

The Validity of the Acts of the Government During the Japanese Occupation

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I

INTRODUCTION

ON January 2, 1942, the Japanese Forces occupied the City of Manila, and on the next day their Commander-in-Chief proclaimed "the Military Administration under martial law, over the districts occupied by the Army." In said proclamation, it was also provided that "so far as the Military Administration permits, all the laws now in force in the Commonwealth, as well as executive and judicial institutions, shall continue to be effective for the time being as in the past."

A civil government or central administrative organization under the name of "Philippine Executive Commission" was organized by Order No. 1 issued on January 23, 1942 by the Commander-in-Chief of the Japanese forces in the Philippines, and the Chairman thereof was instructed to proceed to the immediate coordination of the existing central administrative organs and judicial courts, based upon what had existed theretofore.

The Chairman of the Executive Commission issued Executive Orders Nos. 1 and 4, dated January 30 and February 5, 1942, respectively, in which courts under the Commonwealth were continued with the same

jurisdiction, in conformity with the instructions given to him by the Commander-in-Chief of the Japanese forces in the Philippines in the latter's Order No. 3 of February 20, 1942. Section 1 of said Order provided that "activities of the administrative organs and judicial courts in the Philippines shall be based upon the existing statutes, orders, ordinances and customs x x x."

On October 14, 1943, the so-called Republic of the Philippines was inaugurated, but no substantial change was effected thereby in the organization and jurisdiction of the different courts that functioned during the Philippine Executive Commission, and in the laws they administered and enforced.

On October 23, 1944, a few days after the landing in Leyte, General MacArthur issued a proclamation which among other things declared that "all laws, regulations and processes of any other government in the Philippines than the said Commonwealth are null and void and without legal effect in areas of the Philippines free of enemy occupation and control."

On February 3, 1945, the City of Manila was partially liberated and on February 7, 1945, General MacArthur, on behalf of the government of the United States, solemnly dec-

lared "the full powers and responsibilities under the Constitution restored to the Commonwealth whose seat is here reestablished as provided by law."

These facts and events have given rise to numerous legal questions, one of the most important of which is whether or not the laws, regulations and processes of the Japanese Military Administration, the Philippine Executive Commission and the so-called Republic of the Philippines are valid and binding upon their proper subjects.

II

THE CO KIM CHAM CASE

The question was first presented before our Supreme Court in the case of *Co Kim Cham v. Tan Keh*.¹ It was a petition for mandamus in which Co Kim Cham, the petitioner, prayed that the respondent judge of the lower court be ordered to continue the proceedings in a civil case which were initiated under the regime of the so-called Republic of the Philippines. The respondent judge refused to continue the proceedings on the ground that the proclamation issued by General MacArthur had the effect of invalidating all judicial proceedings and judgments of the courts under the occupation governments, and that the lower courts have no jurisdiction to continue judicial proceedings pending in the courts of said governments in the absence of an enabling law granting such authority. And the same respondent judge contended that said governments were not *de facto* governments.²

¹ 41 O. G. 779.

² *Co Kim Cham Case*, *supra*, p. 785.

³ *Id.*, p. 792.

⁴ *Id.*, pp. 789-790, citing *Thorington v. Smith*, 8 Wall (US) 1; *U. S. v. Rice*, 4 Wheaton 253; and *Fleming v. Page*, 9 How (US) 614.

⁵ *Id.*, p. 787, Commenting on article 43 of the Hague Convention of 1899.

⁶ *Id.*, p. 785.

^{6a} See our comments under Dissenting Opinions, *in-ra*; See also conclusion, par. 5, *infra*.

A.

THE MAJORITY OPINION

The majority opinion penned by Justice Feria, concurred in by Chief Justice Moran, Justices Paras, Jaranilla and Pablo, and by Justice de Joya in a separate concurring opinion, resolved three principal questions. The first was whether acts and proceedings of the courts of the occupation governments were valid and remained so even after the liberation of the Philippines. The Court held that the acts and proceedings of those courts, which were not of political complexion, were valid.³ The majority argued that the Philippine Executive Commission and the so-called Republic of the Philippines were civil governments established by the military forces of occupation and therefore were *de facto* governments of the second kind, namely, governments of paramount force.⁴ As the belligerent occupant has the right and is burdened with the duty to insure public order and safety during the occupation, he possesses all the powers of a *de facto* government.⁵

The majority further said that "it is a legal truism in political and international law that all acts and proceedings of the legislative and executive and judicial departments of a *de facto* government are good and valid."⁶ This statement seems too broad in scope as there are acts of the military occupant which may not be valid, even during the continuance of the occupation, such as, acts which the military occupant has no authority to do under the laws of war.^{6a}

What occurred or was done in respect of such matters under authority

of the laws of these local *de facto* governments (referring to the Confederate Governments during the American civil war) should not be held to be invalid "because the existence of war between the United States and the Confederate States did not relieve those who were within the insurrectionary lines from the necessity of civil obedience, nor destroy the bonds of society, nor do away with civil government or the regular administration of the laws, and because transactions in the ordinary course of civil society as organized within enemy's territory, although they may have indirectly or remotely promoted the ends of the *de facto* or unlawful government organized to effect a dissolution of the Union, were without blame except when proved to have been entered into with actual intent to further invasion or insurrection."⁷

And by virtue of the well-known principle of postliminy (*postliminium*) in international law, the judicial acts and proceedings of the courts of justice of the occupation governments, which are not of political complexion, were good and valid. "According to that well-known principle of international law, the fact that territory which has been occupied by an enemy comes again into the power of its legitimate government or sovereignty 'does not, except in a very few cases, wipe out the effects of acts done by an invader, which for one reason or another it is within his competence to do. Thus judicial acts done under his control, when not of a political complexion, administrative acts done to the extent that they take effect during the continuance of his control, and the va-

rious acts done during the same time by private persons under the sanction of municipal law, remain good.'"⁸

"That not only judicial but also legislative acts of *de facto* governments, which are not of a political complexion, are and remain valid after reoccupation of territory occupied by a belligerent occupant, is confirmed by the Proclamation."⁹ This is of course *obiter dictum* inasmuch as the question before the court was confined to the judicial process of the Japanese occupation governments.

