

stituted necessary safety-measures and once every reasonable effort has been made to protect both workers and the public, accident causes and responsibilities will be easily established. There is no intention to force an employer to stand any loss for which he is not responsible, or to hold him liable for an accident which he has previously exerted every reasonable effort to prevent. Under the Act, safety will be a joint responsibility of all.

The Act is the product of necessity, built upon the broken bodies of those persons who have suffered from preventable accidents of all kinds. For years there has existed in the Department of Labor a little-known but hard working section called the Safety Engineering Division. This group worked closely with the Advisory Safety Council to the Secretary of Labor. However, all too often, the voices of those safety pioneers were like the voice of those "crying in the wilderness." For a variety of reasons, their findings and recommendations were often rendered ineffective. Meantime the accidents went on at steadily increasing rates.

After much preparatory work, HR 1460, forerunner of the present Act, passed the lower House in

1948; it was passed by the Senate during the recent session, and was signed by the President on June 10. The approval was due in no small measure to the support of several civic, humanitarian, and rehabilitation groups here.

Mr. Primo G. Maluanag, long-time chief of the Safety Engineering Division and Chairman of the Advisory Safety Council, is the originator and foremost contributor to the Act. Other members of the Council are V. A. Brussole, Cesario A. Grau, Mariano Salazar, and the writer. It can be safely stated that this body will not countenance any abuse of the powers of the Act.

It will probably be some time before the new Bureau is completely staffed and in full operation. In the meantime, local industrial establishments may be surveying their own safety situation with a view toward passing any subsequent safety inspection with flying colors. The Philippine Safety Council will be available for assistance in this regard, if desired. In closing, I urge the general support of businessmen for this new Bureau, for it has been created with the highest of motives and will be administered wisely and fairly.

The U. S. Veterans Administration

BY WARREN F. BRUMFIELD

Chief Attorney, U. S. Veterans Administration, Manila

AMONG the various United States Government agencies which are operating in the Philippines, the Veterans Administration is the oldest. This agency, now headed by Brig. Gen. R. B. Lovett, has had an office in the Philippines for about a quarter of a century.

Before the second world war, the activities of the Veterans Administration were on a much smaller scale than now. Pensions and disability compensation then being administered embraced principally veterans of the Spanish-American War, the Philippine Insurrection, the Boxer Rebellion, and former Philippine Scouts and their dependents. The total "case load", — which is the term used in the Veterans Administration to designate the whole number receiving the benefits it dispenses, was approximately 7,500.

Of course, the various United States laws under which the Veterans Administration operated during that time were directly applicable to the Philippines, since the country was then under the American flag.

The end of the second world war compounded the problems of the Veterans Administration manifold, first, because of the considerable increase in the "case load" to be handled as the result of legislation extending various pension and other benefits to Filipino veterans of the second world war and their dependents, and later because Philippine Independence had the effect of wiping out the whole legal structure upon which the Veterans Administration was then operating.

Laws of the United States, which were then in effect in the Philippines, such as the statute exempting pensions and other benefits from taxation, and certain laws designed to protect the beneficiaries of Veterans Administration payments from scheming claim agents and attorneys, literally went out of the window with Independence.

The status of the U.S. Veterans Administration as an agency operating in the Philippines also changed. It became, in fact, the first and only regional office of the U.S. Veterans Administration operating on foreign soil and under foreign laws.

And yet, so thoroughly did the Government of the Philippines cooperate that the transition was accomplished with no trouble at all. Moving swiftly each time a need has been shown, a law has been passed by the Philippine Congress and approved by the President to take the place of some United States law which had been in effect and which Independence had obliterated.

It is not generally known that the Veterans Administration is required by law to guard with zealous care the money it pays out in pension or other benefits in behalf of persons who are of unsound mind, or who, for other reasons, are legally incompetent to handle their own affairs. Included, of course, in this latter class are minors, most of them orphaned by war.

In this respect, the Veterans Administration acts virtually as guardian *ad litem* in protecting the moneys paid out for the benefit of these individuals. Such protection can be extended only if there is legal

sanction for it. Complaints by the Veterans Administration to the courts of the mishandling of funds by guardians or *curadors* must be judicially sanctioned, the government attorneys making such complaints must have standing in the courts and must be heard. Otherwise, little would come of it.

ONE of the earliest acts passed by the Philippine Congress and approved by the President was Republic Act 146 which requires that notices of motions or petitions filed in any court of the Philippines relative to guardianship proceedings of any person or his estate, or both, when the whole or part of the estate under guardianship is derived from the U.S. Veterans Administration, shall be served to the office in Manila at least 20 days before the hearing to enable it to file its pleadings or to send its representatives at the hearing of such motions or petitions.

It will at once be seen that, in the absence of a statute of the kind quoted, the legal authorities of the Veterans Administration who are vested with responsibility for protecting estates of Veterans Administration beneficiaries from dissipation through unwise investments, extravagance, or even fraud, would be helpless.

Not the least of the concern of the Veterans Administration has been the well-known tendency of the shysters to exact fees from beneficiaries under the guise of helping them to secure their benefits from the Veterans Administration. A United States statute had been in effect for many years to curb this practice but, of course, with Philippine Independence it passed out of existence as far as the Philippines was concerned.

Again, the Philippine Government stepped into the breach by the enactment of Republic Act 145 which makes it a penal offense for any person who assists a claimant in the preparation, presentation, and prosecution of his claim for Veterans Administration benefits to contract for, charge, receive, or solicit a fee for such services exceeding P20 in any one claim.

