

AN ACT PROVIDING FOR THE IMMEDIATE PAYMENT OF MONIES DUE TO DECEASED FILIPINO MEMBERS OF THE UNITED STATES ARMY, UNITED STATES NAVY, PHILIPPINE SCOUTS, PHILIPPINE ARMY, INCLUDIN...

REPUBLIC ACT NO. 136, June 14, 1947

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

SECTION 1. Monies under the laws of the United States and of the Philippines due to deceased Filipinos who were members of the United States Army, United States Navy, the Philippine Scouts, or Philippine Army, including duly recognized guerrilla organizations, and deceased 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 civilians presenting claims for supplies furnished or services rendered under the laws of the United States and or to the Philippine Army, who were domiciled in the Philippines at the time of their death, shall be administered by the Judge Advocate General of the Philippine Army, 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; (3) accrued retirement and insurance proceeds which upon the deaths of the individuals mentioned in section one of this Act became parts of their estates; and (4) deposits.

SEC. 2. For the purposes of this Act, provincial and city fiscals, except fiscals of the City of Manila, and justices of the peace for their respective provinces, cities or municipalities, are hereby designated as ex-officio representatives of the Judge Advocate General and shall, without additional compensation, render such assistance in the administration of this Act as may be required by the Judge Advocate General: Provided, however, That the Judge Advocate General may appoint such other representatives as he may deem necessary from time to time.

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" (art 811, C.C.), the obligation to reserve will not be imposed on the "reservista"; 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. For the purposes of this Act, and for the establishment of successional rights therein, any person falling under section one, entitled to the monies referred to herein, shall be presumed dead after the lapse of twelve months from the time said person was last seen, heard from, accounted for, or reported to be alive: Provided, That if at any time before the presumption of death could be availed of, there should be monies immediately payable to such person the Judge Advocate General may appoint a representative for said person: Provided, however, That before a representative appointed hereunder enters upon the execution of his duties, he may be required to give a bond, in such sum as the Judge Advocate General may direct, and under such conditions as he may prescribe.

SEC. 5. The monies due under this Act to non citizens of the Philippines who were domiciled in the Philippines at the time of their death shall be distributed in accordance with the provisions of the Civil Code on succession and pertinent provisions of this Act, article ten of the Civil Code to the contrary notwithstanding.

SEC. 6. Where there are natural children or natural parents claiming to have the status of acknowledged natural children or acknowledging parents, respectively, the Judge Advocate General shall have the authority to determine their status in accordance with the provisions of the Civil Code: Provided, That for the purposes of this Act, where the fact of delivery and identity of the child and/or continuous possession of the status of an acknowledged natural child, are fully established, the requirements for acknowledgment may be considered complied with.

SEC. 7. In the case of legal heirs who are minors or incompetents, the Judge Advocate General is hereby empowered to appoint the best qualified person as guardian for the said heirs, who shall discharge his duties as such in accordance with the instructions and orders of the Judge Advocate General: 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 may direct, and under such conditions as he may prescribe.

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 representative 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 complaints for interpleading presented pursuant to this section shall be exempt from the payment of all filing fees, legal fees, and costs.

SEC. 9. If at any time prior to the final distribution of the monies an administrator of the estate of the deceased 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 same: 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. 10. After the Judge Advocate General shall have distributed the monies in conformity with the foregoing provisions, such estate shall, as regards such monies so distributed, be deemed lawfully settled and the Judge Advocate General shall no longer be answerable therefor to any person. But this shall not preclude any lawful heir from bringing an action against any person who had so received said monies for enforcement of any lawful claim thereto: Provided, That the Judge Advocate General or his duly authorized representative acting in his behalf is authorized to furnish an acquittance to the Government of the United States and/or to the Government of the Philippines in satisfaction of all claims made by beneficiaries or distribution of the estates of deceased claimants

who have furnished supplies or rendered services to the Government of the United States and/or to the Government of the Philippines.

SEC. 11. In order to carry out the purposes of this Act, the Judge Advocate General or his duly authorized representative is hereby empowered to administer oaths and summon witnesses to require them to appear and testify upon oath before him.

SEC. 12. The monies to which the legal heirs of the deceased may be entitled to receive shall be exempt from execution and taxation.

SEC. 13. All documents which the Judge Advocate General or his representative may require from the legal heirs of the deceased in order to prove their claim to said monies are hereby exempt from the documentary stamp tax.

SEC. 14. No attorney, agent, or other person charged with the preparation, filing, or prosecution, settlement, or payment of any claim for monies under this Act shall demand or charge for his services fees amounting to more than five per centum of the total of such monies, and said fees shall become due and demandable only after said monies are paid to the persons entitled thereto. The retention or deduction of any amount from such monies for the payment of fees for such services is prohibited. A violation of any provision of this section shall upon conviction be punished by imprisonment of from six months to one year, or by a fine of from six hundred to one thousand pesos, or by both such imprisonment and fine.

SEC. 15. In order to carry out the provisions of this Act, the amount of not exceeding one hundred fifty thousand pesos is set aside yearly out of any funds from the National Treasury not otherwise appropriated, to be released as the President may authorize, upon the recommendation of the Judge Advocate General of the Philippine Army.

SEC. 16. All acts or parts of acts inconsistent herewith are, for the purposes of this Act, hereby repealed.

SEC. 17. This Act shall take effect upon its approval.

Approved, June 14, 1947.

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