The second question was whether the October Proclamation has invalidated all judgments and judicial acts and proceedings of the said courts. The majority held that the only reasonable construction of the phrase "processes of any other government" is that it refers to governmental processes other than judicial processes.¹⁰ "Since the proclamation provided that 'all laws, regulations and processes of any other government in the Philippines than that of the said Commonwealth are null and void,' the word 'processes' must be construed to refer to the Executive Orders of the Chairman of the Philippine Executive Commission, Ordinances promulgated by the President of the so-called Republic of the Philippines, and the Constitution itself of said Republic, and others that are of the same class of laws and regulations with which the word 'processes' is associated."¹¹

The reason advanced by the majority was that, inasmuch as under the principles of international law, all judgments and judicial proceedings,² which are not of a political complexion, of *de facto* governments are

⁷ *Id.*, p. 789, citing *Baldy v. Hunter*, 171 U.S. 338, 400.

⁸ *Id.*, p. 792, citing Hall, *International Law*, 7th ed., p. 518.

⁹ *Id.*, p. 793, stating that this is implied in General MacArthur's Proclamation.

¹⁰ *Id.*, p. 793.

¹¹ Resolution of the Court on a motion for Reconsideration, *Co Kim Cham Case*, Nov. 16, 1946, 42 O. G. 1513, 1519.

² Hall, cited by the majority on the principle of postliminy did not make any distinction.

good and valid, and remain so after the occupied territory has come again into the power of the titular sovereign, it should be presumed that it was not, and could not have been, the intention of General MacArthur to invalidate judicial processes, in violation of said principles. According to a well-known rule of statutory construction set forth in 25 RCL, p. 1028, 'a statute ought never to be construed to violate the law of nations if any other possible construction remain.'³ "Moreover from a contrary construction great inconvenience and public hardship would result, and great public interests would be endangered and sacrificed, for disputes and suits already adjudged would have to be again settled, accrued or vested rights nullified, sentences passed on criminals set aside, and criminals might easily become immune for evidence against them may have already disappeared or be no longer available x x x. And it is another well-established rule of statutory construction that where great inconvenience will result from a particular construction, or great public interests would be endangered or sacrificed, or great mischief done, such construction is to be avoided, or the court ought to presume that such construction was not intended by the makers of the law, unless required by clear and unequivocal words."⁴

"The mere conception or thought of a possibility that the titular sovereign or his representatives who reoccupies a territory occupied by an enemy, may set aside or annul all the judicial acts or proceedings of the tribunals which the belligerent occupant had the right and duty to establish in order to insure public

order and safety during military occupation, would be sufficient to paralyze the social life of the country or occupied territory for it would have to be expected that litigants would not willingly submit their litigation to courts whose judgments or decisions may afterwards be annulled, and criminals would not be deterred from committing crimes or offenses in the expectancy that they may escape the penalty if judgments rendered against them may be afterwards set aside."^{4a}

"If a belligerent occupant is required to establish courts of justice in the territory occupied, and forbidden to prevent the nationals thereof from asserting or enforcing therein their civil rights, by necessary implication, the military commander of the forces of liberation or the restored government is restrained from nullifying or setting aside the judgments rendered by said courts in their litigation during the period of occupation. x x x It goes without saying that a law that enjoins a person to do something will not at the same time empower another to undo the same."⁵

Without deciding whether the restored sovereign can invalidate the judicial acts of the occupation governments in view "of the fact that the proclamation uses the words 'processes of any other government' and not 'judicial processes' precisely."⁶ The majority further held that "there is no doubt that the subsequent conqueror has the right to abrogate most of the acts of the occupier, such as the laws, regulations and processes other than judicial of the government established by the belligerent occupant."⁷

³ Co Kim Cham Case, *supra*, p. 793.

⁴ *Id.*, p. 794.

^{4a} *Id.*, pp. 793-794.

⁵ *Id.*, p. 797.

⁶ *Id.*, p. 796.

⁷ *Id.*, p. 796. See our comments on this point under Dissenting Opinions, *infra*.

The third question was whether the present courts may continue those proceedings pending in the courts of the occupation governments at the time the Philippines were liberated. The majority held that the courts of the Commonwealth government may continue exercising the same jurisdiction over cases not of political complexion pending therein before the restoration of the Commonwealth Government, unless and until they are abolished or the laws creating and conferring jurisdiction upon them were repealed by the said government.⁶

The reason was that "if the proceedings pending in the different courts of the Islands prior to the Japanese military occupation had been continued during the Japanese military administration, the Philippine Executive Commission, and the so-called Republic of the Philippines, it stands to reason that the same courts, which have become reestablished and conceived of as having been in continued existence upon the reoccupation and liberation of the Philippines by virtue of the principle of postliminy (Hall, *International Law*, 7 ed., p. 516), may continue the proceedings in cases then pending in said courts, without necessity of enacting a law conferring jurisdiction upon them to continue said proceedings."⁷

B.

THE DISSENTING OPINIONS OF JUSTICES PERFECTO AND HILADO

In dissenting from the majority opinion, both Justices Perfecto and Hilado held that the phrase "all processes" in the October proclamation includes not only the executive and legislative but also the judicial pro-

cesses of the occupation government.⁸ This seems to be the better interpretation of the phrase. As Justice Perfecto said, "if the reasoning of the majority to the effect that General MacArthur could not refer to judicial processes because they are good and valid in accordance with international law, why should the same reasoning not apply to legislative and executive processes?"⁹

They further held, however, that the proclamation had the effect of invalidating all the acts, whether legislative, executive or judicial, of those governments.¹⁰ They argued that General MacArthur had full legal authority to invalidate all the acts of those governments.¹

As to whether the restored sovereign can invalidate judicial proceedings of the occupation governments, the majority did not make any holding.² But they did hold that he has the power to abrogate their legislative and executive processes.³ It is believed, however, that, pursuing the reasoning of the majority to the reasonable limits of its logic, General MacArthur did not have the power to invalidate the acts of the occupation governments, whatever the nature of those acts may be. It should be noted, as already stated, that Hall who was cited by the majority did not make any distinction when he said that the return of the legitimate sovereign does not wipe out, except in a very few cases, the effects of the acts done by the invader which for one reason or another it is within his competence to do; and the majority did not make any distinction when they said that it is a legal truism that all acts, whether legislative, executive or judicial, of

⁶ *Id.*, pp. 801-802.

⁷ *Id.*, p. 799.

⁸ *Id.*, pp. 816, 840, 845.

⁹ *Id.*, p. 82.

¹⁰ *Id.*, pp. 811, 841, 845.

¹ *Id.*, pp. 811, 841, 845.

