

Office of the President
of the Philippines

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 23

CREATING A BOARD OF INQUIRY TO INVESTIGATE CHARGES OF DIS-
LOYALTY TO THE COMMONWEALTH OF THE PHILIPPINES AND THE UNITED
STATES OF AMERICA IN THE PROVINCE OF LEYTE, AND CONSIDER THE
LEGAL PROBLEMS AND MATTERS OF PUBLIC POLICY INVOLVED THEREIN

WHEREAS, it has come to my attention that some persons are now being detained in the Provincial Jail of the Province of Leyte on suspicion of having committed acts of disloyalty to the Commonwealth of the Philippines and the United States of America which constitute a violation of the laws of the Commonwealth of the Philippines;

WHEREAS, the interest of justice requires that those persons under detention for alleged violations of the law of the Commonwealth of the Philippines be promptly brought before the proper court of justice for trial;

WHEREAS, the unification of our people, the overwhelming majority of whom have been steadfastly loyal, for the purposes of restoring the normal processes of our political and economic life and promptly establishing the Republic of the Philippines upon indestructible foundations is a paramount national need in this hour of our liberation;

WHEREAS, for the purpose of strengthening the national unity, the legal problems and matters of policy involved in the investigation and disposition of the cases of citizens who may be accused of disloyalty during the Japanese occupation should be thoroughly studied in order that a basic policy may be established for dealing with such cases in accordance with law and with an understanding of the conditions which existed during the prolonged period of enemy occupation;

NOW, THEREFORE, I, SERGIO OSMENA, President of the Philippines, by virtue of the powers vested in me by the Constitution and laws of the Philippines, do hereby create a Board of Inquiry, composed of a chairman and four members to be appointed by the President, to investigate charges of disloyalty in the Province of Leyte and consider the legal problems and matters of public policy involved therein.

1. The duties and functions of this Board will be:

- a. To ascertain upon what authority and what specific charges

certain persons are now being detained in the Provincial Jail of the Province of Leyte on suspicion of having committed acts of disloyalty to the Commonwealth of the Philippines and the United States of America which constitute a violation of the laws of the Commonwealth.

b. To investigate the validity of such charges as to the law and the facts involved.

c. To allow such persons the right to be present at such investigations, to be heard by themselves or by counsel, and to present witnesses on their behalf. Hearings of the Board shall be open to the public.

d. Upon the termination of its labors, to submit to the President a report, and in its discretion to submit current reports, of its findings and conclusions, and at frequent intervals to recommend to him such action as may be deemed just and proper in each particular case that has been heard.

4 2. The Board of Inquiry will prepare such rules and regulations for its operation as may be necessary. It is hereby authorized to direct the appearance of witnesses with or without documents, administer oaths, and take testimony relevant to its investigation. It is also authorized to call upon any office, official or employee of the Commonwealth of the Philippines, for any necessary assistance in carrying out its functions and, with the approval of the corresponding Head of Department, such assistance shall be given.

6 3. The chairman and members of this Board will receive compensation in the form of per diem at the rate of ten pesos (₱10.00) a day for each day of service actually rendered, except those who are already employed by the Commonwealth of the Philippines who shall serve without additional compensation. Within the limit of such funds as may be set aside or appropriated for the purpose, the Board may employ the necessary personnel and make provisions for equipment, supplies, materials, travel and other services.

5 4. Inasmuch as justice requires and the Constitution of the Commonwealth prescribes that in all criminal prosecutions the accused shall have a speedy trial, the Board is enjoined to execute its functions with the greatest despatch compatible with safeguarding the rights of the accused and the interests of the State. Records of proceedings will be as brief as possible and need not be verbatim. In the taking of evidence only that testimony will be of record which is deemed essential by the Board.

Done at the seat of Government in the Field, this 2nd
day of November, in the year of Our Lord, nineteen hundred
and forty-four, and of the Commonwealth of the Philippines, the
ninth.



SERGIO OSMENA
President of the Philippines

By the President:



ARTURO B. ROTOR
Secretary to the President