

RULES AND REGULATIONS TO IMPLEMENT REPUBLIC ACT NO. 9828, “AN ACT CREATING THE MILITARY SERVICE BOARD AND PROVIDING FUNDS THEREFORE”

MSB DEPARTMENT ORDER NO. 41, S. 2010, February 18, 2010

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SECTION 1. Definition of Terms

- a) Board – refers to the Military Service Board created by virtue of R.A. No. 9828, supervise by the Philippine Veterans Affairs Office (PVAO) under the general supervision of the Department of National Defense (DND).
- b) Unrecognized Service – refers to any military service claimed by a person to have been rendered during World War II in the Philippines for the period beginning December 8, 1941, and ending July 3, 1946, which rendition of service is not carried in the Approved Revised Reconstructed Guerilla Roster (ARRGR) of 1948, with no record of payment.
- c) Survivor – refers to the lawful widow or widower, child or parent of a deceased person who allegedly rendered military service during World War II in the Philippines for the period beginning December 8, 1941, and ending July 3, 1946, and which rendition of service is not carried in the Approved Revised Reconstructed Guerilla Roster (ARRGR) of 1948, with no record of payment.
- d) Recognized veteran organization – refers to any group of patriotic volunteers composed 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 guerilla 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 Guerilla Roster of 1948; the book entitled *The Guerilla Resistance Movement in the Philippines* and the Intelligence Series published by General Douglas MacArthur’s GHQ Staff under the direction of Major General Charles A. Willoughby, which certain 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. Mandate. – The Board shall review and reevaluate pending claim – applications previously filed in the former Military Service Boards by any person who claims to have performed military service in the Philippines during the period beginning December 8, 1941 and ending July 3, 1946, and to determine the validity of the claims for the purpose of confirming the military service rendered and qualifying the applicant for military veteran status.

SECTION 3. Composition of the Board. – The Board shall be composed of the following:

- a) A Chairperson who is a retired military officer, preferably a WW II veteran;
- b) Two (2) representatives from the PVAO; and
- c) Two (2) veterans of WW II from the recognized veterans organization, as members.

SECTION 4. Term of Office. – The members of the Board shall be appointed by the Secretary of National

Defense (SND) from a list of nominees submitted by PVAO for a term of Five (5) years or until the last application shall have been processed, which ever comes first. In case of death, resignation or incapacity for any reason of any member of the Board during his term, the Secretary shall appoint from the list provided by PVAO to replace the incapacitated member to serve the remaining term.

SECTION 5. Period of existence of the Board. – The Board shall ceased to exist three (3) years after the effectivity of this Act or until such time that the last application shall have been processed, but not exceeding five (5) years.

SECTION 6. Limitation. – The Board shall consider only those applications already filed and pending with the Military Service Boards created pursuant to Republic Act No. 8440 and Executive Order No. 198.

SECTION 7. Application by Survivors. – An application for confirmation of military service filed by the surviving spouse, child, or parent in behalf of the deceased person shall be treated as an application by such deceased person.

The Board shall continue to process an application filed by any person who died after having applied for confirmation of military service for the purpose of entitlement of his surviving spouse or beneficiaries to receive pensions and benefits under RA No. 6948, as amended.

SECTION 8. Establishment of Status as World War II Veteran. – Military service during WW II in the Philippines for the period beginning December 8, 1941, and ending July 3, 1946, allegedly rendered by an individual shall be established by sufficient evidence determined in an ex parte confirmation process conducted by the Board.

SECTION 9. Evidence to be Considered. – In the determination of military service rendered as above stated, all available information and evidence, both testimonial and documentary, here or abroad, including official unit historical records and personnel records in the various agencies and offices of the government which are relevant to establish military service of an applicant shall be considered.

SECTION 10. Documentary Evidence. – Subject to authenticity and admissibility, the following documents shall support a claim for confirmation of service,

- a) Any or all of the following: Original papers received from the guerilla 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, Pay and allowance voucher, verification slips, original rosters, clinical records, casualty reports, extracts of service records either from the office of the Adjutant General (OTAG), AFP or Statement from the Finance Service or Office of the Internal Auditor, AFP, showing payment for salaries of money received while in 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 during WWII in a recognized or deserving guerilla organization from the date of his induction/enlistment therein, until his discharge or separation therefrom; and/or the sworn statements of reputable citizens to the same service in the locality where the applicant was assigned or detailed.
- c) Published article, if any, about guerilla exploits, where the applicant is cited for his participation therein.

SECTION 11. Additional Documentary Evidence in Other Cases. – Aside from the documentary evidence mentioned in Section 8 above, additional evidence may be secured by the Board from the original roster of

recognized units of the applicant's guerilla 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 12. Identity of the Applicant. – No action shall be taken on an application for confirmation of military service unless the identity of the applicant concerned shall have been established. Identity of the applicant shall be determined by 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; any government issued ID; and/or such other documents as may be deemed appropriate: (Field or on-the-spot investigation may be resorted to for corroboration).

