

[Act No. 272, October 21, 1901]

AN ACT AMENDING CHAPTER TWENTY-SIX, RELATING TO PROCEEDINGS IN HABEAS CORPUS, OF ACT NUMBERED ONE HUNDRED AND NINETY, PROVIDING A CODE OF PROCEDURE IN CIVIL ACTIONS AND SPECIAL PROCEEDINGS.

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

SECTION 1. Section five hundred and twenty-nine of Act Numbered One hundred and ninety, entitled "An Act providing a Code of Procedure in Civil Actions and Special Proceedings in the Philippine Islands," is hereby amended by striking out the whole of said section and inserting in lieu thereof the following words:

"SEC. 529. *Not to apply in certain cases.*—Nothing in this chapter shall authorize the discharge of any person convicted of an offense or charged with an offense committed in any other part of the Philippine Islands, or in any part of the United States, and who, agreeable to law, ought to be delivered up to the executive power of the United States, or of any State thereof, where the offense is charged to have been committed; nor of any person suffering imprisonment under lawful judgment; nor shall any writ of habeas corpus be issued against a military officer or soldier who is detaining a prisoner in the Provinces of Batangas, La Laguna, Tayabas, Samar, Cebu, and Bohol, and in any unorganized province or territory. It shall be a conclusive answer to a writ of habeas corpus against a military officer or soldier, and a sufficient excuse for not producing the prisoner in all other organized provinces than those herein named, if the commanding general or any general officer in command of the department or district shall certify that the prisoner is held by him either:

"1. As a prisoner of war; or

"2. As a member of the Army, a civilian employee thereof, or a camp follower and subject to its discipline; but this paragraph shall not apply to pending cases; or

"3. As a prisoner committed by a military court or commission prior to October first, nineteen hundred and one; or

"4. As a prisoner arrested and held for trial before a military court or commission before October fifteenth, nineteen hundred and one, for a violation of the laws of war committed before the same date; or

"5. As a prisoner guilty of violations of the laws of war committed in the unpacified provinces and territory in this section named and who has escaped into provinces officially declared to be under civil control and has been there captured by military authorities and is held for trial for such violations of the laws of war."