

MAMERTA REYES, PETITIONER, VS. THE DIRECTOR OF PRISONS, RESPONDENT.

G.R. No. L-410. April 25, 1946

Ponente: OZAETA, J.

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OZAETA, J.:

On April 5, 1942, the above-named petitioner, Mamerta Reyes, was committed to the Correctional Institution for Women under a mittimus signed by Eugenio Dizon, Acting Chief of the Secret Service of Manila, which says that Mamerta L. Reyes (arrested March 7, 1942), has been found guilty of the crime of theft "and was duly sentenced by the Japanese Imperial Military Authorities on April 1, 1942, to imprisonment for the term of 4 months. She was sentenced also to 14 years and 8 months' imprisonment as additional penalty for being a habitual delinquent."

She now seeks her release thru habeas corpus upon the ground that her detention is illegal, there being no valid sentence rendered against her by any competent tribunal.

The Solicitor General, appearing for the respondent Director of Prisons, opposes the petition on the ground that, as appears from the mittimus, the petitioner was duly sentenced by the Japanese military authorities, which were supposed to be instrumentalities of the Imperial Japanese Army, from which source the Philippine Executive Commission derived its powers and authority. It does not appear that the prisoner has been sentenced by any tribunal duly established by a competent authority during the enemy occupation. The Director of Prisons informs us that "no copies of the information and the court's decision on the petitioner's case are available."

As the case stands, there is nothing to show that the petitioner has been tried and sentenced according to law. There is therefore no legal basis for her detention.

The petition is granted and the respondent is ordered forthwith to release the petitioner. No pronouncement as to costs.

Moran, C.J., Paras, Jaranilla, Feria, De Joya, Pablo, Perfecto, Bengzon, and Briones, JJ., concur.

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