

**[ MSB DEPARTMENT ORDER NO. 41, S. 2010,  
February 18, 2010 ]**

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

*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, whichever 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