

AN ACT TO AMEND THE TITLE AND SECTIONS ONE, THREE, SEVEN, EIGHT, AND NINE OF REPUBLIC ACT NUMBERED ONE HUNDRED AND THIRTY-SIX.

REPUBLIC ACT NO. 209, June 01, 1948

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Be it enacted by the Senate and House of Representatives of the. Philippines in Congress assembled:

SECTION 1. The title of Republic Act Numbered One Hundred and Thirty-six is hereby amended to read as follows:

"An Act Providing for the Immediate Payment of Monies Due to Deceased or Incompetent Filipino Members of the United States Army, United States Navy, or Philippine Scouts; to Deceased or Incompetent Members of the Philippine Army, including Duly Recognized Guerrilla Organizations, of any Nationality; to Deceased or Incompetent Civilian Employees of the War and Navy Departments and other Departments of the United States Government and of the Philippine Army; And to Deceased or Incompetent Civilians with damns for Supplies Furnished or Services Rendered Under the Laws of the United States and/or to the Philippine Army, and for other purposes."

SEC. 2. Section one of Republic Act Numbered One hundred and thirty-six is hereby amended to read as follows:

"SECTION 1. Monies under the laws of the United States and of the Philippines due to deceased or incompetent Filipinos who were members of the United States Army, United States Navy, or the Philippine Scouts; to deceased or incompetent members of the Philippine Army, including duly recognized guerrilla organizations of any nationality and to deceased or incompetent civilian employees of the War and Navy Departments or of other Executive Departments and independent establishments of the United States Government and of the Philippine Army, as well as amounts due to estates of deceased or incompetent civilians representing claims of supplies furnished or services rendered under the laws of the United States and/or to the Philippine Army, the said deceased being domiciled in the Philippines at the time of their death, shall be administered by the Judge Advocate General of the Armed Forces of the Philippines, or his duly authorized representatives.

"The term 'monies' shall be understood to mean (1) arrears in pay and allowances, including salaries, quarters allowances, bonuses and any other cash allowance to which the deceased might have been or would be lawfully entitled; (2) all amounts due to the estates of deceased civilians for supplies furnished or services rendered under the laws of the United States and/or to the Philippine Army; (8) accrued retirement and insurance proceeds which upon the deaths of the individuals mentioned in section one of this Act became part of their estates, and (4) deposits.

"For the purposes of this Act, the term 'incompetent' includes any of the persons specified in Rule 93, section 2 of the Rules of Court, and the term 'monies' as denned above includes those due to such incompetent."

SEC. 3. Section three of Republic Act Numbered One hundred and thirty-six is hereby amended to read as follows:

"SEC. 3. The Judge Advocate General or his representative shall proceed to ascertain !by the best means

within his power the names and residences of the persons who are lawfully entitled to the monies referred to in this Act, and pursuant to the evidence submitted shall summarily distribute the same to said legal heirs as of the time of final decree of distribution in accordance with the provisions of the Civil Code regarding succession: Provided, however, That in the distribution of the estate under this Act, the usufructuary rights granted to the surviving spouse by the Civil Code shall not apply: Provided, further, That in the case of inheritance subject to 'reserva troncal', the obligation to reserve will not be imposed on the 'reservista' except if the said 'reservista' dies before receiving payment of the claim: And provided, finally, That in order to expedite the disposition of the monies referred to in this Act, where the evidence does not strictly conform with the statutory requirements, subject to the limitations imposed by section eight of this Act, the Judge Advocate General is empowered to pass upon the sufficiency of evidence of heirship."

SEC. 4. Section seven of Republic Act Numbered One hundred and thirty-six is hereby amended to read as follows:

"SEC. 7. Where monies under this Act are due to any incompetent, whether as the person primarily entitled there to or as a legal heir, the Judge Advocate General or has duly authorized representative shall proceed to determine and appoint by the most expeditious manner consistent with the best interests of the incompetent the individual best qualified to be his guardian. The guardian so appointed shall receive and administer the monies for his ward and discharge his duties in accordance with the instructions and orders of the Judge Advocate General or his representative. For the purpose of this section, the Judge Advocate General or his representative may require and pass upon such evidence as he deems necessary and proper to determine the incompetence of the person for whom a guardian is to be appointed and the qualifications of any individual to act as his guardian: Provided, however, That the widow, and in case of her inability, the eldest child if of age, shall be given the preference in the appointment of such guardian: Provided, further, That before a guardian appointed hereunder enters upon the execution of said trust, he or she may be required to give a bond in such sum as the Judge Advocate General or his representative may direct, and under such conditions as he may prescribe."

SEC. 5. Section eight of Republic Act Numbered One hundred and thirty-six is hereby amended to read as follows :

"SEC. 8. Whenever a dispute arises as to who of two or more claimants are the legal heirs of the deceased, the Judge Advocate General or his representatives shall suspend the summary distribution of the monies until the courts shall have finally decided the controversy in an action for interpleading under Rule fourteen of the Rules of Court: Provided, however, That cases falling under this section shall be decided within a period of ninety days from the date that the interpleader is presented before a competent court: Provided, further, That complaints for interpleading presented pursuant to this section shall be exempt from the payment of all filing fees, legal fees and costs."

SEC. 6. Section nine of Republic Act Numbered One hundred and thirty-six is hereby amended to read as follows:

"SEC. 9. If at any time pending the final distribution of payment of the monies an administrator of the estate of the deceased or a guardian for the incompetent shall have been duly appointed by a court of competent jurisdiction, the Judge Advocate General or his representative shall nevertheless proceed to the final summary payment of the monies to the heirs of the deceased or the guardian appointed by him in the case of an incompetent: Provided, That if the deceased died leaving a will which covers only the monies as defined in this Act, only the Judge Advocate General shall proceed to probate said will: Provided, further, That if the will covers other properties of decedent, besides monies as aforementioned, the latter shall be paid by the Judge Advocate General in accordance with the will as probated and legalized by competent courts."

SEC. 7. This Act shall take effect upon its approval.

Approved, June 1, 1948.

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