYUS COMMAND
RECOVERED PERSONNEL DIVISION
DECEASED CLAIMS SECTION, PA BRANCH

APO 707

DCS CIV GUER MEMORANDUM)

No. 6-D)

ORDER OF ADJUDICATION OF CIVILIAN
GUERRILLA CASES

1. Deceased civilian guerrilla cases with recognized guerrilla status will be adjudicated only if the individual belonged to a unit for which authority to settle arrears in pay has been announced. (See Appendix)

2. Cases of individual recognition may be adjudicated where the letter of recognition specifies the inclusive periods of recognition and entitlement to pay, as soon as the Individual letter of recognition is received, regardless of the unit to which the individual belonged.

3. A civilian guerrilla case containing any of the proofs of recognition enumerated in Par 5, DCS CIV GUER MEMO No. 5-D, and any of the proofs of death outlined in DCS CIV GUER MEMO No. 7-D will be adjudicated only if it is substantiated by any of the following:

a. Archive records showing date of induction.

b. Affidavits or certificates of the individual's Commanding Officer or any two commissioned or non-commissioned officers, or four Pfc's or Pvt's belonging to his unit, who describe themselves in the affidavit or certificate, and state the inclusive periods of the individual's service, his grade, and assignment. In cases where the only supporting evidence of induction and guerrilla service is a copy of a general order issued by the organization and where the general order authorizes or indicates the induction of a large number of individuals at one time, affidavits supporting these facts must be included, signed by one commissioned or non-commissioned officer, or two Pvt's or Pfc's.

4. In cases where only an old authenticated guerrilla card is present on file, the case will be brought to the attention of the Executive Officer for Deceased Claims Affairs who will use it as a basis for a request for policy. Where there is an old guerrilla card and an AGO Form 23 included in the file indicating that the veteran returned to military control, the case will be adjudicated, but the following remark will be noted on DCS Form 13:

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"No payment should be made in this case unless this person is shown as having received initial current pay on the payroll of his organization while it was under the operational control of the 6th or 8th Army, AUS, and no payment should be made if he received current pay in a grade lower than that shown herein.

In either event, request these papers be returned by inforsement hereon, stating the reason for which returned".

/s/ Duane R. Essam
/t/ DUANE R. ESSAM
1st Lt AGD
Executive Officer
for Deceased Claims Affairs

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PHILIPPINES - RYUKYUS COMMAND
RECOVERED PERSONNEL DIVISION

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DCS CIV GUER MEMORANDUM)

No. 7-D)

PROOF OF DEATH

1. Death of a soldier may be established by conclusive proof reasonably conclusive proof of death. reasonably

a. Proof of death is considered conclusive when upon consideration of the circumstances of death, and the reliability of the sources of information, the unanimity of evidence establishes an absolute certainty as to the fact and circumstances of death, and identity of the individual. The following may be considered conclusive proof of death if uncontradicted in any material aspect:

- (1) Certified true copies of Death Certificates issued by Local Civil Registrars when it is evident on their face that the original entries were made on or shortly after the date of death.
- (2) Certificates of death issued by duly established medical institutions based on existing records accompanied by a statement signed by the custodian thereof that the original records were made by one whose official duty was to record such events and that the entries thereon were made on or shortly after the date of death.
- (3) Affidavits signed by the medical officer or physician who attended the deceased at the time of death, giving the date, place and cause of death.
- (4) Affidavits of at least two disinterested persons who personally knew the deceased in life and who actually saw and positively identified the dead body or were present at the burial. The affiants must state the circumstances surrounding the death and the circumstances under which these circumstances came to affiants' knowledge, and these circumstances must be such as to have been likely in the normal course of events.
- (5) Any of the proofs outlined in paragraph b, below, corroborated by a statement of the next of kin that he was present at the time of death, or saw the dead body of the deceased.

b. Proof of death is considered only reasonably conclusive when the evidence, taken together, does not establish an absolute certainty as to the fact and circumstances of death and the identity of the individual but war-

