

[REPUBLIC ACT NO. 136, June 14, 1947]

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, INCLUDING DULY RECOGNIZED GUERRILLA ORGANIZATIONS, AND DECEASED CIVILIAN EMPLOYEES OF THE WAR AND NAVY DEPARTMENTS AND OTHER DEPARTMENTS OF THE UNITED STATES GOVERNMENT AND OF THE PHILIPPINE ARMY, AND DECEASED CIVILIANS WITH CLAIMS FOR SUPPLIES FURNISHED OR SERVICES RENDERED UNDER THE LAWS OF THE UNITED STATES AND/OR TO THE PHILIPPINE ARMY, AND FOR OTHER PURPOSES.

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