

AN ACT AUTHORIZING COURTS OF FIRST INSTANCE TO ORDER THE EXECUTION OF LAWFUL SENTENCES OF MILITARY COMMISSIONS AND PROVOST COURTS IN CRIMINAL CASES IN WHICH SUCH SENTENCES WERE ...

Act No. 865, September 03, 1903

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By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. In all cases in which the lawful judgments and sentences of provost courts, and of military commissions as confirmed by order of the proper military commander, of persons duly and finally convicted of crime have not been executed and can not now be executed by order of the military authorities or of the court pronouncing the judgment, for the reason that such military commissions and provost courts have ceased to be and no longer have power to direct the execution of such sentences, the Civil Governor is authorized to direct the Attorney-General to present to the Court of First Instance having territorial jurisdiction over the place in which such crime was committed a record of the proceedings showing the conviction and sentence of the defendant in such proceedings and the confirmation thereof when necessary, and province that the defendant be brought before the court to show cause why the sentence as disclosed by the record of the proceedings should not now be executed by order of the Court of First instance.

SEC. 2. If in the proceedings thus instituted by direction of the Civil Governor it shall appear to the Court of First instance that the judgment and sentence whose execution is sought was pronounced by a court having jurisdiction of the offense and of the persons convicted, and that the sentence has not been executed in whole or in part, and that the defendant has not been pardoned or amnestied or in any other way become entitled to be relieved from the execution of the sentence, the Court of First Instance shall make an order reciting the facts and directing the execution of the sentence in whole or in part as the case may be in accordance with the judgment of the court whose sentence is being executed, fixing a time and place for the same. The sentence shall be executed by the proper civil executive officer of the court in the manner in which it must have been executed by order of the court of military authority pronouncing the same.

SEC. 3. The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with section two of "An Act prescribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

SEC. 4. This Act shall take effect on its passage.

Enacted, September 3, 1903.

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