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rants a reasonable and logical conclusion as to the fact of death and identity of the individual. Reports of death based on records whose accuracy has not been fully established, or statements of actual perception of the fact of death known under circumstances not fully explained are only reasonably conclusive. Where the totality of evidence in the case is not unanimous as to the particulars of date, place, cause and other circumstances of death, though unanimous as to the fact of death, the proof is only reasonably conclusive. The following are by themselves alone considered only reasonably conclusive proofs of death:

- (1) Death Certificates and casualty reports issued by the Veterans Affairs Division, HAP, or by the Philippine Executive Commission and Bureau of Public Welfare.
- (2) Official Guerrilla Casualty Rosters of KIA, KILD, and DILD.
- (3) Burial Certificates (Church records)
- (4) Affidavits or statements of persons based on actual circumstances of death not strictly in conformity with par a (4) above.

2. Where the evidence does not indicate actual death, but leaves a possibility of survival, a finding of death is justified and the individual may be presumed dead. In such cases, the following are necessary:

- (a) Date and place where he was last seen or heard from after 7 Dec 41 must be shown either in Official records or affidavits of two or more disinterested persons who personally knew the deceased, together with
- (b) Affidavits of two or more disinterested persons from the soldier's locality, certifying to the fact that soldier has not returned home and has not been heard of or from up to the present.

/s/ Duane R. Essam
/t/ DUANE R. ESSAM
1st Lt, AGD
Ex O For Deceased Claims Aff
PA Branch

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PHILIPPINES - RYUKYUS COMMAND
RECOVERED PERSONNEL DIVISION

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DCS CIV GUER MEMORANDUM)

No. 8-D)

DETERMINATION OF DEATH

1. A Determination of Death is made upon a person in a casualty status when information and circumstances are deemed reasonably conclusive evidence of death and lead to no other logical conclusion. (Refer to par 1 b, DCS CIV GUER MEMO #7-D)

2. Statements of affiants which do not indicate actual perception of the fact of death of an individual, but leaves a possibility of survival will not warrant a Determination of Death but will justify a Finding of Death. (Refer to DCS CIV GUER MEMO #10-D). Such statements as "he was hit by bomb", "he was machinegunned", "he was bayoneted by Japs", and the like, are by themselves insufficient to support a Determination of Death.

/s/ Duane R. Essam
/t/ DUANE R. ESSAM
1st Lt AGD
Ex O for Deceased Claims Affairs
PA Branch

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PHILIPPINES - RYUKYUS COMMAND
RECOVERED PERSONNEL DIVISION

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DCS CIV GUER MEMORANDUM)

No.

:
9-D)

ARBITRARY DATES OF DEATH OF POW'S AT FAR EASTERN
UNIVERSITY AND FORT SANTIAGO

1. Where the fact of death of a soldier is established to have occurred in February 1945 while a prisoner of War of the Japanese at Far Eastern University or Fort Santiago, and the exact date of death is not known, the date of death will be determined to be 4 Feb 45 if at Far Eastern University, and 7 Feb 45 if at Fort Santiago. It has been determined that when the American Liberation Forces arrived, the Japanese massacred their Prisoners at Far Eastern University and Fort Santiago on these dates.

2. Determination of a date of death later than the above-mentioned dates may be made only on the basis of the most credible evidence on file.

/s/ Duane R. Essam
/t/ DUANE R. ESSAM
1st Lt AGD
Ex O for Deceased Claims Affairs
PA Branch

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USS

Pow 10 July - 10 Sept 42

MCS 11 Sept 42 - 24 Oct 43

~~Miss~~ - 25 Oct 43 - 25 Oct 44

BY PERSON
OF THE PROSECUTOR GENERAL
JULY 14 1944
DURING THE TRIAL
DURING THE TRIAL

101

There will be only one set of the case records...
The records of the case will be...
The records of the case will be...
The records of the case will be...
The records of the case will be...