² See Majority Opinion, *supra*.

³ See Majority Opinion, *supra*.

de facto governments are good and valid. As already pointed out, however this statement of the majority seems too sweeping, and should be qualified so as to refer only to those acts which are within the competence of the military occupant to do.

The more accurate statement of the law seems therefore to be that the acts done by the invader, whether legislative, executive or judicial, which are within his competence to do under the laws of war are good and valid, such as, the judicial administrative and private acts mentioned by Hall and that not only judicial but also executive and legislative acts not of political complexion^{3a} and routinary governmental acts^{3b} remain good and valid after reoccupation. If this statement of the law is correct, it follows that the effects of the acts of the military occupant which under the laws of war he has authority to do cannot be wiped out by the returning sovereign; and that his legislative, executive and judicial acts which he has authority to do and which are not of political complexion, including his routinary governmental acts, cannot be invalidated by the returning sovereign, for a "law that enjoins a person to do something will not at the same time empower another to undo the same." The acts of the military occupant which he has no authority to do or which are of political complexion need not be invalidated by a declaration of the returning sovereign since they became *ipso facto* invalid upon reoccupation by mere operation of law.

The majority based their opinion that the restored sovereign can abrogate legislative and executive acts of the occupation governments on

Wheaton's statement, cited by the respondent judge, that "when it is said that an occupier's act are valid and under international law should not be abrogated by the subsequent conqueror, it must be remembered that no crucial instance exists to show that if his acts should be reversed any international wrong would be committed. What does happen is that most matters are allowed to stand by the restored government, but the matter can hardly be put further than this. (Wheaton, International Law, War, 7th English edition of 1944, p. 245.)"⁴

But as the same majority subsequently stated in their resolution on a motion for reconsideration of their decision in the Co Kim Cham Case, "the said judicial acts which apply the municipal laws, that is, such as affect private rights of persons and property and provide for the punishment of crimes, are good and valid even after occupation has ceased, although it is true that no crucial instances exist to show that, were they reversed or invalidated by the restored or legitimate government, international wrong would be committed, it is none the less true and evident that by such abrogation national wrong would be caused to the inhabitants or citizens of the legitimate government."⁵

The abrogation of some legislative acts, such as the New Divorce Law, so as to declare it void *ab initio* would also cause a similar national wrong and make marriage contracted after the divorce obtained under said law illegal, and all children born thereto illegitimate, without any fault on their part. The majority therefore should not have made any distinction at all.

^{3a} It should be noted that Hall merely gives judicial acts not of political complexion as one of the examples of the general statement he first made and should therefore not be deemed exclusive and exhaustive.

^{3b} George W. Hopkins Claims, 21 Amer. Journal of International Law, (1927) p. 160.

⁴ Co Kim Cham Case, *supra*.

⁵ Resolution on the Co Kim Cham, *supra*.

It is true as Justice Perfecto said that "in times of war the Commander-in-Chief of an army is vested with extraordinary inherent powers."⁶ But the commander of the armed forces of the returning sovereign derives those powers from the laws of war and is subject to the limitations imposed by those laws.⁷ He cannot therefore invalidate acts which according to those laws are valid,⁸ such as alterations of the municipal laws of an occupied territory made by the military occupant for the protection of his army or the successful prosecution of his war.⁹

Justice Hilado further urged that "if the power to establish here such a provisional government is recognized in the Commander-in-Chief of the invasion army, why should we not recognize at least an equal power in the Commander-in-Chief of the liberation army to overthrow that government with all of its acts, at least those of an executory nature upon the time of liberation? Considering the theory maintained by the majority, it would seem that they would recognize in the Japanese Commander-in-Chief the power to overthrow the Commonwealth Government, and all of its acts and institutions if he had chosen to."¹⁰

It seems however that the majority did not hold that the military occupant has an unlimited power to overthrow all the acts of the legitimate government. They held that the military occupant can make only such alterations of the municipal laws of the occupied territory and execute only such acts as are necessary for the protection of his army and for the successful prosecution of his war, and that the military occupant can-

not alter those municipal laws needlessly.¹¹ As a matter of fact, the Japanese Commander-in-Chief in his proclamation of January 3, 1942 declared that "so far as the military administration permits all the laws now in force in the Commonwealth as well as executive and judicial institutions shall continue to be effective for the time being as in the past."

The reasonable conclusion seems therefore to be that General MacArthur had no authority to invalidate the acts of the occupation governments which under the laws of war were validly done; and that while the proclamation should be deemed to refer to all acts of the occupation governments, without any distinction, it should not be considered as having the effect of invalidating any of the acts of the occupation governments.

This does not however make the proclamation a "mere surplusage or an ornamental literary appendix" as Justice Perfecto put it. The proclamation is a declaration of a legal fact, namely, the invalidity of the acts of the occupation governments which, under the laws of war, from which are derived the powers of those governments, they could not have validly done or which if they could, ceased to be valid after reoccupation by virtue of incompatibility with the new circumstances brought about by the return of the legitimate government. The proclamation thus provides a positive basis for determining the nature of those acts and removes all doubts as to the invalidity of those acts which under the laws of war are invalidated upon reoccupation or are invalid *ab initio*.

⁶ Co Kim Cham Case, p. 811.

⁷ *Id.*, Majority Opinion, pp. 787-788, citing Halleck, Vol. 2, p. 444.

⁸ See Peralta Case, *infra*, p. 213, citing Wheaton's International Law, Part II, War, pp. 97, 98, stating that in general the acts of the occupant poses legal validity and that under international law they should not be abrogated by the subsequent government.

⁹ The Peralta Case, *infra*; see also Co Kim Cham Case, *supra* p. 787, commenting on article 43 of the Hague Convention of 1899.

¹⁰ *Id.*, 849.

¹¹ See Majority Opinion, *supra*; see also Peralta Case, *infra*.

