

****Title:** Adolfo vs. Court of First Instance of Zambales, Branch I, and Albert L. Merchant******

****Facts:****

1. ****Initial Incident:**** Albert L. Merchant, a civilian employee of the U.S. Naval Base in Subic Bay, Zambales, was involved in a criminal case for 'Less Serious Physical Injuries thru Reckless Imprudence' which allegedly occurred outside the U.S. base in Barrio Manggahan, Subic, Zambales.
2. ****Custody Receipt:**** The Commander of the U.S. Naval Base in Subic Bay issued a custody receipt for the provisional liberty of Merchant, claiming jurisdiction over him based on Article 13 of the U.S.-Philippines Military Bases Agreement of 1947.
3. ****Judge's Order:**** On June 29, 1967, Municipal Judge Nicolas C. Adolfo annulled the custody receipt and ordered the reissuance of a warrant for Merchant's arrest.
4. ****Court of First Instance (CFI):**** Merchant challenged Judge Adolfo's order before the CFI of Zambales, which annulled Judge Adolfo's decision on November 20, 1968, citing the established U.S.-Philippines Military Bases Agreement.
5. ****Petition for Review:**** Judge Adolfo, represented by Solicitor General Felix Makasiar, petitioned for a review before the Supreme Court on September 1, 1969, arguing that the terms of the U.S.-Philippines Military Bases Agreement (including a 1965 addition) were not constitutionally ratified.
6. ****Subsequent Legal Maneuverings:**** Respondents admitted facts but upheld the validity of the 1965 exchange of notes modifying the Agreement. Merchant posted a cash bond for his appearance in court and was released from custody, rendering moot issues surrounding his initial custody.
7. ****Motion to Dismiss:**** On May 6, 1970, those in support of Merchant filed for dismissal of the petition due to new developments, including the withdrawal of custody receipt by the U.S. Naval Base Commander and the cash bond posted by Merchant.
8. ****Petitioner's Manifestation:**** On June 2, 1970, Judge Adolfo acknowledged that Merchant's actions had rendered the question of custodial authority moot, leading to the Supreme Court dismissing the petition.

****Issues:****

1. ****Jurisdiction Over Civilian Employees:**** Does the U.S.-Philippines Military Bases Agreement grant custody over civilian employees of U.S. military bases to U.S. commanders pending trial and final judgment under Philippine jurisdiction?
2. ****Validity of Executive Agreements:**** Whether the Mendez-Blair Agreement of 1965, modifying the original 1947 Military Bases Agreement, is valid without Senate ratification.
3. ****Constitutional Requirements for Treaty Amendments:**** Can existing treaties be

amended through executive agreements or do they require constitutional processes involving both the President and Senate?

Court's Decision:

1. **Jurisdiction Over Civilian Employees:** Though crucial, the Court did not resolve this issue directly due to the new developments rendering the matter moot.
2. **Validity of the Mendez-Blair Agreement:** Similarly, the Court refrained from a deciding judgment on the validity of the 1965 executive agreement since the immediate factual circumstances had negated the contention.
3. **Doctrine on Treaty Amendments:** Though discussed within the context of arguments, no definitive ruling was made as the Court determined the issue to be moot and academic given Merchant's change in actions.

Doctrine:

- **Mootness Doctrine:** Issues that have been rendered academic by subsequent developments need not be resolved judicially since any decision would have no practical legal effect.
- **Distinguishing Treaties from Executive Agreements:** Treaties involving substantial political issues or changes in national policy typically require Senate ratification, whereas executive agreements can address more temporary or ordinary international matters without such legislative involvement.

Class Notes:

- **Military Bases Agreement Application:** Understand the provision for jurisdiction and custody in cases involving members of the U.S. armed forces and civilians under their employment.
- **Constitutional Processes:** Treaty creation or amendments necessitate adherence to constitutional provisions requiring both executive action and legislative concurrence.
- **Moot and Academic Principle:** Case dismissal occurs when the issues are resolved or rendered irrelevant by intervening events.

Historical Background:

The case is rooted in the broader context of post-WWII U.S.-Philippines relations under the Military Bases Agreement of 1947, which was modified via the 1965 exchange of notes amid heightened sensitivities over national sovereignty and jurisdiction over foreign military personnel and civilians. The case epitomizes the legal complexities and sovereignty issues arising from long-term military presence agreements and the interplay between national

legislatures and executive international commitments.