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RECORDED INFORMATION SECTION
NAVY DEPARTMENT - WASHINGTON
D.C. 20370

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PHILIPPINES-RYUKYUS COMMAND
RECOVERED PERSONNEL DIVISION

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DCS CIV GUER MEMORANDUM)

No. 10-D)

FINDINGS OF DEATH

1. A Finding of Death is made at any time after the expiration of twelve months' absence in any case of a person absent, missing, or missing in action (whereabouts unknown), when information is deemed to establish a reasonable presumption that the person in the missing status is no longer alive. It is the means of establishing death by presumption when the evidence does not warrant official report of the fact and date of death. The circumstances which might have surrounded the presumed death are not attempted to be determined. (Refer to par 3, DCS CIV GUER MEMO # 7-D, for proof required.)

2. In no case shall the presumed date of death be subsequent to the date the finding is made or earlier than the day following the expiration of twelve months' absence. The presumed date of death shall be fixed in accordance with the following rules:

a. An individual who was last seen, heard from, accounted for, or reported to be alive prior to 23 Oct 43 shall be presumed dead on 23 Oct 44.

b. An individual who was last seen, heard from, accounted for, or reported to be alive on or after 23 Oct 43 shall be presumed dead on the day following the expiration of twelve months from the date he was last seen, heard from, accounted for, or reported to be alive.

3. When the individual was in a status with entitlement to pay (POW or Missing; See DCS Civ Guer Memo #13-D) on the date of disappearance, he will be carried in a pay status up to the presumed date of death. If, however, he was not on pay status on the date of disappearance, he will not be entitled to pay during the entire period of absence.

4. Where the individual becomes absent while in a pay status after the date when current pay for his unit commenced, or after returning to military control, the above rules will apply, but any current pay received will be deducted under "Other Indebtedness", unless there is satisfactory evidence in the form of affidavits or certificates of his commanding officer, finance officer, or executive officer that he did not receive current pay. If the amount of current pay received is shown by evidence, such amount shall be entered. If the amount can not be determined, deductions

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for pay and allowances from the date current pay commenced up to the end of the month preceding the date of absence, will be entered thus: "Deduct salary and allowances as _____ from _____ to _____."
(Grade) (Date) (Date)

5. All cases of individuals who entered into an absent status prior to the date of recognition will be referred to the Executive Officer for Deceased Claims Affairs, PA BRANCH for decision.

/s/ Duane R. Essam
/t/ DUANE R. ESSAM
1st Lt AGD
Ex O for Deceased Claims Affairs
PA Branch

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DCS CIVILIAN GUERRILLA MEMORANDUM)

No. 11-D)

MISSING STATUS

Rec. guer. serv.

1. The following are considered in a Missing Status:

a. A person will be determined to be in a Missing Status and entitled to pay during periods of active guerrilla service.

b. Spy Status - A Guerrilla who was employed by the Japanese or a Japanese-controlled agency in any capacity other than as a Prisoner of War will be determined to be in a Missing Status and entitled to pay for the entire period of employment if satisfactory evidence is presented in the form of affidavit that he was "planted" as a spy in that agency for the purpose of gathering and furnishing his guerrilla unit with information of military importance and that he had complied with the instructions of his superior officers. Such affidavit, in order to be accepted as proof, should be executed by his guerrilla commander who must be at least a Battalion or similar unit commander. Units similar to battalion are: Squadrons, Separate companies, separate troops, separate batteries, or separate detachments. The affiant must describe himself in the affidavit as the individual's battalion or similar unit, or higher commander. In order to establish spy status it is essential that the claimant was a member of a guerrilla unit before he was "planted".

c. Period of Illness: A person will be determined to be in a Missing Status with entitlement to pay during periods of service-connected illness, provided that such illness seriously impaired the earning power of the individual and caused deprivation and hardship to an extent greater than that generally suffered by other residents incident to the Japanese occupation. It is realized that this determination will be very difficult to make in most cases. Adjudicators are therefore authorized to extend the "benefit of the doubt" in making this determination. It can be assumed that such illnesses as Dysentery, Beri-beri, Malaria and Malnutrition are service-connected. Where a soldier died of any of these diseases within six months after escape or release as a Prisoner of War, he may, lacking evidence to the contrary, be presumed to have been ill with that disease from the time of escape or release until his death. In all other cases, the fact of such illness must be established by affidavit of the attending physician or by statement of an established medical institution. However, where an individual was treated in a military hospital, he will be determined to be in a Missing Status with entitlement to pay during the period of hospitalization, unless there is evidence showing that illness was not service-connected.

