

PROMULGATING RULES AND REGULATIONS GOVERNING THE ARREST, CUSTODY, AND TRIAL OF PERSONS SUBJECT TO THE MILITARY OR NAVAL LAWS OF THE UNITED STATES

EXECUTIVE ORDER NO. 151, April 30, 1938

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Pursuant to the authority vested in me by the constitution and existing laws, I, Manuel L. Quezon, President of the Philippines, do hereby issue and promulgate the following rules and regulations, to govern the conduct of the executive officers of the government in the matter of the arrest, custody, and trial of persons subject to the military or naval laws of the United States:

1. Persons subject to the military or naval laws of the United States who have committed any crime, misdemeanor, violation of municipal ordinance, or breach of law which is punishable by imprisonment for one year or less and are arrested in the commission thereof by the civil authorities of the Philippines shall be immediately placed in the custody of the commanding officer of the nearest United States military or naval post or station, as the case may be, for the investigation of the charges made and for disposition thereof according to the provisions of the military or naval law relating thereto.
2. If such offenders are not arrested in the commission of the crime, misdemeanor, violation of municipal ordinance, or breach of law, complaint shall be made before the proper commanding officer, and not before a civil court, and the charges made shall be investigated and disposed of according to the provisions of military or naval law relating thereto.
3. In either case, a statement in writing of the charges and the names and addresses of the witnesses for the prosecution and of the law or municipal ordinances violated and the penalty prescribed for the breach thereof shall be furnished the proper military or naval commanding officer for the information and the guidance of the military or naval authorities in investigating and disposing of the case. A copy of such statement shall be mailed immediately to the Commanding General, Philippine Department, United States Army, Fort Santiago, Manila, or the Commandant, Sixteenth Naval District, United States Navy, Cavite, depending upon which service the offender is attached to.
4. Except as provided in paragraphs numbered six and seven hereof, persons subject to the military or naval laws of the United States who have committed any crime, misdemeanor, violation of municipal ordinance, or breach of law which is punishable by imprisonment for more than one year and are arrested in the commission thereof by the civil authorities of the Philippines, shall be immediately offered to the commanding officer of the nearest United States military or naval post or station, as the case may be, for custody and shall be placed in the custody thereof upon the receipt from the said commanding officer of an instrument in writing acknowledging that the offender has been delivered to him for custody pending trial in a civil court of the Philippines of competent jurisdiction and stating that, unless the civil authorities subsequently express their willingness that the case be disposed of according to the provisions of military or naval law, said offender will be held ready to appear and will be produced for trial at the proper time.

5. If the offenders described in paragraph four hereof are not arrested in the commission of the crime, misdemeanor, violation of municipal ordinance, or breach of law, and it is necessary to procure a warrant for their arrest, complaint may be made to the proper provincial fiscal or proper prosecuting attorney in any case where the courts of any city or municipality in the Philippines have jurisdiction of the subject matter. Such cases may be disposed of by the civil or military authorities in like manner as those mentioned in paragraph four above.

6. Persons subject to the military or naval laws of the United States who have been charged with any crime, misdemeanor, violation of municipal ordinance, or breach of law which is punishable by imprisonment for more than one year and which has arisen out of an accident involving one or more motor propelled vehicles, however such motor propelled vehicle may be owned and used at the time of the accident, and whether such persons are arrested by the civil authorities of the Philippines or not, shall be immediately placed in the custody of the commanding officer of the nearest United States military or naval post or station, as the case may be, for an investigation of the charges made and for disposition thereof according to the provisions of military or naval law relating thereto.

7. Persons subject to the military or naval laws of the United States who have been charged with any crime, misdemeanor, violation of municipal ordinance or breach of law, including those punishable by imprisonment for more than one year, committed on a United States military or naval reservation, or committed while such person is engaged in the performance of duties incident to the operation of the Army or Navy of the United States, and whether such persons are arrested by the civil authorities of the Philippines or not, shall be immediately placed in the custody of the commanding officer of the nearest United States military or naval post or station, as the case may be, for an investigation of the charges made, and for the disposition thereof according to the provisions of military or naval law relating thereto.

8. The proceedings taken pursuant to the provisions of military or naval law against persons subject to the military or naval laws of the United States charged with the commission of any crime, misdemeanor, violation of municipal ordinance or breach of law, referred to in this Order, shall be without prejudice to the right of the offended party to file with the competent civil court a claim to make effective the civil liability of the accused under the laws of the Philippines.

9. Executive Order Numbered Fifty, dated August seventh, nineteen hundred and twelve, as amended by Executive Order Numbered Two hundred ten, dated September thirtieth, nineteen hundred and twenty nine, and Administrative Order Numbered Forty-three, dated August thirtieth, nineteen hundred and thirty-seven, are hereby revoked.

Done at the City of Manila, this thirtieth day of April, in the year of Our Lord, nineteen hundred and thirty-eight, and of the Commonwealth of the Philippines, the third.

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS
Secretary to the President

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