

AN ACT TO FURTHER AMEND REPUBLIC ACT NUMBERED THREE HUNDRED AND FOUR BY EXTENDING THE BENEFITS OF THE LAW TO MEMBER OF THE PHILIPPINE ARMY AND OF RECOGNIZED GUERRILLA FORCES AND...

REPUBLIC ACT NO. 897, June 20, 1953

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

SECTION 1. Section one of Republic Act Numbered Three hundred and four, as amended by Republic Act Numbered Eight hundred, is further amended to read as follows:

"SECTION 1. Except as herein provided, the right of all officers, employees and persons under contract with the Government of the Commonwealth of the Philippines, including officers and enlisted men of the Philippine Army and officers of the Philippine Scouts given assimilated ranks and relative seniority in the Philippine Army, who, on the eighth day of December, nineteen hundred and forty-one, or after but not later than the twenty-fifth day of May, nineteen hundred and forty-two in the case of officers and enlisted men of the Philippine Army and officers of the Philippine Scouts hereinabove mentioned, or any time thereafter in the case of those civilians who volunteered to join the resistance movements, who were serving in the classified or unclassified service of the national, provincial, city or municipal governments, including the University of the Philippines and the corporations owned or controlled by the Government, as well as elective provincial and municipal officials who held over in their respective offices after the termination of the term of their office, to such of their respective salaries, emoluments, fees, allowances, per diems, compensations or wages as have not been received by them by reason of the war, and those of guerrilla forces duly recognized by the Army of the United States, and of the free local civil governments, provincial and municipal, including military commissions which served as courts of justice thereof, duly organized for purposes of resistance against the enemy, corresponding to the period of January first, nineteen hundred and forty-two, up to and including September twenty-three, nineteen hundred and forty-five, or up to and including September twenty-six, nineteen hundred and forty-five, in the case of members of the Philippine Army or of recognized guerrilla forces and officers of the Philippine Scouts hereinabove mentioned, or any portion of such period or before and subsequent thereto when they were in operation as hereinabove provided is, under the conditions provided in this Act, hereby recognized. The recognition herein provided shall not extend to the salaries and wages of (a) officers and enlisted personnel of the United States Army or Navy and commissioned officers of the United States Coast and Geodetic Survey and the United States Public Health and Quarantine Service on detail with the Government of the Commonwealth of the Philippines, except as otherwise provided in this section; (b) officers and employees found guilty after due trial in such cases made and provided by law, of treason, espionage, or any act constituting disloyalty to the Government of the Philippines or the United States committed at any, time during the enemy or Japanese occupation of the Philippines; and (c) officers and employees who received salaries from the Refugee Government of the Commonwealth of the Philippines in the United States of America or elsewhere. Officers or employees who died on or before the date of the liberation of the province or city where assigned on the date of the occupation shall have the right to such salaries or wages under the conditions referred to in this section, up to the time of their death, if determinate, or the date they were last seen alive. The right to salaries or wages herein authorized shall be computed from the

day of the occupation of each province or city by the Japanese up to the date of the liberation thereof, the date of occupation or liberation, as the case may be, of the capital to be deemed as the date of the occupation or liberation of the province, respectively: Provided, That the right to such salaries and wages shall be computed from the date last paid in the case of members of the Philippine Army and officers of the Philippine Scouts specifically mentioned herein."

SEC. 2. Section two of the said Act, as amended by Republic Act Numbered Eight hundred, is further amended to read:

"SEC. 2. The Treasurer of the Philippines shall, upon application of all persons specified in section one hereof and within one year from the approval of this amendatory Act, and under such rules and regulations as may be promulgated by the Secretary of Finance, acknowledge and file requests for the recognition of the right to the salaries or wages as provided in section one hereof, and notice of such acknowledgment shall be issued to the applicant which shall state the total amount of such salaries or wages due the applicant, and certify that it shall be redeemed by the Government of the Philippines within ten years from the date of their issuance without interest: Provided, That upon application and subject to such rules and regulations as may be approved by the Secretary of Finance a certificate of indebtedness may be issued by the Treasurer of the Philippines covering the whole or a part of the total salaries or wages the right to which has been duly acknowledged and recognized, provided that the face value of such certificate of indebtedness shall not exceed the amount that the applicant may need for the payment of (1) obligations subsisting at the time of the approval of this amendatory Act for which the applicant may directly be liable to the Government or to any of its branches or instrumentalities, or the corporations owned or controlled by the Government, or to any citizen of the Philippines, or to any association or corporation organized under the laws of the Philippines, who may be willing to accept the same for such settlement; (2) his taxes; (3) government hospital bills of the applicant; (4) lands purchased or leased or to be purchased or leased by him from the public domain; and (5) any amount received by the applicant as gratuity or pension which he has to refund to the Government or to any of its branches or instrumentalities: Provided, further, That such settlement shall be effected by indorsement on the instrument: Provided, furthermore, That no certificate shall be transferred or ceded by indorsement more than once, nor at a discount rate exceeding two per centum per annum: And provided, also, That any person who is not an alien, bank or other financial institution at least sixty per centum of whose capital is owned by Filipinos may, notwithstanding any provision of its charter, articles of incorporation, by-laws, or rules and regulations to the contrary, accept or discount at not more than three and one-half per centum per annum for ten years a negotiable certificate of indebtedness which shall be issued by the Treasurer of the Philippines upon application by a holder of back pay acknowledgment: Provided, furthermore, That in the case of members of the Philippine Army and of recognized guerrilla forces and the Philippine Scouts herein mentioned who may apply for recognition of their back pay salaries, wages, per diems and/or allowances under the provisions of this amendatory Act, such back pay acknowledgment shall certify that it shall be redeemed by the Government of the Philippines within thirty years from the date of its issuance without interest depending upon the availability of funds which shall be determined by the Treasurer of the Philippines: Provided, finally, That if certificates of indebtedness have been issued to an officer or employee, his back pay at the end of ten years from the date of the approval of this Act, or in the case of members of the Philippine Army and of recognized guerrilla forces and the Philippine Scouts herein mentioned thirty years from the date of the approval of this amendatory Act, shall be equal to the amount due him under the provisions of these Acts minus the full and total face value of the certificates of indebtedness issued to him in the interim. Failure to file the application within the time herein provided for will forfeit whatever right there may be to any back salary or wage which otherwise should have been due the applicant."

