

A Battle Not Won: Forging the Filipino World War II Veteran's Claim for Benefits Against the United States of America

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38 *ATENEO L.J.* 219 (1994)

SUBJECT(S): CONSTITUTIONAL LAW

KEYWORD(S): IMMIGRATION ACT OF 1990, VETERAN BENEFITS

This Note studies the case of Filipino World War II veterans. It shows who called them to active military service, what promises were made to them, and what they got in comparison with what their American comrades-in-arms received. It also discusses what US citizenship under Section 405 of the Immigration Act of 1990 offers and entails. Lastly, it presents recommendations for a possible resolution to the case.

The Note is divided into five Parts. The first Part provides a historical background of the claim for wartime benefits against the United States of America, which includes the United States Constitution, the Tydings-McDuffie Law, National Defense Act, Military Orders, and U.S. Appropriation acts. It also discusses the promises made by the USAFFE to the Philippine Army. The second Part, meanwhile, examines the efforts made by the country to resolve the claim of war veterans. Details of Section 405 of the U.S. Immigration Act of 1990, which grants US citizenship to Filipino World War II veterans, are discussed in the third Part of the Note, while a discussion on the benefits granted to the veterans by Section 405, such as the rights and privileges of an American citizen, pensions, educational benefits, vocational rehabilitation privileges, burial benefits, hospitalization and medical care privileges, and more are found in the fourth Part. Unfortunately, these benefits were denied to Filipino veterans due to the enactment of Rescission Act of 1946, amending certain sections of the United States Code.

The Note goes on to discuss, analyze, and critique jurisprudence on the matter, namely, *Filipino American Veteran's Association v. U.S.A.* and *Domingo Quiban v. United States Veterans Administration*. The fifth Part of the Note discusses the important legal implications of American Naturalization under Section 405 and its drawbacks, such as limitations on the right to exercise a profession or calling and right to acquire land and utilize natural resources. The Author thus recommends that there should be an active representation by the Philippine Government to the United States for the resolution of these claims. Another would be a persistent follow-up for the resumption of talks regarding matters the resolution of which was deferred for further

discussion. Lastly, legislation providing for certain exemptions to Filipino veterans should be enacted to obviate the disadvantages brought about by American naturalization.