

1 Phil. 55

[G.R. No. 507. November 05, 1901]

IN THE MATTER OF THE PETITION OF A. O. BROOKS FOR A WRIT OF *HABEAS CORPUS*.

D E C I S I O N

ARELLANO, C.J.:

It is an established fact that A. O. Brooks had obtained his absolute discharge as a soldier. It is likewise a fact explicitly stated by the counsel for the Government that the absolute discharge granted contained no condition that the said Brooks should render services in a civil capacity to the Army as an employee in its offices, and if the latter had entered into a contract for the rendition of services he did so just as any private person not previously in the military service might have done.

By the absolute discharge there was dissolved every legal bond that bound him to the Army and thenceforth, since he no longer enjoyed the privileges of the military, neither could he be held subject to the obligations imposed upon the military nor subject to anything more than the terms of the contract of employment which he had entered into with the Army. And inasmuch as a private person who contracts obligations of this sort toward the Army can not, by any law that we know of, either civil or military, be compelled to fulfill them by imprisonment and deportation from his place of residence, we deem it wholly improper to sustain such means of compulsion which are not justified either by the law or by the contract.

We decide, therefore, that A. O. Brooks should be placed at liberty, and it is so ordered.

Torres, Willard, Mapa, and Ladd, JJ., concur.

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