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d. Disability - An individual suffering from a service-connected disability such as loss of or loss of the use of any one or more limbs, loss of sight of one eye, etc, will be determined to be in a Missing Status with entitlement to pay. Affidavits of commissioned officers who by reason of their duties were in a position to know the facts, may be accepted to substantiate a claim for disability resulting from injury in the battle-field.

e. Civilian Employment during the Liberation: An individual who was employed by the United States Army or Philippine Commonwealth Government during the Liberation and prior to return to military control, in any capacity other than military whether or not a regular salary was received therefore, will be determined to be in a Missing Status with entitlement to pay for the period of such employment provided that the following deductions from arrears in pay will be indicated in paragraph 1 f (10) - other indebtedness.

- (1) If the individual received a salary lower than that to which he was entitled for the same period in a military capacity, the amount received will be entered.
- (2) If the individual received a salary higher than that to which he was entitled for the same period in a military capacity, entry will be; "Deduct the total amount due as _____ for the period _____ to _____ (grade) (date) _____, thus:
(date)

A private was employed by the PCAU from 1 Feb 45 to 31 March 45 with a salary of \$100.00. Entry in par 1 f (10) will be "Deduct the total amount due as private for the period 1 Feb 45 - 31 Mar 45"

f. Period of absence, Missing or Missing in action (whereabouts unknown) in Findings of Death Cases - (Refer to DCS Civ Guer Memo #10-D.)

/s/ Duane R. Essam
/t/ DUANE R. ESSAM
1st Lt AGD
Ex O for Deceased Claims Affairs
PA Branch

HEADQUARTERS
PHILIPPINES-RYUKYUS COMMAND
RECOVERED PERSONNEL DIVISION

APO 707

DCS CIV GUERRILLA MEMORANDUM)

No. 12-D)

POW STATUS

1. An individual will be determined to be in a POW status and entitled to pay during periods when he was held under physical restraint, that is, concentration, confinement, or internment, by the Japanese or their controlled agencies, by reason of his guerrilla activities. POW status will be determined to be such as may be established by satisfactory evidence.

/s/ Duane R. Essam
/t/ DUANE R. ESSAM
1st Lt AGD
Ex O for Deceased Claims Affairs
PA Branch

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PHILIPPINES-RYUKYUS COMMAND
RECOVERED PERSONNEL DIVISION

APD 707

DCS CIV GUER MEMORANDUM)
No. 13-D)

ENTITLEMENT TO PAY

1. Civilian Guerrillas are entitled to pay for periods of Missing Status and POW status as determined in accordance with DCS Civ Guer Memo Nos. 11-D and 12-D.

2. Commencement of Pay -

a. In cases where the individual is listed in a Casualty Roster as defined in par 4, DCS Civ Guer Memo No 5-D, pay will commence on the date of induction or date of recognition of the overall command, whichever is later.

b. In cases where the individual is listed in a Troop Roster as defined in par 4, DCS Civ Guer Memo No 5-D, pay will commence on the date of induction or on the date of recognition or activation of the subordinate unit to which the individual belonged, whichever is later. When the Letter of Recognition does not indicate the date of organization or activation of a recognized subordinate unit, the date of recognition of the overall command will be considered the date of organization or activation.

3. Termination of Pay -

a. Where evidence of death is available:

- (1) Where the individual died after the date when current pay for his unit commenced, pay will terminate on the day prior to the date when current pay commenced.
- (2) Where the individual died prior to the date when current pay for his unit commenced, or where he died on or after that date if there is satisfactory proof that he did not receive current pay in the form of an affidavit or certificate of his commanding officer, executive officer, or finance officer, the following rules shall be followed:

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(a) Where the individual died while not in a pay status, pay will terminate on the last day of the last pay status.

(b) Where the individual died while in a pay status prior to 23 Oct 44, pay will terminate on:

1. The date the next of kin had personal knowledge or official notice of death, or on 23 Oct 44, whichever is earlier, where proof of death is conclusive.