With regards to the argument of the majority concerning the adverse consequences to some individuals arising out of the annulment of all judicial processes under the Japanese regime, Justice Perfecto said that "the tribunals are not guardians of the legislative authorities, either an army commander-in-chief, during war, or a normal legislature, in peace time. The tribunals are not called upon to guide the legislative authorities as to the wisdom of the laws to be enacted."⁸ He further said that "we can conceive of inconveniences and hardships, but they are necessary contributions to great and noble purposes."⁹

On this point, Justice Hilado declared that the party so complaining in voluntarily resorting to such courts should be prepared to assume the consequences of his voluntary acts. His convenience should not be allowed to visit upon the majority of the inhabitants of this country the direct consequences of a sweeping and wholesale validation of judicial proceedings in those courts. It is a fact of general knowledge that during the Japanese occupation, the overwhelming majority of our people were literally afraid to go to any place where there were Japanese sentries. It should be easy to realize how hard it was for instance to procure the attendance of witnesses. Under such conditions, cases of denial of a party's day in court, as known in our constitutional government, were to be expected.¹⁰ While all these may be true, those who have been so prejudiced are not without remedy. In a subsequent case¹ the court

has indicated that a direct action to annul such judgments may be instituted.

Justices Perfecto² and Hilado³ both held that in order to continue the proceedings upon the liberation of the Philippines, a legislative enactment is necessary. In support of his opinion, Justice Perfecto cited *Cabantag vs. Wolfe*, 6 Phil 273⁴ and the *Grape-shot Case*, 9 Wall (US) 131-133.⁵ He further stated that judgments of rebel courts in Louisiana were "convalidated by constitutional provisions," citing the case of *Mechanic's, etc. Bank v. Union Bank* (22 Wall (US) 281)⁶; and that even among sister states of the United States judgments are not executory.⁷

Justice Hilado further contended that the Philippine Executive Commission and the so-called Republic of the Philippines were not *de facto* governments.⁸ He argued that the renunciation in our Constitution and in the Kellogg-Briand Pact of war as an instrument of national policy rendered inapplicable the rules of international law authorizing the belligerent Japanese army of occupation to set up a provisional *de facto* government in the Philippines, because Japan started war treacherously and emphasized war as an instrument of national policy.⁹

The majority of the Court in its resolution on a motion for the reconsideration of their decision in the *Co Kim Cham* case said in reply to this contention that "the provisions of the Hague Convention which impose upon a belligerent occupant the duty to continue the courts as well

⁸ Id., p. 840.

⁹ Id., p. 829.

¹⁰ Id., p. 860-861.

¹ *Asican v. Quirino*, 42 O. G. 1507; see other cases, *infra*.

² *Co Kim Cham Case*, p. 833, et. seq.

³ Id., p. 862.

⁴ Id., p. 836.

⁵ Id., p. 837.

⁶ Id., pp. 837-838.

⁷ Id., p. 838.

⁸ Id., p. 852.

⁹ Id., p. 835 et seq.

as the municipal laws in force in the country unless absolutely prevented" were not inserted for the benefit of the invader but for the "protection and benefit of the people or inhabitants of the occupied territory and of those not in the military service, in order that the ordinary pursuits and business of society may not be unnecessarily deranged."⁹ It may also be pointed out that one of the basic principles of the laws of war is that the belligerents stand equally before the law, possessing equal rights and subject to the same duties.

Justice Hilado further urged that to give validity to the judicial acts of courts sponsored by the Japanese would be tantamount to giving validity to the acts of these invaders, and would be nothing short of legalizing the Japanese invasion of the Philippines.¹⁰ This argument is similar to the one advanced by justice Perfecto where he said that the author of the October Proclamation thought that "the laws, regulations and processes of all the branches of the governments established under the Japanese regime, if allowed to continue and to have effect, might be a means of keeping and spreading in our country the Japanese influence, with the same deadly effect as the mines planted by the retreating enemy."¹¹

In answering this argument, the majority declared that "to deny validity to such judicial acts would benefit the invader or aggressor, which is presumed to be intent upon causing as much harm as possible to the inhabitants or nationals of the enemy's territory, and prejudice the latter; it would cause more suffering to the conquered and assist the conqueror or invader in realizing his nefarious design; in fine, it would result in pe-

nalizing the nationals of the occupied territory, and rewarding the invader or his occupant for his act of treachery and aggression."¹² It may be added here that it is difficult to see how there could be any Japanese influence in the decision of our courts of justice under the governments in question where they have applied the same law in force during the Commonwealth, such as for instance, the law punishing bigamy, simply because the authority or the physical force behind the law was Japanese.

Justice Hilado further argued that the Philippines was a neutral territory inasmuch as the Philippine was not a territory of the United States, within the meaning of the laws of war governing war-like operations on enemy territory. To support this conclusion he reasoned out that our territory is significantly called "the National Territory" in Article I of our Constitution and has been recognized and admitted as a member of the United Nations. Hence, when the Japanese invaded the Philippines they violated the laws of neutrality and therefore could not validly establish any *de facto* government in the Philippines.¹³ We cannot agree with this contention. Under the elementary principles of political law and international law, the Philippines at that time could not be other than a territory over which the United States, through the Congress, had the supreme authority of a sovereign. In the proclamation itself, General MacArthur asserted the supreme authority of the Government of the United States over the Government of the Commonwealth.

Justice Hilado further held that the courts of the Commonwealth continued in the Philippines by the belligerent occupant became also courts

⁹ Resolution of the Supreme Court on the Co Kim Cham Case, *supra*, p. 1518.

¹⁰ Co Kim Cham Case, *supra*, 856, 869.

¹¹ *Id.*, p. 819.

¹² Resolution of the Court *supra*, pp. 1518-1519.

¹³ Co Kim Cham Case, *supra*, p. 854.

of Japan, and that their judgments and proceedings being acts of foreign courts cannot now be considered valid and continued by the courts of the Commonwealth government after the restoration of the latter.⁴ The majority in answering this contention said: "As we have already stated in our decision the fundamental reasons why said courts, while functioning during the Japanese regime, could not be considered as courts of Japan, it is sufficient now to invite attention to the decision of the Supreme Court of the United States in the case of the Admittance, *Jecker v. Montgomery* (13 Ho. (U. S.) 498, 14 L. ed. 240) in which it was held that the courts, established or sanctioned in Mexico during the war by the commanders of the American forces, were nothing more than the agents of the military power, to assist it in preserving order in conquered territory and to protect the inhabitants in their persons and property while it was occupied by the American army. They were subject to the military power, and their decisions under its control, whenever the commanding officer thought proper to interfere. They were not courts of the United States, and had no right to adjudicate upon a question of prize or no prize!"⁵

