

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 368


DECLARING ADMINISTRATIVE ORDER NO. 19 DATED AUGUST 3, 1962 NULL AND VOID AB INITIO INSOFAR AS ROBERT P. BROOKS IS CONCERNED, ALLOWING HIM TO RETURN UPON COMPLIANCE WITH REQUIREMENTS OF PHILIPPINE IMMIGRATION ACT OF 1940.

WHEREAS, a petition had been filed on behalf of Robert P. Brooks for the modification and/or amendment of Administrative Order No. 19 dated August 3, 1962;

WHEREAS, under Administrative Order No. 19, Robert P. Brooks and others were deported from the country and forever banned from entering the country "on the strength of and based exclusively upon various documents, papers, things and effects seized by the agents of the National Bureau of Investigation from the residences and other premises of Robert P. Brooks, et al by virtue of search warrants issued by the courts.";

WHEREAS, on March 20, 1962, an original action for certiorari, prohibition, mandamus and injunction was filed with the Supreme Court by Robert P. Brooks, et al docketed as G. R. No. L-19550, alleging that the search warrants issued against Robert P. Brooks, et al were null and void as contravening the Constitution and violative of the Rules of Court and consequently all documents, papers, things and effects seized by virtue of these warrants were inadmissible as evidence in any proceedings against Mr. Brooks;

WHEREAS, on June 19, 1967, the Supreme Court declared the warrants issued against Robert P. Brooks and others null and void and "as openly contravening the explicit command of our Bill of Rights," thus rendering inadmissible all documents, papers, things and effects illegally seized by virtue of these warrants which are void;


1

WHEREAS, likewise, in an earlier case of Qua Chee Gan, et al vs. Deportation Board, G. R. No. L-10280, promulgated on September 30, 1963, the Supreme Court also explicitly declared that the Deportation Board was bereft of power and authority to issue warrants of arrest against aliens to be investigated or being investigated for possible deportation;

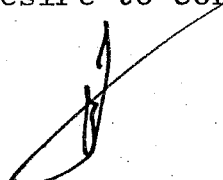
WHEREAS, in view of the Supreme Court's decision in the Qua Chee Gan, et al and Stonehill, et al, cases, supra, the Deportation Board, acting upon a petition filed before it in behalf of Robert P. Brooks, after due notice and hearing, rendered a report and recommendation dated December 16, 1968, declaring among others that:

"x x x the evidence from which the findings of fact contained in the said order (referring to the Administrative Order No. 19) were gathered were either illegally seized, or not formally presented, or not presented or offered at all, hence the said findings of fact and conclusions of law purported to support the deportation of respondent Brooks are without basis x x x."

and recommending the modification of Administrative Order No. 19 insofar as Robert P. Brooks is concerned.

WHEREAS, the Bureau of Internal Revenue has certified that neither Robert P. Books nor his wife Pacita Carrion has any tax liability with the said Bureau in favor of the Republic of the Philippines and the National Bureau of Investigation has likewise certified that Robert P. Brooks has no pending criminal or administrative case against him in any court or agency in the country;

WHEREAS, Robert P. Brooks is married to a Filipina and himself was born in the Philippines and has expressed his sincere desire to contribute



his share in his own humble way to the task of helping insure economic growth and progress of the country which he has already initiated by developing better quality leaf tobacco through free distribution of tobacco seedlings to tobacco farmers;

WHEREAS, in the light of all the foregoing and in the interest of justice and rule of law as consistently stressed under the New Society, it is imperative that justice be accorded to whomever it is lawfully due;

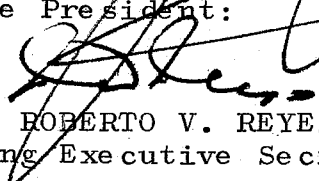
NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the authority vested in me by law hereby declared Administrative Order No. 19 dated August 3, 1962 null and void ab initio insofar as Robert P. Brooks is concerned; and that said Robert P. Brooks, who was born and grew up in this country and married to Pacita Carrion, a natural-born Filipino citizen, is authorized as he is hereby authorized to return to the Philippines upon compliance with the requirements of the Philippine Immigration Act of 1940, as amended.

DONE in the City of Manila, this 27th day of August, in the year of Our Lord, nineteen hundred and seventy-five.



President of the Philippines

By the President:



ROBERTO V. REYES
Acting Executive Secretary