2. On 23 Oct 44 where proof of death is only reasonably conclusive.

(3) Where the individual died while in a pay status on or after 23 Oct 44, pay will terminate on the date of death.

b. Where evidence of death is not available (Findings of Death cases)-

(1) Where the individual entered into an absent status while not in a pay status, pay will terminate on the last day of the last pay status.

(2) Where the individual entered into an absent status while in a pay status, pay will terminate on the date of presumed death. (Refer to DCS Civ Guer Memo No. 10-D.)

c. In any case, pay will not extend beyond 30 Jun 46

4. Where the individual joined his unit on or after the date when current pay for his unit commenced, the case will be considered negative for arrears in pay unless there is satisfactory proof that he did not receive any current pay as evidenced by an affidavit or certificate of his Commanding Officer, Finance Officer, or Executive Officer. When the case is negative, it will be so adjudicated and a form letter will be made by Control Sub-Section and sent to the claimant (See example of form letter attached.)

5. In cases of individual recognition, entitlement to pay shall be only for the period of recognition and entitlement to pay specified in the letter of recognition.

/s/ Duane R. Essam

/t/ DUANE R. ESSAM

1st Lt AGD

Ex O for Deceased Claims Affairs

PA Branch

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HEADQUARTERS
PHILIPPINES-RYUKYUS COMMAND
RECOVERED PERSONNEL DIVISION

APO 707
31 July 1947

DCS CIV GUER MEMORANDUM)

No. 14-D)

PERSONAL KNOWLEDGE OF DEATH AND OFFICIAL NOTIFICATION OF
DEATH TO NEXT OF KIN

1. For purposes of termination of pay when proof of death is conclusive (Refer to par 1 a, DCS CIV GUER MEMO #7-D and par 3, DCS CIV GUER MEMO #13-D), the following shall be used as guide in the determination of the date when the next of kin had personal knowledge or received official notice of death.

a. The next of kin shall be considered to have personal knowledge of death where he was present at the time of actual death, saw the body, attended the funeral, or otherwise had direct knowledge of the fact that the individual had died.

b. The date when notice of death, such as Death Certificates, Casualty Reports, Official Letter of Condolence, etc., was actually received by the nearest of kin will be considered the date of notification. Normally, this date will be determined from the information given by the next of kin in Form 9 or Form 3A. However, the adjudicator is authorized to make different determination from that given by the next of kin when warranted by evidence on file.

c. Notification of death by an army officer may be considered official, whether oral or in writing, provided that it originates from an officer who had an official position in the deceased's organization, and was his superior officer, such as Platoon Leader, Company Commander, Battalion Commander, Regimental Commander, and members of their staffs. Exceptions to this rule would be Medical Officers, Chaplains, and ranking officers in an official military position to know the facts.

d. Where the date of notification is not furnished by the next of kin or is not otherwise shown by evidence, the following presumptions will be followed:

(1) If notice of death was issued at the request of the next of kin, the date of issuance thereof will be presumed as the date it was received.

(2) If notice of death was issued to other than the next of kin, the date that Form 9 or Form 3A, was sworn to will be presumed as the date of notification, provided that the notice of death was issued at an earlier date.

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(3) If notice of death was issued to other than the next of kin and the date of issuance thereof was later than the date Form 9 or Form 5 was sworn to, the next of kin will be considered not to have been officially notified of death; casualty status and entitlement to pay will terminate on the date this headquarters received notice or evidence of death.

(4) A widow who remarried will be determined to have official notice or personal knowledge of death on the day immediately preceding the date of marriage.

/s/ Duane R. Essan
/t/ DUANE R. ESSAM
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PA Branch

HEADQUARTERS
PHILIPPINES-RYUKYUS COMMAND
RECOVERED PERSONNEL DIVISION

APO 707

DCS CIV GUER MEMORANDUM)
No. 15-D)

QUARTERS ALLOWANCE

1. Philippine Army personnel who are married or widowed with children under 18 years are entitled to quarters allowance. The commencement date of such allowance will be determined as follows:

a. Officers and Nurses (Only those commissioned in the Nurse Corps):

(1) The period of entitlement to quarters allowance will begin on the date of marriage or the date of commencement of entitlement to pay whichever is later.

b. Enlisted Men:

(1) Commencement date will be date of marriage, or date of entitlement to pay, whichever is later, not earlier than 1 Jul 42, in any case.