III

THE PERALTA CASE

The question was again presented before the Court in the case of *William F. Peralta v. The Director of Prisons*.¹ The "petitioner-defendant, a member of the Metropolitan Constabulary of Manila charged with the

supervision and control of the production, procurement and distribution of goods and other necessaries as defined in section 1 of Act No. 9 of the National Assembly of the so-called Republic of the Philippines, was prosecuted for the crime of robbery as defined and penalized by sec. 2(a) of Act No. 65 of the same Assembly. He was found guilty and sentenced to life imprisonment, which he commenced to serve on August 21, 1944, by the Court of Special and Exclusive Criminal Jurisdiction, created in section 1 of Ordinance No. 7 promulgated by the President of the so-called Republic of the Philippines, pursuant to the authority conferred upon him by the Constitution and laws of the said Republic. The procedure followed in the trial was the summary one established in Executive Order No. 157 of the Chairman of the Executive Commission, made applicable to the trial of violations of said Act No. 65."² The features of the summary procedure adopted by Ordinance No. 7 are: "that the court may interrogate the accused and witnesses before trial in order to clarify the points in dispute; that the refusal of the accused to answer the questions may be considered unfavorable to him; that if from the facts admitted at the preliminary interrogatory it appears that the defendant is guilty, he may immediately be convicted; and that the sentence of the court is not appealable except in the case of the death penalty which cannot be executed unless and until reviewed and affirmed by a special division of the Supreme Court composed of three Justices."³

⁴ *Id.*, p. 857, et. seq.

⁵ Resolution of the Court, *supra*, 1521.

¹ 42 O. G. 198.

² *Id.*, p. 202.

³ *Id.*, pp. 203-204.

The petitioner contended that the Court of Special and Executive Criminal Jurisdiction was a political instrumentality of the Japanese military forces, and therefore null and void *ab initio*; that the provisions of said Ordinance No. 7 are violative of the fundamental laws of the Commonwealth of the Philippines and the petitioner has been deprived of his constitutional rights; and that the petitioner herein is being punished by a law created to serve the political purposes of the Japanese Army in the Philippines.⁴ The Solicitor-General in behalf of the respondent argued that the Court of Special and Exclusive Criminal Jurisdiction and the summary procedure prescribed are tinged with political complexion; that the procedure prescribed does not afford a fair trial, violates the Constitution of the Commonwealth, and impairs the constitutional rights of the accused persons under their legitimate Constitution, citing the decisions of the Supreme Court of the United States in the cases of *Texas v. White* (7 Wall 700, 743); *Horn v. Lockhart* (17 Wall 570, 581); *United States v. Home Insurance Co.* (22 Wall 99, 104); and *Sprott v. United States* (20 Wall 459):

A.

THE MAJORITY OPINION

The Court held that the questions involved in the case cannot be decided in the light of the Constitution of the Commonwealth Government

but in accordance with the laws of war from which the power of the international law.⁵ The Constitution of the so-called Republic of the Philippines can neither be applied since the validity of an act of a belligerent occupant cannot be tested in the light of another act of the same occupant, whose criminal jurisdiction is drawn entirely from the law martial as defined in the usages of nations.⁶ The reason was that "the belligerent occupant was totally independent of the constitution of the occupied territory in carrying out the administration over said territory. The government established over an enemy's territory during the military occupation may exercise all the powers given by the laws of war to the conqueror over the conquered, and is subject to all restrictions which that code imposes."⁷

The majority went on to say that the doctrine laid down in the decisions of the Supreme Court of the United States in the cases cited by the Solicitor-General, *supra*, that the "judicial and legislative acts of the Confederate states which impaired the rights of the citizens under the Constitution of the United States or of the States, or were in conflict with those constitutions were null and void, is not applicable to the present case;" because "in the case of the Confederate States, the constitution of each State and that of the United States or the Union continued in force in those states during the war

⁴ *Id.*, p. 202.

⁵ *Id.*, p. 203.

⁶ *Id.*, p. 205. See also *Co Kim Cham Case*, *supra*, pp. 787-788, citing Halleck, Vol. 2, p. 444.

⁷ *Id.*, p. 205.

⁸ *Id.*, p. 204, citing Halleck, Vol. 2, p. 466.

of Secession, while the Constitution of the Commonwealth Government was suspended during the occupation of the Philippine by the Japanese government or the belligerent occupant at regular war with the United States." The decisions of the Supreme Court of the United States in those cases rest on the proposition that the Union is perpetual and indissoluble and that the obligations of allegiance to the state, and obedience to her laws, subject to the Constitution of the United States, remained unimpaired during the War of Secession. That proposition does not hold true with respect to a *de facto* government established by the enemy in an invaded and occupied territory in the course of a war between two independent nations.⁸ Justice Ozaeta, in concurring, expressed the same opinion."

The Court further held that the creation of the Court of Special and Exclusive Criminal Jurisdiction and the summary procedure adopted for that court were valid. The reason was that the "criminal jurisdiction established by the invader in the occupied territory finds its source neither in the laws of the conquering or conquered state—it is entirely from the martial law * * *. The so-called Republic of the Philippines, being a governmental instrumentality of the belligerent occupant, had therefore the power or was competent to create the Court of Special and Exclusive Criminal Jurisdiction. No question may arise as to whether or not a court is of a political complexion, for it is a mere governmental agency charged with the duty of applying the law to cases falling within its jurisdiction. Its judgments and sentences may be of a political complexion or not depending upon

the nature or character of the law so applied."¹⁰ Justice Ozaeta in concurring with the majority expressed the same opinion.¹

With respect to the summary procedure there is also no question as to the power of the belligerent occupant to promulgate the law providing for such procedure. The invader deals freely with the relations of the inhabitants of the occupied territory toward himself. For his security also, he declares certain acts, not forbidden by the ordinary laws of the country, to be punishable; and he so far suspends the laws which guard personal liberty as is required for the summary punishment of any one doing such acts.² A belligerent occupant "may where necessary, set up military courts instead of the ordinary courts and in case, and in so far as he admits the administration of justice by the ordinary courts, he may nevertheless, so far as is necessary for military purposes, or for the maintenance of public order and safety, temporarily alter the laws, especially the Criminal Law, on the basis of which justice is administered as well as the laws regarding procedure."³ The only restrictions or limitations imposed upon the power of a belligerent occupant to alter laws or promulgate new ones, specially the criminal law regarding procedure, so far as it is necessary for military purposes, that is, for his control of the territory and the safety and protection of his army, are those imposed by the Hague Regulations, the usages established by civilized nations, the laws of humanity and the requirements of public conscience. "It is obvious that the summary procedure under consideration does not violate these precepts. It cannot be considered as violating the laws of human-

⁸ Id., p. 206.

