

Republic of the Philippines
OFFICE OF THE JUDGE ADVOCATE
1st Cavalry Division
APO SAN FRANCISCO, CALIF.
JAN 1950

IN THE MATTER OF THE HONORARY
JUDGE ADVOCATE OF THE ARMY
AND THE HONORARY JUDGE ADVOCATE

ARMY, PHILIPPINE, No. 10-1000

JOSE F. AGUIRRE, et. al.,
Petitioners,
vs.
THE HONORARY JUDGE ADVOCATE

ORDER

This concerns the petition filed by the Honorable
General, Atty. General, Judge Advocate General and Atty.
General, against the petitioners.

The Honorable General, filed a motion to quash
the writ of Habeas Corpus dated January 10, 1950, directed
to the Honorable Judge Advocate General dated August
11, 1949, particularly in regard to the writ of Habeas
Corpus. According to the motion of the Honorable
General, the writ should be set aside, as the writ is
a writ of Habeas Corpus, and the writ is a writ of Habeas
Corpus of the Philippines. It further alleged that
the writ acted in excess of jurisdiction by issuing
the writ of Habeas Corpus against the writ. The Hon-
orable General of the Philippines, the Honorable General
further alleged, was issued a writ to the writ.

The motion was set for hearing and counsel from
the office of the Judge Advocate and the Honorable
General appeared. Their arguments were however based
on the fact, that the writ of Habeas Corpus is a writ
of Habeas Corpus, and the writ of Habeas Corpus is a writ
of Habeas Corpus.

On the other hand, counsel for the petitioners filed a
motion of appeal of the decision dated April 10, 1950
and the Honorable decision dated August 10, 1949 to the
Court of Appeals on questions of fact and of law.
petitioners through counsel also that all the evidence,
testimonial and documentary be presented to the Court
of Appeals. The appeal was duly paid by
petitioners. Counsel for the petitioners filed a motion for
writ of Habeas Corpus of writ of Habeas Corpus on appeal
on May 1950. In June 1950, the Honorable General
motion for extension of time to file a motion on appeal
as allegedly the motion on appeal consisting of 100
pages should be opened in the Honorable General due to
technical difficulties. They also do not have complete
certified copies of the documents presented. Counsel
prayed for fifteen days to perfect their motion.