2. The fact of marriage is by itself sufficient to warrant payment of quarters allowance as long as there is no evidence of the wife's death or divorce. The fact of marriage must however be established by certified true copies of the original marriage record from the Local Civil Registrar or Church, or by affidavits of at least two reliable persons who had personal knowledge of such fact, stating the date, place, and persons who solemnized the marriages.

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RECOVERED PERSONNEL DIVISION

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DCS CIV GUER MEMORANDUM)
:
No. 16-D)

GRADES AND PROMOTION

1. The grade to which a deceased civilian guerrilla will be entitled to pay will be the grade conclusively established by evidence submitted, such grade not to exceed that shown in the approved troop or casualty represented is higher than that shown in the approved roster, the grade shown in the roster will prevail.

2. Guerrilla leaders were directed to screen their organizations to a definite unit strength. In doing this, it was necessary for them to report certain individuals in grades lower than that actually held in the non-stand guerrilla organization. The RPD has no authority to increase this grade under any circumstances.

3. When there exists a discrepancy in the grades held, the following rules will govern:

4. In cases of Individual Recognition, the grades held and the corresponding inclusive periods of each shown in the individual letter of recognition are conclusive.

a. In case an individual is carried on a recognized roster in different grades, the lower grade shall be considered his recognized grade.

b. If his name appears in more than one roster with different grades, and the rosters bear the same date of recognition, the lower grade shall be considered his recognized grade, and he shall be considered to belong to the unit in whose roster his name appears in a lower grade.

c. In case his name is carried on different rosters with different grades, his grade on the roster that was approved earliest shall be considered his recognized grade.

5. Promotions - All guerrilla promotions subsequent to the date of recognition or date of induction, whichever is later, will be considered provided that the last promoted grade is not higher than that shown on the recognized roster. The only instance a grade higher than that shown on the recognized roster will be considered is when that grade has been confirmed by Headquarters, Army of the Philippines, with authority from the Commanding General, AFPAC, AFWESPAC, or PHILRYCOM.

6. Promotions after date of Death - When an individual was recommended for promotion prior to his death, but such recommendation was approved, and appropriate orders were issued after his death, he shall not be entitled to the pay and allowances corresponding to the higher grade.

CS CIV GUER MEMO No. 16-D Cont'd

however, such grade will be considered the highest grade held by him.

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DCS CIVILIAN GUERRILLA MEMORANDUM)

No.

:
17-D)

DEDUCTIONS FROM ARREARS IN PAY

1. The following items shall constitute a deduction from arrears in pay.

a. Guerrilla or Emergency Currency - There were soldiers who received payment in the form of emergency currency or guerrilla notes. The total amount received as shown by evidence will be deducted from arrears in pay if the soldier is carried in a pay status during the entire period when the amount was received. If he is determined to be in a no pay status during the whole period when the currency or notes were received, such amount is not deductible. If only a part of the guerrilla service is determined as a pay status, deduction will be made for that part received during the pay period if this can be determined; otherwise the entire amount will be deducted. In case of variance in the amount received shown by evidence, the maximum amount will be entered. Pensions received in Emergency Currency by heirs of deceased civilian guerrillas and burial expenses in excess of \$35.00 (See 91-A Com Act ¶1) are also deductible.

b. Other Indebtedness - Any other indebtedness of the soldier to the United States Government such as erroneous payment as a civilian or Philippine Scout, clothing charges, etc. Erroneous payment as a Philippine Scout exists when a Philippine Army person was erroneously processed as a Philippine Scout and pay and allowances were received as a Philippine Scout until processed by the Philippine Army. Deductions will also be made when a Civilian Guerrilla was erroneously processed as a USAFFE and paid 3 months advance pay. This amount is to be deducted under "other indebtedness" in GSXRP-PA Form 6.

