

MALACAÑAN PALACE  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 65

PROVIDING FOR THE PROVISIONAL RELEASE ON BAIL OF POLITICAL PRISONERS, PRIOR TO THE INSTITUTION OF THE CORRESPONDING CRIMINAL CASES AGAINST THEM, SUSPENDING, INsofar AS THEY ARE CONCERNED, THE APPLICATION OF ARTICLE 125 OF THE REVISED PENAL CODE, AND FOR OTHER PURPOSES.

WHEREAS, the Commander-in-Chief of the Armed Forces of the United States in the Philippines has caused many persons to be apprehended, detained and interned, pursuant to his proclamation, dated December 29, 1944;

WHEREAS, the persons thus interned are being turned over and delivered to the Commonwealth Government, together with the pertinent records, for trial and disposal of their respective cases in accordance with the laws of the Commonwealth;

WHEREAS, according to the laws of the Commonwealth, no person may be detained for some legal ground for more than six (6) hours without being delivered to the proper judicial authorities; and

WHEREAS, it is necessary, to enable the Government to fulfill its responsibilities and to maintain and enforce its authority, as well as to respect the mandates of the Constitution, that some temporary measure be immediately adopted in relation with the custody of said prisoners, and the investigation, prosecution and disposal of their respective cases;

NOW, THEREFORE, I, SERGIO OSMEÑA, President of the Philippines, by virtue of the powers vested in me by the Constitution and the laws of the Philippines, do hereby ordain that:

1. All criminal actions, commenced either by complaint or by information, against the persons interned or otherwise detained by the Commander-in-Chief of the Armed Forces of the United States in the Philippines and delivered to the Commonwealth Government, shall be prosecuted under the direction and control of the Solicitor-General.

2. The provisions of Article 125 of the Revised Penal Code, as amended, are hereby suspended with regard to said internees

or detainees: Provided, however, That this suspension shall not be for more than thirty (30) days from the date on which the aforementioned delivery of said internees or detainees shall have been made.

3. Existing provisions of law to the contrary notwithstanding, the Solicitor-General is hereby authorized to order the provisional release of any such internee or detainee who should solicit the same, upon such reasonable bail as may be approved by him or by any court or officer authorized by him, except when there is strong evidence that such internee or detainee has committed a capital offense. The bail may consist in money or bonds of the Philippines or of the United States (which shall be deposited immediately in the National or provincial treasury) or upon the guaranty of a bonding company or of two or more solvent sureties of good reputation. The condition of the bail shall be that the internee or detainee shall be available at all times to the authorities during the pendency of his case, and that he shall comply with all the other obligations prescribed in Sections 1 and 2 of Rule 110 of the Rules of Court. The Solicitor-General may, for just cause and before the filing of an information against a person released on bail, increase or reduce the amount thereof, and, if the conditions of the bail are violated, order the forfeiture and execution thereof and the arrest of the person released upon it. After the filing of the information, however, these powers shall be exercised by the court taking cognizance of the case.

4. Whenever, after due investigation, he should be of the opinion that no criminal action, of any kind whatsoever, lies against a given person, the Solicitor-General may order the release of such person, if he is detained, or, if he has been released on bail, as provided herein, to move before any Court of First Instance, which is hereby authorized for the purpose, for an order of cancellation of the bond. If the investigation should result in the filing of a criminal action against the person released on bail, the Solicitor-General shall transmit the bail, together with such other pertinent information, to the court for such action as it may deem proper to take thereon.

5. The provisions of this Executive Order shall be in force and effect until the Congress of the Philippines shall otherwise provide.

Done at the City of Manila, this 3rd day of September, in

the year of Our Lord, Nineteen Hundred and Forty-five, and of  
the Commonwealth of the Philippines, the tenth.



SERGIO OSMEÑA  
President of the Philippines

By the President:



JOSE S. REYES  
Secretary to the President