

IT THE MATTER OF THE PITITION FOR HABEAS CORPUS IN RESPECT OF PRUDENCIO SURALLO.

G.R. No. L-2249. June 18, 1948

Ponente: TUASON, J.

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TUASON, J.:

Prudencio Surallo is confined in the New Billbid Prison in Muntinlupa, Rizal, by virtue of a decision dated September 23, 1943 of a general court martial Convened on or about August, 1943, by Colonel R. V. Bowler, Commanding Officer of the 10th Military District, whereby Surallo was sentenced to life imprisonment for alleged violation of the 93rd Article of War of the Philippine Army. It is alleged as the ground of this petition that the District Commander who appointed that court martial had no authority to do so.

In his return in behalf of the respondent Director of Prisons, the Solicitor General accepts the correctness of the petitioner's allegations, and consents to the granting of the petition.

The writ is granted and the prisoner, Prudencio Surallo, is ordered released from confinement.

Parás, Feria, Pablo, Perfecto, Bengzon, Briones, and Padilla, JJ., concur.

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