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DCS CIVILIAN GUERRILLA MEMORANDUM)

APO 707

No.

18-D)

DETERMINATION OF DATE WHEN EVIDENCE
DOES NOT SHOW EXACT DATE

1. When evidence does not show exact date of death, of joining a guerrilla unit, etc, as illustrated by the list in column A below, the determined dates in column B, shall, in each or similar cases, be used as guide in the determination of arbitrary dates.

| A. <u>Dates According to Evidence</u> | B. <u>Determined Dates</u> |
|---|----------------------------|
| (1) In 1942 | (1) 31 Dec 42 |
| (2) On or about the beginning of 1942 | (2) 1 Jan 42 |
| (3) On or about the middle of 1942 | (3) 30 Jun 42 |
| (4) On or about the end of 1942 | (4) 31 Dec 42 |
| (5) In November 1942 | (5) 30 Nov 42 |
| (6) On or about the beginning of November 1942 | (6) 1 Nov 42 |
| (7) On or about the middle of November 1942 | (7) 15 Nov 42 |
| (8) On or about the end of November 1942 | (8) 30 Nov 42 |
| (9) On or about the first week of November 1942 | (9) 7 Nov 42 |
| (10) On or about the last week of November 1942 | (10) 30 Nov 42 |

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HEADQUARTERS
PHILIPPINES RYUKYUS COMMAND
RECOVERED PERSONNEL DIVISION
DECEASED CLAIMS SECTION, PA BRANCH

APO 707
1 November 1947

DCS CIVILIAN GUERRILLA MEMORANDUM)
NO. 19-D)

FORFEITURES ADJUDGED BY GENERAL COURTS MARTIAL

1. Where there is evidence on file of a final sentence by General Court Martial specifically forfeiting arrears in Pay, the case shall be adjudicated in accordance with current policies, but the following entries on Form 13 shall be made:

a. Where the sentence involves partial forfeiture, the amount forfeited shall be entered in an additional paragraph to be numbered par (14) as follows:

(14). _____
(Amount or Pay and Allowances for pay period covered)
has been forfeited per attached copy of final sentence by General Court Martial appointed by authority of _____ " "
(Appointing authority)

b. When the sentence involves total forfeiture, par (14) shall read as follows:

"2. The amount due the estate of the deceased has been forfeited per attached copy of final sentence by General Court Martial appointed by authority of _____ " "
(Appointing authority)

2. Forfeiture of pay and allowances "due to become due" imposed by General Courts Martial appointed by recognized guerrilla leaders prior to the liberation, shall be treated as partial forfeiture of arrears in pay (Refer to par 1 a, above).

/s/ Duane R. Essam
/t/ DUANE R. ESSAM
1st Lt AGD
Ex O, DCA, PA Br

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HEADQUARTERS
PHILIPPINES RYUKYUS COMMAND
RECOVERED PERSONNEL DIVISION
DECEASED CLAIMS SECTION, PA BRANCH

5 April 1948

DCS CIV GUERR MEMO)
No. 20-D)

AUTHENTICATED GUERRILLA CARDS

1. Authenticated guerrilla cards were extracted from Casualty or Troop Rosters approved by Guerrilla Affairs Division, G-3 PHILRYCOM. Data contained therein were furnished on the sworn statements of recognized guerrilla leaders.

2. Entries in authenticated guerrilla cards are accepted as official data upon which payments of arrears in pay may be adjudicated. However, adjudicators will be authorized to make a determination different from these data if convincing evidence to the contrary is on file provided that a memo for record explaining the determination is made part of the 201 file. Determination of a grade different from that shown on the guerrilla card will be made only in accordance with DCS CIV GUER Memo #16-D.