Another Act of the Philippine Congress which greatly aids the program of administering pension and other benefits in the Philippines by the Veterans Administration, is Commonwealth Act 2567 which still remains in legal effect and provides a penalty for the filing of any false or fraudulent claims against any agency of the United States Government. The Act is wide in scope and drastic in penalty and has proved of considerable value not only to the Veterans Administration but to other American agencies as well.

THE session of the Philippine Congress which adjourned May 19, 1949, holds the record for beneficial legislation passed in aid of the Veterans Administration's program in the Philippines. The various bills of this nature which were passed by this Congress were promptly signed by President Quirino and have become law.

The lengthiest is Republic Act 390, known as the "Uniform Veterans Guardianship Act". This law is similar in scope and nature to one which has been passed by the legislatures of practically all of the States of the Union and in Puerto Rico as well. It implements, in a detailed and comprehensive way, the whole program for protecting the estates of incompetents and minors who receive funds from the Veterans Administration from dissipation. It is a lengthy Act and only a few of its most important provisions can be examined here.

It provides a limitation upon the number of wards for whom any single individual may act as guardian. It prescribes the methods by which guardians may be appointed for persons who are entitled to receive monetary benefits from the Veterans Administration. It prescribes the manner in which notices are to be given to the Veterans Administration, of all petitions affecting the ward or his estate in any manner, and allows the Veterans Administration, as a party at interest, to intervene wherever this appears necessary and to the best interest of the ward. It defines the responsibilities of guardians with respect to the accountings which must be filed annually both with the Court and the Veterans Administration and provides that failure to file such accounting, when due, shall be regarded, *prima facie*, as embezzlement. The compensation which guardians may exact for their services, the types of investments which they may make, and the circumstances under which they may purchase homes for their wards are, among other things, set forth in considerable detail in this law. The statute requires that copies of any public records required by the Veterans Administration in connection with claims must be furnished free of charge and that no legal or court fees shall be assessed in guardianship proceedings filed by, in behalf of, or at the instance of the Veterans Administration, or in any of the cases embraced by this Act.

One effect of the Uniform Veterans Guardianship Act in the Philippines will be to lay a legal foundation for the protection of the estates of incompetent and minor Veterans Administration beneficiaries similar to that which has long existed throughout the United States. Indeed, an attorney who has been in charge of such activity in any of the several jurisdictions where such a law is in existence, will, upon coming to the Philippines, find himself moving along thoroughly familiar paths. A considerable body of precedent law has already been built in the United States around the Uniform Veteran Guardianship Act. These precedents, which are based upon many years of experience covering a wide range of actual cases, will be invaluable to the courts of the Philippines in the settlement of guardianship problems.

To any American attorney assigned from the United States to this field, the transition from a domestic to a foreign assignment now poses no particular, professional problem. Strange, unfamiliar practices and procedures of a foreign jurisprudence do not arise to haunt him. He moves with precision and complete assurance under an all-inclusive Act embodying the same principles and procedures to which he was accustomed back home. At the same time, former servicemen with war-shattered minds, children who were orphaned by war, and others requiring that the protective arm of the law be placed around them to insure that the Veterans Administration benefits due them will be used exclusively for their welfare, will benefit immeasurably from this law. At this writing there are slightly more than 4,000 such cases on the Veterans Administration rolls in the Philippines and these are being added to at the rate of 100 a month. The statute is, literally, a bastion against greed and avarice!

Another Act of the recent Philippine Congress is Republic Act 360, which specifically exempts the benefits, which are payable by the Veterans Administration, from taxation. It also provides that these

(Continued on page 310)

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SECTION 3. Effective August 1, 1949, Appendix "B" of Executive Order No. 193 and Section 3 of Executive Order No. 209 are hereby amended so as to change the Base Period and use as basis of quota allocations the average yearly importation of an importer during the years 1946, 1947, and 1948.

SECTION 4. Effective with the allocation of the quotas for the second six-month period of 1949, Section 9 of Executive Order No. 193 is hereby amended so as to charge a license fee of P1.00 for every One Thousand Pesos c.i.f. value of the article covered by an import license issued by the Board, instead of One Thousand Five Hundred Pesos as heretofore.

Done in the City of Manila this 28th day of June, in the year of Our Lord, nineteen hundred and forty-nine, and of the Independence of the Philippines, the third.

(Sgd.) **ELPIDIO QUIRINO**
President of the Philippines

By the President:

TEODORO EVANGELISTA
Executive Secretary

THE U. S. VETERANS ADMINISTRATION

(Continued from page 285)

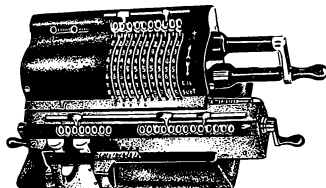
benefits shall not be liable to attachment, levy, or seizure by or under any legal or equitable processes whatsoever, either before or after receipt thereof by the beneficiary. The benefits which are being paid by the Veterans Administration in the Philippines are increasing in amounts from year to year. This year, these benefits will total approximately P100,000,000. One may judge from this, the tax-saving which has been made possible by this Act of the Philippine Congress.

Another Act passed by the recent Philippine Congress is Republic Act 379 which makes it a penal offense for any individual to pose as an agent or officer of an agency or department of a foreign government. This Act should have a salutary effect in cases, which are all too numerous, where persons claim to be representing a United States agency and extort money from potential beneficiaries under such a guise.

Finally, one of the Acts passed by the recent Philippine Congress, Republic Act 385, aids all of the United States agencies which are operating in the Philippines and which may require investigations to be made before claims of various kinds may be paid. This Act legalizes the administering of oaths by representatives of such agencies. Now, any person swearing falsely to a representative of a United States agency in a matter pertaining to a claim of any kind may be subject to prosecution for perjury.

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