⁹ Id., p. 208.

¹⁰ Id., p. 207.

¹ Id., p. 223.

² Id., p. 207 citing Hall's International Law, 7th ed., p. 500.

³ Id., pp. 207-208, citing Oppenheim's International Law, Vol. II, 6th ed., 1944, p. 319.

ity and public conscience for it is less objectionable, even from the point of view of those who are used to the accusatory system of criminal procedure, than the procedural laws based on the semi-inquisitorial or mixed system prevailing in France and other countries."⁴

The Court further held that the sentence rendered by the Criminal Court was valid because the belligerent occupant was competent to promulgate Act No. 65 which punishes the crime for which the petitioner was convicted. The laws to be enforced by the occupant consists of, "first the territorial law in general, as that which stands to the public order and social and commercial life of the district in a relation of mutual adaptation, so that any needless displacement of it would defeat the object which the invader is enjoined to have in view, and secondly, such variations of the territorial law as may be required by real necessity and are not expressly prohibited by any of the rules which shall come before us. x x x Such variations will naturally be greatest in what concerns the relation of the communities and individuals within the district to the invading army and its followers, it being necessary for the protection of the latter, and for the unhindered prosecution of the war by them, that acts committed to their detriment shall not only lose what justification the territorial law might give them as committed against the enemies, but shall be repressed more severely than the territorial law would repress acts committed against fellow subjects,"⁵ "for the principal object of the occupant is to provide for the security of the invading army and to contribute to its support and efficiency and the suc-

cess of its operation."⁶ Although the crimes defined in Act No. 65 are defined in the Revised Penal Code, they were altered and penalized "with different and heavier penalties, as new crimes and offenses demanded by military necessity, incident to a state of war, and necessary for the control of the country by the belligerent occupant, the protection and safety of the army of occupation, its support and efficiency, and the success of its operation."⁷ "The acts penalized were taken out of the territorial law or Revised Penal Code, and referred to what is called martial law by international jurists, x x x in order, not only to prevent food and other necessities from reaching the 'guerrillas' which were harrasing the belligerent occupant from every nook and corner of the country but also to preserve the food supply and other necessities in order that in case of necessity, the Imperial Japanese forces could easily requisition them, as they did, and as they had the right to do in accordance with the law of nations for their maintenance and subsistence."⁸

The last question considered by the Court was the legal effect of the reoccupation of the Philippines and the restoration of the Commonwealth Government on the punitive sentence imposed on the petitioner. The Court held that the punitive sentence ceased to be valid from the time of the reoccupation of the Philippines by the United States Armed Forces. The reason was that "political acts fall through as of course, whether they introduce any positive change into the organization of the country, or whether they only suspend the working of that already in existence. The execution also of punitive sentences ceases as of course when they have

⁴ *Id.*, p. 208.

⁵ *Id.*, p. 208, citing Westlake, *International Law, Part II. War*, p. 96.

⁶ *Id.*, p. 207, citing the United States Rules of Land Warfare, Pub. 1940, pp. 76, 77.

⁷ *Id.*, p. 210.

⁸ *Id.*, p. 207.

had reference to acts not criminal by the municipal law of state, such for example as acts directed against the security or control of the invader."⁹ In general, the acts of the occupant possess legal validity, and under international law should not be abrogated by the subsequent government. But this rule does not necessarily apply to acts that exceed the occupant's power (e.g., alienation of the domains of the State or the sovereign), to sentences for 'war treason' and 'war crimes', to acts of a political character, and to those that operate beyond the period of occupation. When occupation ceases, no reparation is legally due for what has already been carried out."¹⁰

B.

CONCURRING OPINIONS

Justices Ozaeta, Perfecto, Hilado, De Joya, Briones and Paras, concurring in the result, wrote separate opinions, basing their conclusions on grounds differing from those of the majority.

Justices Perfecto and Hilado reiterated their dissenting opinions in the Co Kim Cham case.¹ Justice Paras advanced the opinion that the Act under which the petitioner was convicted was nullified by General MacArthur's proclamation dated October 23, 1944.²

The said dissenting opinions and the effect of General MacArthur's proclamation have been discussed in the Co Kim Cham Case.³

Justices De Joya,⁴ Perfecto⁵ and Briones⁶ declared that the laws in question violated constitutional guarantees and impaired the just and

legal rights of Filipino Citizens under the Commonwealth Constitution.

With regards to this point, the majority of the court declared that this reason cannot be relied upon to invalidate the judgment for the reason that the questions invoked in the present case cannot be decided in the light of the Constitution of the Commonwealth Government, because the belligerent occupant was totally independent of the constitution of the occupied territory.⁷

Justices Perfecto⁸ and Ozaeta⁹ were of the opinion that the summary procedure prescribed in Ordinance No. 7 was inquisitorial and repugnant to the humanitarian method of administering justice adopted by civilized nations.

The majority of the court said relative to this point that the procedure is less objectionable than the procedural laws based on the semi-inquisitorial or mixed system prevailing in France and other countries.¹⁰

Justices Ozaeta¹ and Perfecto² maintain that Ordinance No. 7 violated the Hague Convention of 1899, the occupant not having been absolutely prevented from respecting our law of criminal procedure.

The majority disposed of this argument by citing Hall and Oppenheim who said in substance that the invader deals freely with the inhabitants of the occupied territory toward himself and may, for military purposes, or for the maintenance of public order and safety, temporarily alter the laws, especially the Criminal law, as well as the laws regarding procedure.³

¹⁰ Id., p. 213, citing Wheaton's International Law, *supra*, p. 245.

¹ Peralta case, *supra*, pp. 236, 251.

² Id., p. 228.

³ See Dissenting Opinions in Co Kim Cham Case, *supra*.

⁴ Peralta Case, *supra*, p. 254.

⁵ Id., p. 237.

⁶ Id., p. 258.

⁷ Id., See Majority Opinion, *supra*.

⁸ Id., p. 250.

⁹ Id., p. 223.

¹⁰ Id., See Majority Opinions, *supra*.

¹ Id., p. 223.

² Id., p. 245.

³ Id., See Majority Opinion, *supra*.

Justice Briones⁴ believes that the decisions of the Supreme Court of the United States regarding the acts of rebel states or the confederacy during the American Civil War should apply to the acts of the occupation governments.

