

AN ACT PROVIDING FOR AN APPEAL FROM THE DECISION OF A SINGLE JUDGE IN HABEAS CORPUS PROCEEDINGS.

Act No. 654, March 04, 1903

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

SECTION 1. Whenever a writ of habeas corpus is made returnable before a judge of the Supreme Court, or before a Court of First Instance or a judge thereof, either in term time or in vacation, an appeal may be taken from the judgment of the judge or court to the Supreme Court of the Philippine Islands, whether the judgment be that the person alleged to be unlawfully detained should be released and set at liberty or that he shall be remanded to the custody of the officer or the person detaining him. The appeal shall be taken in the manner in this Act provided. If the prisoner is ordered to be remanded by the judge or court, the appeal, if taken, shall be in the name of the prisoner. If the order of the court or judge be that the prisoner should be released, the appeal shall be taken in the name of the officer or person detaining him. But if the detention is by reason of civil proceedings, the party in interest or the person who caused the imprisonment or detention shall be entitled to control the appeal in the case last referred to. If the imprisonment or detention is by virtue of criminal proceedings against the prisoner, the fiscal of the province or the Prosecuting Attorney of the city of Manila, as the case may be, shall be entitled to control the appeal on behalf of the Government, subject to the right of the Attorney-General to intervene and represent the Government in all such cases.

SEC. 2. In case the decision of the court or judge is that the prisoner shall be remanded to the custody of the officer or person detaining him, the appeal shall not vacate such order, but it shall remain in full force until the appeal shall have been determined by the Supreme Court.

SEC. 3. In case the judgment of the court or judge shall be that the prisoner be discharged, such discharge shall not be effective until the officer or person detaining the prisoner has been notified of the decision of the court or judge and given an opportunity to appeal. In case the officer or person detaining the prisoner does not desire to appeal, the prisoner shall be forthwith released, as provided in section five hundred, and forty-one of "An Act providing a Code of Procedure in Civil Actions and Special Proceedings in the Philippine Islands;" but in case the officer or person detaining the prisoner shall take an appeal to the Supreme Court from the order discharging the prisoner as in this Act provided, the court or judge shall suspend the order of release until final decision of the Supreme Court upon the appeal, unless the prisoner shall furnish good and sufficient bail to the satisfaction of the court or judge ordering his release, and in an amount sufficient to secure his appearance and remand to custody, should such be the final order of the Supreme Court on the appeal. Bail may be taken in the form of a bond, or of a recognizance with sufficient surety, and shall be for such a sum as the court deems reasonable—the circumstances of the prisoner, and the nature of the offense charged, considered—conditioned for his appearance before the Supreme Court to abide its order in the appeal. Should the prisoner fail to provide such bail, or enter into such recognizance, he shall be committed to the custody of the officer or person from whence he came until he shall enter into such recognizance, or until the Supreme Court shall otherwise order.

SEC. 4. The appeal provided for in this Act shall be perfected by filing with the clerk of the Court of First

Instance wherein the decision was rendered, or with the judge of the Supreme Court or a Court of First Instance who granted the writ and made the order, within twenty-four hours after the order has been made granting or refusing the discharge of the prisoner, a statement that the person so appealing is dissatisfied with the action of the court or judge in respect to the order so made and appeals therefrom to the Supreme Court. The clerk, or judge, as the case may be, shall thereupon immediately transmit to the Supreme Court the original petition for the writ of habeas corpus, the writ of habeas corpus, the return thereon, a statement of all the proceedings therein, and the original order discharging or remanding the prisoner, together with all the papers used upon the hearing, and the orders in regard to appeal and the statement of appeal. The correctness of the papers shall be certified to by the clerk or judge transmitting them.

SEC. 5. Upon the receipt of the appeal in habeas corpus proceedings the Supreme Court shall forthwith proceed to hear and determine the right of the prisoner to be released upon the appeal, and to order him to be remanded to custody, or to be released, as the law and facts of the case may require. Such appeals shall take precedence over all actions pending in the Supreme Court. The presence of the prisoner in the Supreme Court at the time of the hearing of the appeal shall not be required, unless he has been set at liberty on bail as in this Act provided. If he has been at large on bail, his presence at the hearing shall be required, and likewise at the time of the rendition of the judgment by the Supreme Court, but his absence from the court shall not deprive that court from proceeding, in its discretion, to hear the appeal and render a decision thereon. In case the judgment of the Supreme Court shall be that he be remanded to custody, he shall forthwith be taken into custody by the officer or person from whose custody he was released. In case the judgment of the Supreme Court, is that he shall be released, he shall forthwith be so released. In case he shall not be present when the appeal comes on for hearing, or for decision by the Supreme Court, that court shall forthwith declare his bond or recognizance forfeited, and shall also order that the prisoner be remanded to the custody of the officer or person from whose custody he was taken. The sum due upon the forfeited bail or recognizance shall be collected in the same manner as forfeited bail or recognizance in criminal proceedings are collected. Costs may be taxed for either party, as in other actions in the Supreme Court.

SEC. 6. The prosecution of an appeal in habeas corpus proceedings shall not operate to delay or postpone the original action or proceeding to which the arrest or detention of the prisoner may have been incident.

SEC. 7. In cases where an original petition for habeas corpus is filed in the Supreme Court, the Supreme Court shall have the power either to decide on the face of the petition filed that no case has been made for the issuing of a writ, or should such a case appear by the allegations of the petition, to issue the writ and make the same returnable and direct the hearing, either before the Supreme Court as a whole, or any judge thereof, or any judge of a Court of First Instance.

SEC. 8. 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. 9. This Act shall take effect on its passage, and shall be applicable to pending proceedings.

Enacted, March 4, 1903.

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