

Title: In re R. McCulloch Dick (38 Phil. 41)

Facts:

1. **Background:** R. McCulloch Dick, editor and proprietor of the Philippines Free Press in Manila, was apprehended by Anton Hohmann, Acting Chief of Police in Manila, following an executive deportation order from the Governor-General of the Philippine Islands, Francis Burton Harrison. The order labeled Dick as an undesirable alien and a threat to public safety, slated for deportation to Hong Kong.
2. **Executive Order of Deportation:** The Governor-General's order, dated March 18, 1918, was based on section 69 of the Administrative Code (Act No. 2711), which allowed deportation of aliens post-investigation. The proceedings which led to this order were triggered by complaints against Dick's publication, accused of obstructing Philippine wartime policies and unsettling the public.
3. **Investigation Proceedings:** Colonel D.P. Quinlan was tasked to investigate Dick's case. The investigatory hearing was held on March 1, 1918, with Dick in attendance, represented by counsel, and allowed to present and examine witnesses. The hearing scrutinized Dick's articles that insinuated misconduct within the Philippine National Guard and criticized the local government's support for U.S. war efforts against Germany.
4. **Procedural History:** Dick contested his detention by filing a habeas corpus petition, arguing that the Governor-General's deportation order lacked authority and was unconstitutional under the U.S. laws applicable to the Philippines. His petition was issued by a member of the Philippine Supreme Court.

Issues:

1. **Authority of the Governor-General:** Was the Governor-General empowered under Philippine law and American constitutional principles to deport an alien such as Dick, based on the procedures prescribed?
2. **Due Process and Legality of Detention:** Did the procedures followed in Dick's case satisfy due process requirements prescribed by American standards, as applicable in the Philippines?

Court's Decision:

1. **Authority to Deport:** The Court upheld the Governor-General's authority to deport aliens under the combined power extended by the Philippine Legislature and Governor-General himself via section 69 of the Administrative Code of 1917. The Court referenced the Supreme Court of the United States ruling in *Tiaco vs. Forbes*, which sanctioned executive deportations as acts of state.

2. **Application of Procedural Regulations:** The Court found that the deportation procedure in section 69 of the Administrative Code had been duly followed, determining that Dick was correctly identified as a foreign subject. His actions, judged to be inimical to public interest, supported his classification as an "undesirable alien."

#### Doctrine:

- **Delegated Executive Power:** The case established that executive power to deport aliens, following procedural safeguards, is compatible with American principles of governance and international law. This power may be exercised summarily if public welfare interests justify such actions.
- **Authority Regulated by Legislature:** Deportation authority is not a blanket executive power but one delineated and regulated by legislative statutes, reflecting governmental balance.

#### Class Notes:

- **Deportation of Aliens (Section 69, Administrative Code):** An alien may be deported from the Philippines after an investigation where the subject can contest charges, present witnesses, and have legal representation. This adheres to due process under specified administrative authority.
- **International Law:** Expulsion rights inherent in sovereign states align with international law principles.

#### Historical Background:

The case unfolded during World War I, a period marked by heightened scrutiny of foreign nationals. The Philippine Islands were a U.S. territory with its local governance structure under American oversight. Dick's writing critical of governmental military policies during the war was significant in this politically sensitive period, when maintaining colonial order and allegiance to U.S. war efforts was deemed vital. This backdrop influenced the

heightened executive measures taken against perceived threats.