SECTION 13. Testimonies. – Testimonies in support of an application, when deemed necessary for corroborative purposes, shall be reduced in writing and under oath. It shall be in the form of a question and answer interview attesting in chronological order the alleged services of the concerned applicant.

SECTION 14. Participation of the Original Charter Members of the Veterans Federation of the Philippines under R.A. No. 2640, HUKBALAHAP, and Other Existing and Duly Recognized Veterans Organizations. – To assist the Board in establishing military service during WWII claimed by any person, the Board may request the Original Charter Members of the Veterans Federation of the Philippines under R.A. No. 2640, HUKBALAHAP, and other Existing and Duly Recognized Veterans Organizations to furnish the Board with such relevant evidence available to them in support of an application, subject to the provision of Section 18 (Unauthorized Fees), hereof.

SECTION 15. Aliases and Discrepancies in Name. – In addition to the observance of the provision of Section 10 above, aliases and discrepancies in name shall be acted upon as follows:

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

(1) By sworn statement, affidavit or 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

(2) By certification of the Local Civil Registrar (LCR) 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.

b) Where the name of the claimant, his surviving spouse, child, or any of his parents, appearing in any document is different from that appearing in the records of the Local Civil Registrar or the 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, the proper court order shall be necessary in cases so required by law.

SECTION 16. Automation of Records. – The Board shall automate all records of the applicants including their supporting evidence for future reference.

SECTION 17. Fraudulent Claims. – When fraud is shown to have been committed by or with the knowledge of an applicant under this Act, such approval and any award, honor or benefit received as a consequence thereof shall be deemed null and void on the date of its effectivity: Provided, that the party or parties to the fraudulent act, including those who provided false testimony or who issued falsified documents in support thereof, shall upon conviction, be punished with a fine of not less than Twenty Thousand pesos (P20,000.00) but not more than Fifty Thousand pesos (P50,000.00) or imprisonment of not more than six (6) years and one (1) day nor more than Twelve (12) years or by such fine and imprisonment, at the discretion of the court, in addition to the refund of

such amount in compensation and benefits that the applicant may have received as a result of the fraudulent claim.

SECTION 18. Unauthorized Fees. – No person, natural or juridical, shall charge a claimant any fee in connection with any claim for confirmation of service. Any person found to have directly or indirectly solicited, contracted for, charged or received or attempted to solicit, charge or receive any fee or compensation shall, upon conviction, be punished with a fine of not less than Twenty Thousand pesos (P20,000.00) but not more than Fifty (50) thousand pesos, or by imprisonment of not less than six (6) years and one (1) day nor more than twelve (12) years or by such fine and imprisonment, at the discretion of the court.

SECTION 19. Exclusive and Final Nature of Decisions of the Board. – The Board shall have the exclusive authority to pass judgment on a claim for confirmation of military service. The decision of the Board is final.

In deciding a claim application, the concurrence of at least three (3) members shall be required.

SECTION 20. Prospective Entitlement. – Honors, awards and decorations resulting from this Act shall accrue to any person. However, all monetary compensation and benefits shall be applied retroactively three (3) years before the effectivity of this Act.

SECTION 21. Resultant Benefits. – Any benefits under this Act shall be administered by the Philippine Veterans Affairs Office in accordance with existing laws and regulations.

(Note: No Section 22 in the document submitted)

SECTION 23. Report to the President and Congress. – Within thirty (30) days after the expiration of its operation, the Board shall submit to the President and to Congress an accomplishment report and accounting for its funds.

SECTION 24. Financial Requirement. – The amount of Four Million pesos (P4,000,000.00) chargeable against the savings of the Department of National Defense under the 2009 General Appropriations Act is hereby allocated and released for the first year of implementation of this Act. Thereafter, the funds needed for the continued operation of the Board pursuant to Section 3 hereof, shall be included in the General Appropriations Act.

SECTION 25. Authority of PVAO to Hire Personnel and Procure Equipments. – The PVAO is authorized to hire such personnel to assist in the adjudication of claims and procure supplies and equipments for the operation of the Board, subject to existing laws, rules and regulations.

SECTION 26. Emoluments and Other Benefits. – The members of the Board and its personnel are authorized to receive compensations, allowances, privileges and other benefits, as may be determined by PVAO, subject to existing laws, rules and regulations.

SECTION 27. Separability Clause. – If any provision of these Rules and Regulations shall be held invalid, the remaining provisions shall be given force and effect, as completely as if the provision held invalid had not been included therein.

SECTION 28. Rescission. – All rules, regulations, or circulars and memoranda inconsistent with any provisions of the rules are hereby repealed or modified accordingly.

SECTION 29. Effectivity Clause. – These Rules and Regulations shall take effect upon registration with the Office of the National Administrative Register.

(SGD.) NORBERTO B. GONZALES
Acting Secretary

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