

A.P.O. 908,  
6 April 1945

MEMORANDUM TO: COMMISSARY SALES OFFICER, PHIBCC

Request that commissary privileges be extended to  
Mr. Clyde A. DeWitt, special legal adviser to the Commander in Chief.  
Mr. DeWitt's household consists of three persons.

COURTNEY WHITNEY  
Brigadier General, U. S. Army





The Courts have repeatedly held that the word "vacancy," as used in the Commonwealth Constitution, has no technical meaning. Thus, in re Opinion of Justices, 87 NH 489, 177, 9655, it was held that the chair of the Governor was vacant when he was absent from the State or under such disability, permanent or temporary, that a substitute was needed to discharge his official duties, and that a like vacancy existed in the chair of the President of the Senate under similar circumstances.

It would be strange, indeed, if the fact that certain members of the Senate are still in Japanese-occupied territories or are under arrest by the United States military authorities, could operate to paralyze the Commonwealth Government in its legislative functions.

C. A. DEWITT

GAD-asd





11.	Domingo Imperial	-	Manila
12.	Ramon Torres	-	"
13.	R. Martinez	-	"
14.	Eulogie Rodriguez, Sr.	-	"
15.	Melecio Arranz	-	"
16.	Vicente Madrigal	-	"
17.	Ramon Fernandez	-	"
18.	Elpidio Quirino	-	"
19.	Pedro Hernaez	-	"
20.	Manuel Roxas	-	"
21.	Nicolas Buendia	-	Bulacan
22.	Esteban de la Rama	-	Manila
23.	Mariano Jesus Guence	-	Cebu
24.	Vicente Rama	-	"



Thus, two of the senators-elect are dead; one is in the United States as a member of the Philippine Delegation to the San Francisco Conference; three are reported to be held prisoners by the Japanese; three are held in custody of the United States military authorities, and one is still under the control of the Japanese. The remaining fourteen are available, eleven of them being in Manila, one in Bulacan, and two in Cebu. Therefore, there can be no question about a quorum being available since the 1939 Amendment to the Constitution specifically provides that "a majority of each House shall constitute a quorum to do business."

It is understood, however, that the question as to available quorum in the Senate arose at a time when a majority of the Senators were not available either by reason of their being held as prisoners by the Japanese, or because they were under arrest by the United States military authorities, or because they were in territory still occupied by the Japanese.

The Constitution defines a quorum as a majority of each house. This undoubtedly means a majority of the members of each house, so that where vacancies take place either by death or otherwise, and such vacancies have not been filled, the total membership upon which the quorum must be computed is correspondingly reduced. The membership of the Senate has been reduced by the death of two of its members. There has been no special election to fill the vacancies, so that today there are only twenty-two members, at most, and twelve of them would constitute a quorum.

Furthermore, it would seem to me that where members are in the hands of the Japanese or under the custody of the United States military authorities, so that their attendance may not be compelled in order to supply a quorum under the provisions of the constitutional amendment, vacancies also result, the effect of which would be to reduce further the number of members upon which a quorum would be computed.



April 30, 1945

MEMORANDUM FOR  
General Whitney



Re Quorum in the two Houses of the  
Philippine Congress

Under the 1939 Amendment to the Commonwealth Constitution, legislative power in the Philippines is vested in a Congress, consisting of a Senate and a House of Representatives. The Senate is composed of twenty-four members, each elected for a period of six years, except that the first senators elected were to be divided into three equal groups, the first to serve for six years, the second, for four years, and the third, for two years. The manner of selecting the three groups is not prescribed in the Constitution, but it was provided in the Election Law of 1941 (Commonwealth Act No. 666) that the selection should be by lot. Vacancies could be filled by the calling of a special election, but this is not mandatory.

The House was to consist of not more than one hundred twenty-four members, based on apportionment. It is understood that no question has arisen about the availability of a quorum in the House.

The first election under the 1939 Amendment took place in November, 1941. The Congress so elected has never been convened by reason of the war.

The following is a roster of the senators elected in said election, together with a statement of their present status, so far as it can be ascertained:

1. Daniel Maramba - Dead
2. José Ozamis - "
3. Emiliano Tria Tirona - Reported Japanese prisoner
4. Proceso Sebastian - " " "
5. Claro M. Recto - " " "
6. Sultan sa Ramain - Reported in Japanese-held territory
7. José Yulo - Under U. S. protective custody
8. Quintin Peredes - Under U. S. protective custody
9. Antonio de las Alas - " " "
10. Carlos Garcia - In the United States - Member of the Philippine Delegation to the San Francisco Conference.

*file*



C.W.

C-in-C

1 May 1945

Herewith is an opinion of Mr. DeWitt in re the question of a quorum in the Congress of the Philippines which you will undoubtedly find of interest.

C.W.