/s/ Duane R. Essam
/t/ DUANE R. ESSAM
1st Lt AGD
Ex O for Deceased Claims
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HEADQUARTERS
PHILIPPINES RYUKYUS COMMAND
RECOVERED PERSONNEL DIVISION
DECEASED CLAIMS SECTION, PA BRANCH
APO 707

4 May 1948

DCS CIV GUER MEMO)
NO. 21-D)

ADJUDICATION OF CASES BELONGING TO
UNITS WHOSE DATES OF RECOGNITION WERE
NOT FAVORABLY CONSIDERED FOR REVISION
BY GAD

1. Cases of deceased civilian guerrillas who belonged to units whose dates of recognition were not favorably considered for revision by GAD, G-3, PHILRYCOM may be adjudicated if an authenticated guerrilla card extracted from the Casualty Roster, Revised Troop Roster, or Reconstructed Roster of the unit is on file.

2. Pay is authorized for periods of active service from date of recognition to date of death, discharge, or terminal date of recognition, if terminal date guerrilla, whichever is the earliest, but not beyond 30 Jun 46 in any case. In the absence of satisfactory evidence to the contrary, it will be presumed that the deceased was paid in full by Organization Commander since the original date of recognition.

3. Individuals who died prior to the date of recognition will be considered recognized on the date of death only.

4. All cases will be checked against the attached list of units whose recognition dates have not been favorably considered for revision. Where the unit is not listed thereon, the case will be forwarded to the Ex O, DCA for decision.

/s/ Duane R. Essam
/t/ DUANE R. ESSAM
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Ex O, DCA, PA Br

1 Incl:
1 List of Recognized Units

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PHILIPPINES-RYUKYUS COMMAND
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3 May 1948

DCS CIV GUER MEMORANDUM)

No. 22-D)

ADJUDICATION OF INCOMPLETE CIVILIAN
GUERRILLA CASES

1. Deceased civilian guerrilla cases containing Form 9 or its equivalent (Forms 3, 3A, and 7) that are incomplete because of lack of evidence to support guerrilla service may be adjudicated provided that any of the following are present in the 201 file:

a. A certified copy of an individual letter of recognition stating the date of death, not merely date of casualty. When the date of death is not stated, proof of death or non-return must be present.

b. An authenticated guerrilla card extracted from a casualty roster of Killed in Action (KIA), Killed in Line of Duty (KILD), or Died in Line of Duty (DILD) indicating the date of induction or the date of casualty or both. Where the date of casualty is not indicated, there must be satisfactory evidence of death or non-return.

c. An authenticated guerrilla card extracted from a Missing in Action (MIA) or wounded in Action (WIA) roster, indicating date of induction or date of casualty or both, together with satisfactory evidence of death or non-return. Where date of casualty is not indicated, there must be proof of such date.

2. The determined date of induction will be the date indicated on the guerrilla card or the date of joining claimed in Form 9, whichever is later. Where the date of induction is not indicated, the date of casualty indicated on the guerrilla card will be taken as the date of induction, in the absence of evidence to the contrary.

3. Entitlement to pay will be determined according to the policy applicable to the guerrilla unit concerned.

/s/ Duane R. Essan
/t/ DUANE R. ESSAM
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HEADQUARTERS
PHILIPPINES - RYUKYUS COMMAND
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DECEASED CLAIMS SECTION, PA BRANCH
APO 707

8 May 1948

DCS CIV GUER MEMO)
:)
No. 23-D)

Civilian Guerrilla Cases Containing
Two or More Proofs of Recognition

1. Where an individual is recognized in a unit, but two or more valid proofs of recognition are on file indicating recognition in different grades covering periods that do not overlap, the case may be adjudicated in the different grades indicated. This may happen where an individual is recognized in one grade in the original roster, but in the approved revision roster, he is recognized in grades reduced to conform to the prescribed table of organization of the unit. It will be noted in such a case that the grade indicated in the original recognition will be considered held only from the original date of recognition, and the reduced grades will be considered held during periods of entitlement to pay prior to the original date of recognition.

2. Where an individual is recognized in two or more units, or where he is recognized in different grades covering overlapping periods in the same unit, the case will be forwarded immediately to the Ex O DCA in order that measures to rectify the discrepancy may be promptly taken.

/s/ PAUL E. BAKER
/t/ PAUL E. BAKER
1st Lt AGD
Ex O for DCA, PA Br

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