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JGL Eye

By JOSEPH G. LARIOS

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Fr. Entines Believes that All Filipino WW-II Veterans Became U.S. Citizens When They Were Conscripted by the U.S. Army

C HICAGO (*jGLi*) – If the Rescission Act of 1946 were a two-legged animal, it would not be a man but a monster.

It is a Frankenstein created and passed by the 79th U.S. Congress when it was signed into law by President Harry S. Truman 65 years ago on Friday, Feb. 18. This Act deprived Filipino veterans from receiving benefits for their services during World War II based on the Selective Service Training Act enforced at that time.

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Mr. Truman had an opportunity to nip this monster in the bud when he said owing to “practical difficulties in making payments to Philippine Army veterans under the G.I. Bills of Rights.” But he went on to sign it saying, “The passage and approval of this legislation do not release the United States from its moral obligation to provide for the heroic Philippine veterans who sacrificed so much for the common cause during the war.”

President Truman could just have easily vetoed it or returned it Congress with a note that the \$200-million allocation to rebuild the Philippine infrastructure destroyed during the war be given to the Filipino veterans, instead, of the Philippine government as payment for their war services. As a result, the veterans returning from the ravages war were left destitute after the war.

There have many attempts to slay this monster. But the weapons they used only made this Frankenstein more invincible.

U.S. CONGRESS COULD NOT DISMANTLE THE MONSTER

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On May 12, 1989, there were two cases – Quiban v. U.S. Veterans Administration and Quizon v. U.S. Veterans Administration – in which the U.S. District Court of District of Columbia declared the Rescission Act of 1946 unconstitutional. But the U.S. Circuit Court of Appeals for the District of Columbia reversed the ruling, leaving it to Congress to “rectify the injustice.”

The U.S. Congress tried very hard to dismantle this monster. But it could not press the right button. This monster has been indestructible, perhaps, loaded with an Energizer as it keeps on going and going in breaking the hearts of the dying Filipino veterans up to this day.

In 2009, Sen. Daniel K. Inouye (D-HI) championed the cause of the Filipino veterans by inserting the Filipino Veterans Equity Compensation Fund as a rider into the omnibus American Recovery and Reinvestment Act (ARRA) that was signed by the President Barack Obama. But the monster still rears its ugly head – the Filipino veterans whose nationality were not asked before being conscripted into the war were later asked when the time for them to collect their token compensation came: U.S. citizen veterans will get one-time \$15,000 and non-U.S. citizen veteran, \$9,000.

The monster still rears its ugly head – the Filipino veterans whose were not asked for proof of citizenship before being conscripted into the war were later asked when it was time to collect their token compensation.

Adding insult to injury, the U.S. citizen veterans were asked to sign a “quit claim” so that they can no longer claim benefits that other U.S. veterans collect.

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Some U.S. veterans, whose claims for these benefits were denied, and 22 widows whose veteran-husbands died before they could file claims for benefits have to take matters into their hands. They have asked lawyers Arnedo S. Valera and Eleuterio C. Tomas to file a case for declaratory, injunctive and mandamus before U.S. District Court of Northern California in San Francisco that they be given “the same compensation as other (U.S.) veterans who were in active service” invoking the equal protection clause of the 14th Amendment and using the passage of ARRA as the basis for their claims. They insist that the ARRA had overturned the Rescission Act of 1946.

But Fr. Prisco Entines, son of a Filipino World War II veteran, has a better idea. He is looking for a lawyer, who can help him file a declaratory relief on behalf of all veterans, perhaps, believing in the oft-quoted phrase in the movie, “Field of Dreams:” “If you build it, they will come.”

Fr. Entines believes the bone of contention that should be resolved first by the court is this: When the veterans were forced into war by President Roosevelt, were they all U.S. Citizens?

ALL FILIPINO WW II VETERANS ARE U.S. CITIZENS

Trumanesque Frankenstein Now a Senior Citizen - MabuhayRadio

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Fr. Entines believes all Filipino World War II veterans were all U.S. Citizens when they answered the conscription.

He believes when the United States paid Spain \$20-million upon signing of the Treaty of Paris on Dec. 10, 1898, by acquiring Guam, Puerto Rico and Philippines, all Filipinos born in the Philippines from the signing of the treaty until U.S. granted independence to the Philippines in 1946 were all U.S. Citizens.

Fr. Entines asked if Guamanians and Puerto Ricans were automatically considered U.S. Citizens following the treaty, why are Filipinos, who were a Commonwealth of the U.S. during that time, were exempted from becoming U.S. Citizens?

But what gives Father Entines a stronger hand in his advocacy is that even the natives of Northern Marianas Islands, which was initially a trust-territory-turned Commonwealth of the U.S., were recently declared instant-mass-naturalized U.S. Citizens by virtue of the recent case of Sabangan v. Collin Powell (2004) before the U.S. Court of Appeals, Ninth Circuit.

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In this case, the court declared, “All persons born in the Northern Mariana Islands who are citizens of the Trust Territory of the Pacific Islands or domiciled in the Northern Mariana Islands or in the United States or any territory or possession thereof ... are U.S. Citizens.”

The U.S. government capitulated in the case when it admitted that the “U.S. Congress has power to confer citizenship on persons born in territories of Alaska, Guam, Hawaii and Puerto Rico.” But the main argument in favor of Northern Mariana Islands is the application of section 1 of the 14th Amendment that provides, “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”

There are other laws passed by U.S. Congress that supports Father Entines’ view that all Filipinos born during the Commonwealth period are U.S. Citizens.

OTHER LAWS FAVOR U.S. CITIZENSHIP OF NATIVE FILIPINOS

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One of them is the Act of March 24, 1934. And the other one is Act of May 9, 1918, amending section 4 of the Act of June 29, 1906, which provides that "Any native-born Filipino of the age of twenty-one years and upward, who has declared his intention to become a citizen of the United States and who has enlisted or may enlist in the United States Navy or Marine Corps or Naval Auxiliary Service, and who, after service of not less than three years, may be honorably discharged there from, or who may receive an ordinary discharge with recommendation for enlistment ... is eligible for naturalization." (See

Roque Espiritu dela Ysla v. United States No. 7642

, May 20, 1935, Circuit Court of Appeals, Ninth Circuit). # # #

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