CP

*DeWitt  
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A.P.O. 900  
11 May 1945

MEMORANDUM FOR: COMMISSIONER SALES OFFICE, PHOENIX

Request that canteen privileges be extended to  
Mr. Clyde A. DeWitt, special legal advisor to the Commander in Chief.  
Mr. DeWitt's household consists of three persons.

COURTESY WHITNEY  
Brigadier General, U. S. Army





Civil Affairs

Chief of Staff

31 May 1945

1. Advise that Mr. C. A. DeWitt has ceased to be a member of the Staff of this section. He has however held himself and firm open to gratuitous work on any problems which may from time to time arise among the staff sections where opinion on Philippine law is desired.

2. He has been particularly helpful to the Real Estate section USAFFE and the Enemy Property Custodian in this manner in the past and I have accepted his offer for future consultation as may be of value to the command.

3. Mr. DeWitt is intensely loyal to General MacArthur and for that reason I have sought to readjust the situation to avoid the possibility of injury to his feelings. I believe that I have accomplished this.

C.W.



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Gen. Whitney:  
Proposed revisions are  
min. E.H.C.

Manila, Philippines

June 18, 1945

Major Theodore A. Sames  
PCAU No. 8  
Naga, Camarines Sur



Dear Major:

This letter is for the purpose of introducing Mr. José Jordane of Naga, Camarines Sur, to you. Mr. Jordane is an old resident and merchant of Naga, and is well known throughout the Bicol region where he served as District Supervisor of sales for the Philippine Manufacturing Company since 1933. He has lived in the Bicol country more than thirty years and knows it well. He is a native of Barcelona, Spain, and a Philippine citizen by naturalization. ~~He would like to be assigned at PCAU No. 4, Naga. I should think that you would find him a very valuable man for that work.~~

~~I am particularly anxious that we do all we can to help him because of his having taken a little American child into his home during the Japanese occupation at a good deal of risk to himself and his family. The name of this child was Patricia Ann Young. Her father had died and her mother had been murdered in the hills back of Naga where they were living in hiding from the Japanese. After the death of her parents, the child passed from hand to hand and Mr. Jordane finally took her to friends of her mother in Manila so that she may be taken to her family in the United States. All Americans owe him a debt of gratitude because of his kindly treatment of this friendless little American child. If he had not done as he did, it is doubtful if she would have survived.~~

he took

~~Trusting that you can find a way to make use of Mr. Jordane's services, I am~~

Yours sincerely, *employment with*

*TP Jordane As I understand it Mr. Jordane would like the opportunity of purchasing civilian supplies. If you can accommodate him within your established policies, I should appreciate it.*

COURTNEY WHITNEY  
Brigadier General

PCAU  
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E. ARTHUR PERKINS  
CLYDE A. DEWITT  
A. PONCE ENRILE

TOMAS CONTRERAS  
SEVERIANO B. ORLINA  
JOSEPH LOUIS KESSEY  
MARIANO A. CARBONELL

LAW OFFICES  
**DEWITT, PERKINS & PONCE ENRILE**  
SEVENTH FLOOR, SORIANO BUILDING  
MANILA  
PHILIPPINE ISLANDS

CABLE ADDRESS:  
TREDUOC, MANILA

P. O. BOX NO. 780

June 18, 1945

Courtney Whitney  
Brigadier General  
c/o Civil Affairs  
Trade and Commerce Bldg.  
Manila

My dear Courtney:

Enclosed is my idea of a draft of a letter  
of introduction for Mr. Jordana.

Very sincerely yours,

*Clyde*  
C. A. DEWITT

CAD-asd  
Encl.



*Vol. 1000*



GENERAL HEADQUARTERS  
UNITED STATES ARMY FORCES, PACIFIC  
Civil Affairs Section

APD 900  
21 June 1945

Major Theodore A. Sines  
PCAU No. 8  
Naga, Camarines Sur

Dear Major:

This letter is for the purpose of introducing Mr. Jess Jordana of Naga, Camarines Sur, to you. Mr. Jordana is an old resident and merchant of Naga, and is well known throughout the Bicol region where he served as District Supervisor of sales for the Philippine Manufacturing Company since 1933. He has lived in the Bicol country more than thirty years and knows it well. He is a native of Barcelona, Spain, and a Philippine citizen by naturalization.

During the Japanese occupation he took a little American child into his home at a good deal of risk to himself and his family. The name of this child was Patricia Ann Young. Her father had died and her mother had been murdered in the hills back of Naga where they were living in hiding from the Japanese. After the death of her parents, the child passed from hand to hand and Mr. Jordana finally took her to friends of her mother in Manila so that she may be taken to her family in the United States. If he had not done as he did, it is doubtful if she would have survived.

As I understand it, Mr. Jordana would like employment with PCAU #8. If you can accommodate him within your established policies, I should appreciate it.

Yours sincerely,

COURTESY WITNEY  
Brigadier General, U. S. Army  
Chief, Civil Affairs Section



BT





PERSONNEL FILES

INDIVIDUAL

DEWITT, CLYDE A.