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DETERMINATION OF THE VETERAN'S STATUS OF UNRECOGNIZED GUERRILLAS AND THEIR ENTITLEMENT TO VETERANS BENEFITS

PVAO DEPARTMENT ORDER Number A-070-B, July 17, 1990

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The provisions of Section 8-c under Department Order No. A-049 dated May 20, 1990 are hereby supplemented by the rules set forth herein below in the determination by the Philippine Veterans Affairs Office of the veteran's status of unrecognized guerrillas and their entitlement to veterans' benefits under the provisions of Republic Act No. 6948 amending Republic Act No. 65.

SECTION 1. Definition of Terms — For the purpose of and when used in connection with claims for veterans benefits, the following terms shall be construed in the sense and within the purview of the provisions of Republic Act No. 65, as amended, by Republic Act No. 6948 and Department Order No. A-049 dated 20 May 1990:

a. Unrecognized Guerrilla any person who claims to be an officer or enlisted man in good standing of any recognized or deserving guerrilla organization who took active participation in the resistance movement, and/or in the liberation drive against the enemy during World War II, but whose name is not carried in the Approved Revised, Reconstructed Guerrilla Roster of 1948;

b. Deserving Guerrilla any person whose service in any guerrilla organization as stated in paragraph 1 above and whose status as a veteran has been established by sufficient evidence upon due investigation conducted either by the Philippine Veterans Affairs Office or any of its predecessor-agency (Philippine Veterans Board or Philippine Veterans Administration) in connection with an application filed by him or his surviving next-of-kin for veteran's benefits under the provisions of Republic Act No. 65, as amended.

c. Recognized or Deserving Guerrilla Organization as used in Sections 1 and 2 of Republic Act No. 65, as amended, the term refers to any group of patriotic volunteers, comprising of civilians and members of the Philippine Commonwealth Army disbanded upon the fall of Bataan who organized themselves into an irregular military unit for the purpose of participating in the underground or guerrilla resistance movement against the Japanese Imperial Army that occupied the Philippines during World War II, whose wartime existence and operations are borne out by official documents in the military archives of the Republic of the Philippines and the United States Government such as the Approved Revised Reconstructed Guerrilla Roster of 1948; the book entitled "The Guerrilla Resistance Movement in the Philippines" and the "Intelligence Series" published by General Douglas MacArthur's GHQ Staff under the direction of Maj. General Charles A. Willoughby which contain declassified intelligence data gathered by radio contacts and penetration agents of the G-2 Allied Intelligence Bureau (1942-1943) and the G-2 Philippine Regional Section (1943-1944); and other military documents and files available.

SECTION 2. Establishment of Status As World War II Veteran — Service allegedly rendered by an unrecognized guerrilla in connection with an application filed for any veterans' benefit under the provisions of RA 65, as amended by RA 6948, shall be established by sufficient evidence adduced in an appropriate investigation conducted to determine eligibility for the grant of the benefit applied for.

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For this purpose, the rules set forth in the succeeding sections hereof shall be strictly observed in the processing, examination, and investigation of the aforesaid applicant's claim for veterans' benefits.

SECTION 3. Documentary Evidence — The applicant shall be required to submit the records or documents enumerated hereunder, together with his application for veterans' benefits:

a. Any or all of the following documents: Original papers received from the guerrilla unit, like assignment or enlistment papers, special or general orders; instructions; memoranda; circulars; personal commendations, discharge or separation paper, military communications, or any written matter subscribed by superior officers and received while in the service;

b. Affidavits of the applicant himself, his immediate officers and comrades-in-arms attesting categorically in detail and in chronological order to the military service he rendered in a recognized or deserving guerrilla organization from the date of his induction/enlistment therein until his discharge or separation therefrom; and/or the sworn statements of reputable citizens in the locality where the applicant was assigned or detailed.

c. Published article, if any, about guerrilla exploits where the applicant is cited for his participation therein.

SECTION 4. Additional Documentary Evidence in Other Cases — Aside from the documentary evidence mentioned in Section 3, above, additional evidence specified hereunder may be secured by the Philippine Veterans Affairs Office (PVAO) from the Armed Forces of the Philippines (AFP) in the following cases:

a. In the case of guerrillas who were paid for service rendered in the liberation drive but are not carried in the Approved Revised, Reconstructed Guerrilla Roster of 1948:

- Pay and allowance vouchers

- Verification slips or certifications of wartime service

- Original roster

- Clinical records

- Casualty report

- Extract of service record

- Statement of pay or money received while in the service.

b. In other cases, original roster of recognized units of applicant's guerrilla organization submitted to the United States Armed Forces authorities on or before 30 June 1948 as certified by The Adjutant General AFP, or the custodian of any government depository of such roster.

SECTION 5. Investigation of Guerrilla Service and Determination of Status as Veterans — All applicants as unrecognized guerrillas shall be subject to investigation by PVAO to establish their alleged wartime services and their status as deserving guerrilla veterans. Adjudication of the claims shall be on the basis of the evaluation of any or all the documentary evidence required under the next preceding Sections 3 and 4 hereinabove upon due correlation thereof with the findings adduced in the investigation of the applicants concerned and the testimonies of witnesses. The investigation to be conducted by the Legal and Investigation Division, PVAO, shall be in the form of question-and-answer interview which shall be reduced in writing and under oath whereby the following matters, among others, shall be determined:

a. Authenticity and admissibility of the documentary evidence submitted;

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b. Credibility of the applicant and his witnesses regarding their attestations to the alleged service of the applicant concerned;

c. Identification of the applicant concerned taking into account the data culled from such official records as certifications of birth, baptism, marriage, and/or death; the accomplished application form itself; sworn statements of reputable and disinterested persons; residence certificate; voter's ID; and/or such other documents as may be deemed appropriate.

SECTION 6. Aliases and Discrepancies in Name — In addition to the observance of the provisions of Paragraph 5-c above, aliases and discrepancies in name shall be acted upon as follows:

a. When an applicant's name in any guerrilla record available appears to be an alias, his identity shall be established, as follows:

- By attestation under oath of his unit Commanding Officer and/or two (2) other superior officers that the alias and his true name refer to one and the same person; and

- By certification of the Chief of Police of the municipality where the applicant bearing the alias was born and/or by the Chief of Police of the municipality where the applicant allegedly rendered service or last resided, based on investigation conducted, without prejudice to field or spot investigation conducted by the Legal and Investigation Division.

b. Where the name of the claimant, his surviving spouse, child, or anyone of his parents, appearing in any claim paper is different from that appearing in the records of the Local Civil Registrar or church, the discrepancy shall be explained by the claimant concerned and two (2) credible witnesses by affidavits, without prejudice to field or spot investigation to ascertain the true name and identity of the person concerned: PROVIDED, however, that proper court order shall be necessary in cases so required by law.

SECTION 7. Unrecognized Guerrillas of World War II — HUKBALAHAPS — In light of the nugatory circumstances and factors that rendered the provisions of Presidential Decree No. 1207 inoperative and ineffectual ab initio, and in view of the fact that the unrecognized guerrillas of the wartime HUKBALAHAP fall within the purview of the term "veteran" as defined in Republic Act No. 6948, they and their eligible next-of-kin may apply for the benefits under the latter law, subject to the rules hereinabove set forth.

SECTION 8. Repealing Clause — All rules, regulations, orders, circulars, and memoranda inconsistent with any provisions of these rules are hereby repealed or modified accordingly.

Adopted: 17 July 1990

(Sgd.) FIDEL V. RAMOS
Secretary

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