

AN ACT PROVIDING FOR THE IMMEDIATE PAYMENT OF SALARIES AND ALLOWANCES OF DECEASED FILIPINO MEMBERS OF THE UNITED STATES ARMY, UNITED STATES NAVY. PHILIPPINE SCOUTS, PHILIPPINE A...

Commonwealth Act No. 675, July 24, 1945

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

SECTION 1. Arrears in pay and allowances under the laws of the United States of deceased Filipinos who were members of the United States Army, the United States Navy, the Philippine Scouts, or of the Philippine Army, including duly recognized guerrilla organizations, and 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, 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 "arrears in pay and allowances" shall be understood to mean the salaries, quarter allowances, bonuses, and other cash allowance to which the deceased might have been lawfully entitled.

SEC. 2. For the purpose if this Act, provincial and city fiscals. except fiscals of the City of Manila, and justices of the peace for their respective provinces, cities, or municipality, are hereby designated as ex-officio representatives of the Judge Advocate General and shall, with-out any 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 thereupon proceed immediately to ascer-tain by the best means within his power the names aid residence of the parsons who are lawfully entitled to the arrears in pay and allowances referred to in this Act, and shall summarily distribute the same to said legal heirs in accordance with the provisions of the Civil Code re-garding succession.

SEC. 4. In the case of legal heirs who are minors or incompetents, the Judge Advocate General is hereby empowered to name the best qualified 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 oldest child, if of age, shall be given the preference in the appointment of such guardian: Provided, further, That before a guardian appointed here-under enters upon the execution of his trust, he may be required to give a bond, in such sum as the Judge Advocate General directs, and under such conditions as he may prescribe.

SEC. 5. The Judge Advocate General and/or his representatives are hereby empowered to administer oaths and summons witnesses and require them to appear and testify upon oath before them in older to carry out the purpose of this Act.

SEC. 6. 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 arrears in pay and allowances until the courts shall have finally decided the controversy. Cases coming under this section shall be decided within a period of sixty days from the time a competent court has taken cognizance of the case.

SEC. 7. If at any time prior to the final distribution of the arrears in pay and allowances, 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.

SEC. 8. After the Judge Advocate General shall have distributed the arrears in pay and allowances in conformity with the foregoing provisions, such estate shall, as regards such arrears in pay and allowances 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 or persons who had so received said arrears in pay and allowances for the enforcement of any lawful claim thereto.

SEC. 9. The arrears in pay and allowances to which the legal heirs of the deceased may be entitled to receive shall be exempt from execution and taxation.

SEC. 10. 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 arrears in pay and allowances, are hereby exempt from the documentary stamp tax.

SEC. 11. No attorney, agent, or other person in charge of the preparation, filing, or pursuing of any claim for arrears in pay and allowances under this Act shall demand or charge for his services fees more than five per centum of the total money value of such arrears in pay and allowances, and said fees shall become due and demandable only after the payment of said arrears in pay and allowances is received by the widow or orphan entitled thereto. The retention or deduction of any amount from any such arrears in pay and allowances for the payment of fees for such services is prohibited. A violation of any provision of this section shall 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. 12. This Act shall take effect upon its approval.

APPROVED. July 24, 1945

Annotations: Amended by C. A. No. 684

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