SEC. 3. Section three of Republic Act Numbered Three hundred and four is hereby amended to read as follows;

"SEC. 3. The total of the back pay the right to which may by application be established, shall be computed at the rate of salary, emolument, fee, allowance, per diem, compensation or wage subsisting on January first,

nineteen hundred and forty-two in the case of offices located in the City of Manila, and on the date immediately preceding that on which the provincial capital or the city was occupied by the enemy in the case of offices located in the provinces, cities, and municipalities, and shall be an obligation of the branch, instrumentality, or unit of the Government that employed the officer or employees concerned on December eight, nineteen hundred and forty-one: Provided, That if the office of employment on a later date has been converted into, or merged with, another, or is no longer existing such as those of the resistance movement, the payment shall be borne by the governmental branch or entity wherein the applicant is employed on the date of the approval of this Act or when not so employed in any governmental unit on the date of the approval of this Act, the corresponding obligation shall pertain to the National Government: Provided, further, That in the cases of officers and enlisted men of the Philippine Army and of recognized guerrilla forces and officers of the Philippine Scouts, the back pay shall be computed on the basis of: (1) the authorized pay and allowances for Philippine Army personnel subsisting on April nine, nineteen hundred and forty-two and (2) the rank held in the Philippine Army on May seven, nineteen hundred and forty-two, in the case of officers and enlisted men of the Philippine Army and officers of the Philippine Scouts, or the rank in which recognized by and on the date of the induction of such officers or enlisted men into the Army of the United States in the case of members of recognized guerrilla forces: Provided, finally, That in cases of members of military commissions, the back pay shall be computed on the basis stated on the next preceding proviso."

SEC. 4. Section seven of Republic Act Numbered Three hundred and four is hereby amended to read as follows:

"SEC. 7. The three-months advance salary given pursuant to Administrative Order Numbered One hundred and sixty-seven, dated December twelve, nineteen hundred and forty-one and Commonwealth Act Numbered Six hundred and seventy-six, and the two months' gratuity paid under Administrative Order Numbered Twenty-seven, dated December seven, nineteen hundred and forty-five, and Executive Order Numbered Eighty-three, dated December twenty-four, nineteen hundred and forty-five, shall be deducted from the payment of the back pay."

SEC. 5. Notwithstanding any provision of Republic Act Numbered Three hundred and four, as amended:—(1) the face value of any certificate of indebtedness which may be issued upon application of any member of the Philippine Army, a recognized guerrilla or an officer of the Philippine Scouts who may be entitled thereto, for the payment of any of his obligations to the Government or to any of its branches or instrumentalities, or the corporations owned or controlled by the Government, or to any citizen of the Philippines, or to any association or corporation organized under the laws of the Philippines, who may be willing to accept the same for such settlement, shall not exceed the amount of such obligation subsisting on the date of approval of this Act; (2) the time limit for the filing of applications by or for members of the Philippine Army, recognized guerrilla forces and Philippine Scouts herein mentioned shall be one year from the date of approval of this amendatory Act.

SEC. 6. A Commission consisting of the Chairman of the Philippine Veterans Board, the Undersecretary of National Defense, and the National Treasurer shall be constituted in order to carry out the provisions of this law with reference to the granting of back pay to USAFFE personnel, recognized guerrillas, Philippine Scout officers and men with assimilated ranks pursuant to section one of this law. The Commission shall be presided over by the Chairman of the Philippine Veterans Board. The National Treasurer shall issue back pay certificates in accordance with the resolutions of this Commission. The Commission, is authorized to request the President of the Philippines for such personnel as it may need from any other office or department.

SEC. 7. Notwithstanding any provision of this Act, certificates of back pay to be issued by the Commission set up in section six shall not exceed a total amount of five million pesos a year.

SEC. 8. This Act shall take effect upon its approval.

Approved, June 20, 1953.

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