

H.E. Willy C. Gaa Philippine Ambassador to the United States

PASUGUAN NG PILIPINAS
Washington, D.C.

EMBASSY OF THE PHILIPPINES

A FINAL VICTORY

Testimony of H.E. Willy C. Gaa
Philippine Ambassador to the United States
Hearing on S. 57 Filipino Veterans Equity Act of 2007
Committee on Veterans' Affairs, United States Senate
April 11, 2007

Mr. Chairman and Members of the Senate Veterans Affairs Committee.

Thank you for your kind invitation for us to appear before the Committee.

We deeply appreciate the opportunity to share with you the views of the Philippine Government on an issue of great importance to my country and to the Filipino people.

Victory for allied forces marked the end of the war in the Pacific.

At war's end, though battered by years of fighting and with the memories of their fallen comrades etched in their hearts, our veterans rejoiced and savored the sweet taste of victory.

Little did they know that while the carnage and destruction of war had ended, they would be facing a new battle - one where victory would be far more elusive.

It would be battle where time, not bullets would ravage their ranks.

It would be a fight where the pain of inequity, not the bayonet charges of the enemy, would force them to once again witness their comrades fall, one by one.

This would be a quest for victory that would once more demand that they give the full measure of courage and sacrifice they had unselfishly shown in the trenches of Bataan and Corregidor, in the jungles and mountains throughout the archipelago and on the crimson roads of the Death March.

Today, few of these living symbols of the very freedoms and liberties that we now enjoy, remain. By the end of this month, many more would have fallen.

But they have not been alone in this quest for a final victory.

Many in the US Congress have stood boldly by our brave soldiers. Their profound sense of history and commitment to the common values that both our countries share and have fought for, have given all of us renewed hope for justice, fairness and equity.

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In this quest, Filipino-American groups, US veterans organizations like the American Legion, the Veterans of Foreign Wars, the Vietnam Veterans of America and as well as individuals have also marched unflinchingly, side by side with our veterans.

Many of these groups and individuals are with us today, and we thank them for their invaluable and tireless work and for their commitment and dedication.

Mr. Chairman, the Philippine Government and the Filipino people continue to maintain that the Filipino soldiers who fought and served under the US Army during WWII, specifically during the period between July 1941 to October 1945, are US veterans under then existing US laws and are entitled to all benefits due a US veteran.

We therefore welcome the filing and urge the passage of S. 57 and its companion bill in the House, H.R. 760 into law, "to amend Section 107 of title 38, United States Code to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs".

We make this call based on assertions that are supported by clear facts and historical records.

I have attached to this statement a reiteration of our arguments and respectfully request that these be made part of the record.

Mr. Chairman and members of the Committee, Filipino WWII veterans were treated unfairly by the 79th Congress and the US Government in 1946 by the enactment of PL 79-30, otherwise known as the Rescission Act of 1946.

At a critical juncture in both our countries' history, Filipino veterans had willingly responded to the urgent call of President Franklin Delano Roosevelt.

They readily left their families and homes for an uncertain fate.

They fought valiantly, bravely and with uncommon courage. They went into combat against great odds and often lacking the support that they had been promised.

Out of the 470,000 reported by the VA in 1946 less than 20,000 remain - 13,000 in the Philippines and 7,000 in the United States.

Those who remain have very little time left. Many are sick and infirm.

I ask, on behalf of a nation that has stood by yours in the name of freedom, liberty and democracy in World War II, in the decades of uncertainty after, and in facing today's new and grave challenges, to let these old soldiers have their final victory.

We ask that they be allowed to end this last chapter of a war they had fought so hard to win - with their dignity intact and with the honor that they so truly deserve.

Thank you.

Legal, Moral and Historical Basis for Filipino Veterans Full Equity

We have based our arguments on the following facts verifiable from US Congress archives:

1. The Philippines was then a Colony of the US - The Philippines was then a colony of the US and the US President, under the Tydings-McDuffie Act of 1934 (also known as the Philippine Independence Act of 1934) was vested with the authority to call the Philippine Commonwealth Army and other forces so organized to serve under the US Army. This power was exercised by President Franklin Roosevelt on July 26, 1941.
2. The US Assumed Command of All Forces - Shortly thereafter, General MacArthur having been designated the Commander of the newly organized United States Army Forces in the Far East with Headquarters in Manila issued an order assuming command of all US Army Forces in the Philippines including the Commonwealth Army of the Philippines.
3. Public Law 79-301 was Grossly Unfair - On February 18, 1946, barely five months before the scheduled independence of the Philippines, Public Law 79-301, now famously known as the Rescission Act of 1946, was enacted into law. Included in this rider was the appropriation of \$200M to the Philippine Army with the proviso that "service in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the armed forces of the United States pursuant to the military order of the President of the United States dated July 26, 1941, shall not be deemed to be or to have been service in the military or naval forces of the US or any component thereof for any law of the US conferring rights, privileges or benefits upon any such person by reason of service of such person or any other person in the military or naval forces of the US or any component thereof."
4. Key US Officials Admitted Eligibility for Equity - During the hearing for Public Law 79-301 the head of the US Veterans Administration was called to testify. His testimony included the following: there were 472,000 Filipino WWII veterans in 1946, they were eligible to VA benefits (THE SERVICE OF THE FILIPINO COMMONWEALTH ARMY INTO THE US ARMED SERVICES DURING WWII HAVE MET THE STATUTORY DEFINITION OF A US VETERAN), and it would cost the US \$3.2B: to cover Filipino WWII Veterans on equal basis with their American counterparts.
5. Statement of President Harry S. Truman Clearly Recognized that Filipino Veterans Deserved Equity - Before signing PL 79-301 into law, President Harry S. Truman started:
 - a. The effect of this rider is to bar Philippine Army veterans from all benefits under the GI Bill of Rights with the exception of disability and death benefits.
 - b. The passage and approval of this legislation does not release the US from its moral obligation to provide for the heroic Philippine veterans who sacrificed so much for the common cause during the war.
 - c. Philippine Army veterans are nationals of the US and will continue in that status until July 4, 1946. They fought as American nationals, under the American flag, and under the direction of our military leaders.

d. He considers it a moral obligation of the United States to look after the welfare of the Philippine Army veterans.