It was stated in the majority opinion that said decisions are not applicable to the present case because the decision in those cases rest on the proposition that the Union is perpetual and indissoluble and that the obligations of allegiance to the state, and obedience to her laws remained unimpaired during the War of Secession, and that that proposition does not hold true with respect to a *de facto* government established by the enemy in an invaded and occupied territory in the course of a war between two independent nations.⁵

Justice Hilado argues against the recognition of the occupation governments as *de facto* governments on the ground that the acts of the government that the belligerent occupant establishes are made binding only upon those inhabitants from whom obedience could be effectively exacted; that during the Japanese occupation, the overwhelming majority of the people never submitted to the Japanese invaders and that only a small majority submitted to the invaders.⁶

In the minutes of the Supreme Court of November 16, 1945⁷ the majority said that "according to the Rules of Land Warfare of the United States Army, belligerent or so-called military occupation is a question of fact. It presupposes a hostile invasion as a result of which the invader has rendered the invaded government in-

capable of publicly exercising its authority, and that the invader is in a position to substitute and has substituted his own authority for that of the legitimate government of the territory invaded."⁸ "Belligerent occupation must be both actual and effective. Organized resistance must be overcome and the forces in possession must have taken measures to establish law and order. It doubtless suffices if the occupying army can, within a reasonable time, send detachments of troops to make its authority felt within the occupied district."⁹

The majority held that the belligerent occupation of the Philippines by the Japanese became an accomplished fact from the time General Wainwright, Commander of the American and Filipino forces in Luzon, and General Sharp, Commander of the forces in Visayas and Mindanao, surrendered and ordered the surrender of their forces to the Japanese, and the Commonwealth government had become incapable of publicly exercising its authority, and the invader had substituted his own authority for that of the legitimate government in the Philippines.¹⁰

Justice Hilado added three more arguments in support of his contention that the occupation governments were not *de facto* governments. The first was that Japan violated the most vital rules of civilized warfare as prescribed by International Law and must be deemed to have forfeited the right to invoke that law insofar as specific provisions thereof would favor her or her acts.¹ The second was that the Japanese did not openly and frankly represent that the "Republic" was being established

⁴ *Id.*, p. 267.

⁵ *Id.*, See Majority Opinion, *supra*.

⁶ *Id.*, p. 263.

⁷ 42 O. G. 1515.

⁸ *Id.*, p. 1517, citing Hyde, *International Law Chiefly as Interpreted and Applied by the U. S.*, Vol. II, pp. 361-362.

⁹ *Id.*, p. 1517, citing Hyde, *op. cit.*, p. 364.

¹⁰ *Id.*, p. 1515.

¹ Peralta Case, *supra*, p. 254.

under their orders; that they employed all means they could conceive to deceive the Filipino people and the outside world that they had given the Filipinos their independence.²

The argument of the majority that governments of paramount force are established for the convenience of the inhabitants of the occupied territory as stated in their resolution on a motion for reconsideration of their decision in the Co Kim Cham case³ seems applicable here. It seems immaterial whether or not the Japanese violated the rules of international law or represented the occupation governments as *bona fide de facto* governments. This is entirely the fault of the Japanese. The rules of international law are being invoked to support the validity of the acts of those governments, not in favor of the Japanese, but of the Filipino people, who, without any fault on their part, cannot be made to suffer the inconveniences envisioned by the majority should the acts of the occupation governments, which were valid and which continue to be valid even after reoccupation under the laws of war, be invalidated.

The third was that the convenience of the overwhelming majority of the people was opposed to the establishment of a government in this country by the Japanese. (4) It is believed however that no matter how odious those governments may have been, they did serve the convenience of the Filipino people to a certain extent, at least, to the extent of preserving peace and order, or to put it more accurately, of minimizing lawlessness and disorder which might have been more widespread without the policing

force of those governments. Moreover, even if those governments did not serve the convenience of the Filipino people at all, yet the Filipino people could not have avoided the establishment of those governments anyway. It would therefore seem unjust to visit upon the Filipinos the inconveniences which would arise out of invalidating all the acts of those governments, which without any consent on their part, were imposed upon them.

IV

OTHER CASES

The rules enunciated in the foregoing two cases have been applied and followed in subsequent cases. (1) In the case of *Alcantara vs. Director of prisons, supra*, the Court held that "a punitive or penal sentence is said to be of a political complexion when it penalizes either a new act not defined in the municipal laws, or acts already penalized by the latter as a crime against the legitimate government, but taken out of the territorial law and penalized as new offenses committed against the belligerent occupant, incident to a state of war and necessary for the control of the occupied territory and the protection of the army of the occupier. They are acts penalized for public rather than private reasons, acts which tend, directly or indirectly, to aid or favor the enemy and are directed against the welfare, safety and security of the belligerent occupant. As examples the crimes against national security such as treason, espionage, etc., and against public order such as rebellion, sedition, etc., were crimes against the

² *Id.*, p. 257.

³ *Supra*.

⁴ *Peralta Case, supra*, p. 254.

¹ *Ramirez vs. Viola*, 42 O. G. 462; *Alcantara vs. Director of Prisons*, 42 O. G. 480; *People vs. Benedicto Jose*, 42 O. G. 697; *Herrero vs. Diaz*, 42 O. G. 1166; *Asican vs. Quirino*, 42 O. G. 1500; *Venturina v. Court of First Instance*, 42 O. G. 1510; *De Castro vs. Court of Appeals*, 42 O. G. 1821; *People vs. Castillo*, 42 O. G. 1914; *People vs. Jaurique*, 42 O. G. 2145; *People vs. Tani*, C.A.-G.R. No. 15, March 26, 1946; *Castro vs. Court of Appeals*, G. R.-L. 49158; *Sameth vs. Dir. of Prisons*, G. R. L-35 April 30, 1946.

Commonwealth or United States Government under the Revised Penal Code, which were made crimes against the belligerent occupant."² This definition was applied in subsequent cases.³

In the case of *Baptista v. Castañeda*⁴ the Court, citing General MacArthur's proclamation and the *Peralta* case, held that the New Divorce Law under the Philippine Executive Commission is no longer of any force and effect.

