PERSONNEL FILES

INDIVIDUAL

DEWITT, CLYDE A.

战、智险证明自然的结果 UNITED STATES AREA PORCES, PACIFIC Civil Affilia Section APO 900 21 June 1945 Hajor Theodoro A. Senes PCAU No. 8 Mace. Comerines Sur Dear Hajor This letter is for the purpose of introducing Mr. Jose Jerdana of Nega, Camarines Jur, to you. Hr. Jordana is an old resident and merchant of Naga, and is well known throughout the Biool region where he served as District Supervisor of sales for the Philippine Hammineturing Company since 1933. He has lived in the Bicol exerty more than thirty years and knows it well. He is a native of Sarvolone, Spain, and a Philippine citizen by neturalization. During the Japanese competion 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 Patricis Amm Young. Her father had died and her mother had been mardered in the hills back of Maga 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 Hamila 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 murriwed. As I understand it, Mr. Jordana would like exployment with PCAU #8. If you can accomposate him within your established policies, I should appreciate it.

Yours sinesvely,

COURTES WHIMEX Erigadier General, V. S. Away Chief, Civil Affairs Section





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

TOMAS CONTRERAS SEVERIANO B. OFLINA JOSEPH LOUIS REESEY MARIANO A. CARBONELL U

LAW OFFICES

DEWITT, PERKINS & PONCE ENRILE
SEVENTH FLOOR, SORIAND BUILDING
MANILA
PHILIPPINE ISLANDS

TREDUCC, MANILA

P. O. BOX NO. 760

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,

C. A. DEWTTT

CAD-asd Encl.



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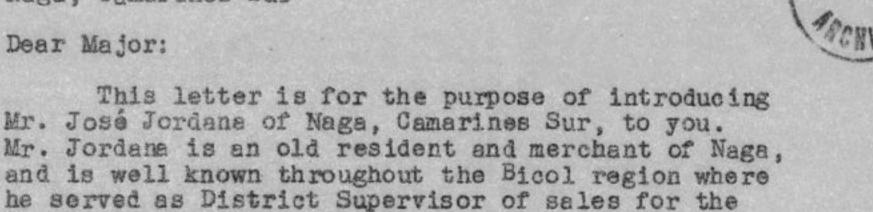
Proposed revisions are

Manila, Philippines

June 18, 1945

Major Theodore A. Sames PCAU No. 3 Naga, Camarines Sur

Dear Major:



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 essigned at PCAH No. 4, Nega. I should think that you would find him a wery valuable men for

thet-work.

I am particularly envious that we do all we can him because of his having taken a little American child into his home Guring 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. Jordana 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-brootmont-of-this-friendless-little American child. If he had not done as he did, it is doubtful if she would have survived.

Trusting that you can find a way to make use of Mr. Jordana's services, Lan

Tours sincerely, employment will proposed to be the things of PCAU of possessing civilian while the standard would like the things of the witten your established policies, I should apprecial it.

Brigadian Ganeral Brigadier General

he book

31 May 1945 Chief of Staff Civil Affairs 1. Advise that Mr. C. A. DeWitt has ceased to be a member of the Staff of this section. He has however held hims if 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. Devitt 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. 5.H.

A.P.O. 500 11 May 1965

MERICRANDUM FOR & COMMISSIANIE SALES OFFICER, PRINCES

Herosa that commissery privileges to extended to Mr. Clyds A. Delitto, special legal sivisor to the Commisser in Chief. Mr. Delitto bearsheld commists of Marco persons.

Counted Weitell Drigadior Consumal, V. S. Avey



C.W.

G-is-C

1 May 1945

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

C.W.



Delivir)

April 80, 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
samators elected ware 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 menner of selecting the
three groups is not prescribed in the Constition, but it was
provided in the Election Law of 1941 (Commonwealth Act No.
e66) that the selection should be by lot. Vacancies could
be filled by the calling of a special election, but this is
not mendatory.

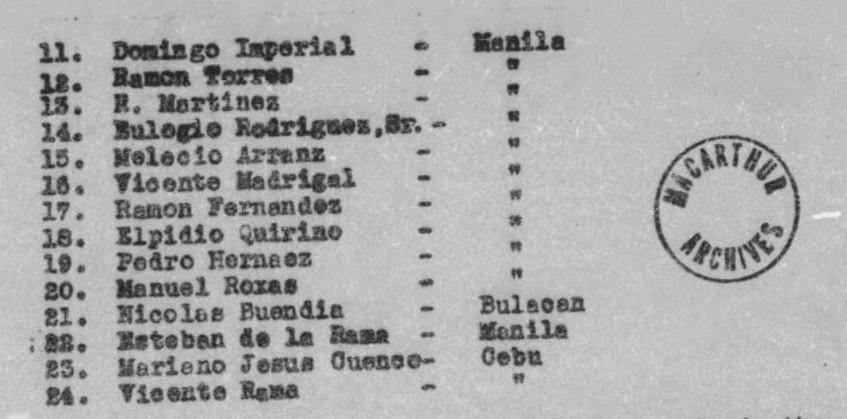
The House was to consist of not more than one hundred twenty-four members, based on apportionment. It is understeed that no question has arisen about the availability of a quorum in the House.

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 escertained:

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

who will



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 United States military authorities, and one is still under the Centrol of the Japanese. The remaining fourteen are available, eleven of them being in Manila, one in Bulacan, and two in 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 ing 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 Sanate erose at a time when a majority of the Sanators were not available either by reason of their being the Sanators by the Japanese, or because they were under 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 way not be compelled in order to supply a quorum under the provisions of the constitutional amendment, vacancies also provisions of the constitutional amendment, vacancies also provisions of the description would be to reduce further the result, the effect of which would be to reduce further the number of members upon which a quorum would be computed.

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 MH 489, 177, 8655, it was hold that the chair of the Governor was vacuat 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 eiramenta mass. It would be strange, indeed, if the fact that eartain members of the Seaste are still in Japanese-occupied territorios or ero under errest by the United States military authorities, could operate to paralyze the Commonwealth Governmemb in its legislative functions. C. A. DEWITT JAD-BES

A.P.O. 900, 6 April 1945

MESORALDUM TO: COMMISSIET SALES OFFICER, PHINESE

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

> COURTHET WHITEEY Brigadier General, V. S. Avey