Justice Hilado in his concurring opinion in the case of *People v. Benedicto Jose*, *supra*, added one more argument to support his contention that the "Republic" was not a *de facto* government. He said that there are three historical facts which would conclusively prove his point, namely: "(1) the Pact of Alliance concluded and signed by and between the Imperial Government of the Japanese and the said "Republic" on October 14, 1943; (2) Proclamation No. 29 of the President of the "Republic of the Philippines dated September 21, 1944, proclaiming martial law and placing 'the Philippines and all parts thereof 'thereunder for the alleged reason that the 'danger of invasion was imminent'; and (3) Proclamation No. 30 of the same 'President' proclaiming the existence of a 'state of war x x x between the Republic of the Philippines and the United States of America and Great Britain, effective September 23, 1944, at 10 o'clock in the morning'"⁵ According to him if the "Republic" had really been intended to be a *de facto* government, "it would not have been in a position to enter into any pact of alliance, nor to proclaim martial law, nor to declare war or the existence of a state of war—all of which

are functions appertaining solely to a *de jure* government otherwise empowered to perform them."⁶ He continued to say that organization should determine its true and real character. If it was intended to be and to serve as an instrumentality in aid of Japan in her war against her enemies, which exactly the Republic of the Philippines was, it simply could not be a genuine *de facto* government.⁷

In the case of *Asican vs. Quirino*, *supra*, the majority opinion was that the holding in the *Co Kim Cham* Case to "the effect that judicial proceedings during the enemy occupation are valid, does not necessarily exclude an exception on judicial proceedings held actually under duress or intimidation." Furthermore, Justice Ozaeta and Paras in dissenting stated that "not being *prima facie* void, said judgment of one of the courts of the occupation government could not be collaterally attacked for the purpose of defeating the plea of *res judicata*. A direct action to annul it has to be instituted and favorable judgment obtained therein before it could be ignored or refused full faith and credit" was the respondent judge did. Under the decision of this Court in the case of *Go Kim Cham x x x* there can be no question that said judgment is valid notwithstanding that it was rendered during the enemy occupation.⁸

V.

CONCLUSION

The law, as it stands now in the light of the foregoing cases, may be stated as follows:

1. The Philippine Executive Commission and the so-called Republic of

² pp. 482-483.

³ *Herrero v. Diaz and People vs. Tani*, *supra*.

⁴ C. A.-G. R. No. 12, April 6, 1945.

⁵ p. p. 707.

⁶ p. 711.

⁷ p. 719.

⁸ 42 O. G. 1500.

the Philippines were civil governments established by the military forces of occupation. They, together with the Japanese Military Administration, were therefore *de facto* governments, namely, governments of paramount force.

2. The validity of the legislative, executive and judicial acts of those governments cannot be tested by the constitution and the laws of the Commonwealth Government or of the United States, nor by the Constitution of the so-called Republic of the Philippines, but by the laws of war, as established by the usage of the world, and confirmed by the writings of publicists and decisions of courts from which are directly derived the authority to establish such governments and the rules by which the powers of such governments are regulated and limited. They are to be distinguished from the other kinds of *de facto* governments, such as that of the Confederate States, the validity of the acts of which are to be determined by the constitution and the laws of the legitimate government.

3. Under the laws of war, the only restrictions or limitations imposed upon the power of a belligerent occupant are those imposed by the Hague Regulations, the usages established by civilized nations, the laws of humanity and the requirements of public conscience. The military occupant cannot alter the municipal laws unless absolutely necessary, but can modify, amend, suspend or abrogate them when necessary for his protection and for the unhindered prosecution of his war, since the principal object of the occupant is to provide for the security of the invading army and to contribute to its support and efficiency and the success of its operation.

4. The creation of the Court of Special and Exclusive Criminal Jurisdiction, the summary procedure adopted for that court, and the pu-

nitive sentence rendered by it were valid, as the criminal jurisdiction established by the invader of the occupied territory finds its source from martial law, according to which the belligerent occupant was competent to promulgate Act No. 65. The punitive sentence, however, ceased to be valid from the time of the reoccupation of the Philippines.

5. From the standpoint of their validity, under the authorities cited by the majority, there may be three classes of acts of the *de facto* governments established by the military occupant. The first class refers to those which under the laws of war are made in excess of its authority or pursuant to an unlawful alteration of the municipal laws of the territory occupied. Such acts are void *ab initio*. The second class relates to those which are executed for his protection or for the successful prosecution of his war. Such acts are valid only during the military occupation but are invalidated from the moment of reoccupation. The third class pertains to those which are executed pursuant to the municipal laws not altered at all by the military occupant. Such acts are valid, even after reoccupation by the legitimate government.

6. Under the authorities cited by the majority in arriving at the conclusions stated in the foregoing paragraph, no distinction is made between legislative, executive and judicial acts. It would seem therefore that the validity of an act of the military occupant does not depend upon whether it is legislative, executive or judicial, but upon the purpose of the act. It would seem also that the Commander-in-Chief of the legitimate government cannot invalidate acts which under the laws of war were validly executed by the military occupant, since the former derives his powers either directly from the law of nations or from the municipal law of his government

of which the law of nations is a part. The proclamation of General MacArthur must therefore be deemed to refer only to those acts of the occupation governments which were void *ob initio* or which were valid only during the military occupation but which were invalidated by the liberation of the Philippines. The proclamation should be deemed not to have invalidated those acts but merely to have confirmed their invalidity to remove any doubts with regards to their nature.

The majority however held that the restored sovereign undoubtedly has the power to abrogate the executive and legislative acts of the occupation governments and that the proclamation of MacArthur invalidated their legislative and executive acts, such as the New Divorce Law of the Philippine Executive Commission.

But the judicial acts of those governments were held not to have been invalidated by the proclamation because such acts could not have been intended to be invalidated inasmuch as it is a legal truism that the acts of the executive, legislative and judicial departments of *de facto* governments not of a political character are good and valid even after reoccupation.

7. Consequently, the present courts may take cognizance of and continue the proceedings, not of a political complexion, pending in the courts of justice of the occupation governments at the time the Philippines were reoccupied by the United States and Filipino forces. This, the present courts may do without the necessity of an enabling act conferring expressly upon them the authority to do so.



WE are ever mindful of the heroic role of the Philippines and their people in the present conflict. Theirs is the only substantial area and theirs the only substantial population under the American flag to suffer lengthy invasion by the enemy. History will attest the heroic resistance of the combined armies of the United States and the Philippines in Luzon, Cebu, Iloilo, and other islands of the archipelago. Our character as a nation will be judged for years to come by the human understanding and the physical efficiency with which we help in the immense task of rehabilitating the Philippines.—

FRANKLIN D. ROOSEVELT upon signing S. Resolutions Nos. 93 and 94, on June 29, 1944.