

14 May 1956

From: Commander Frank W. AVILA, USNR
 Commander Naval Forces Marianas

Subject: Internal Investigation into the Circumstances attending the alleged injuries of one Luis D. Nisa, Filipino employee of Brown-Pacific-Maxon; report of

- Ref:
- (a) Appointing order, Commander Naval Forces Marianas ltr ser 1580 of 2 May 1956
 - (b) Section 0303g of the 1955 Naval Supplement to the Manual for Courts Martial, United States
 - (c) Trust Territory Code
 - (d) Rules and Regulations for the Trust Territory Insular Constabulary
 - (e) United States Code Annotated, Title 8, Aliens and Nationality

- Encls:
- (1) Copy of reference (a)
 - (2) Brown-Pacific-Maxon Notice of 10 October 1955
 - (3) Brown-Pacific-Maxon Bulletin of 25 April 1956
 - (4) Extracts from Police Log Book on 28 April 1956
 - (5) Report of William H. Green, Acting Captain, B.P.M. Security
 - (6) Statement of Luis D. Nisa, B.P.M. Filipino employee
 - (7) Statement of Earl F. Schwantes B.P.M. employee
 - (8) Statement of Clifford Chitwood B.P.M. Security Guard
 - (9) Medical Report of Arsenio B. Villanueva, M. D., B.P.M.
 - (10) Medical Report of Lt. S. W. Courcy MC, USNR dtd 30 Apr 1956
 - (11) Medical Report of Lt. S. W. Courcy, MC, USNR dtd 3 May 1956
 - (12) Statement of Gregorio C. Cabrera, Saipese Merchant
 - (13) Statement of Simon I. Olapai, I. C.
 - (14) Statement of Joaquin G. Guerrero, I. C.
 - (15) Statement of Vicente S. Guerrero, I. C.
 - (16) Statement of Justine T. Arriola, I. C.

1. On the morning of 2 May 1956, I was informed by Commander Naval Forces Marianas that Luis D. Nisa a Filipino employee of Brown-Pacific-Maxon alleged being mistreated by the Insular Constabulary, Saipan District. In addition the Philippine Consul, Mr. Mayan alleged undue detention of Luis D. Nisa by the Trust Territory authorities on Saipan. I was instructed to investigate the circumstances and report the results of the investigation to Commander Naval Forces Marianas. Per request of the Philippine Consul, Mr. Mayan, which was approved by Commander Naval Forces Marianas, the Philippine Vice Consul, Mr. Alejandro Yango and the complainant, Mr. Luis D. Nisa were permitted to accompany me to Saipan to attend the investigation and to introduce evidence as appropriate for the complainant.

2. At 0900 hours 4 May 1956, I departed the Naval Air Station, Agaña, Guam, accompanied by the Philippine Vice-Consul, Mr. Alejandro Yango and Mr.

... the Navy Aircraft, arriving at Saipan, Marianas ...
 ... that date. We were met at the airport by officials of the Naval
 ... District, Saipan. We proceeded by the Recreation store, where
 ... had been arrested, to the Saipan Jail, where we viewed the
 ... and noted the cell wherein Misa was injured. From the jail we
 ... to the Court House and commenced to interview witnesses. At
 ... we adjourned and returned to Guam via Navy aircraft.

Prior to commencing the investigation, I discussed the procedure and
 rules to be utilized with Mr. Yango. I agreed to the following:

a. In the event that the complainant or Mr. Yango had additional ques-
 tions, I would receive the questions and question the witnesses further as
 relevant.

b. I would receive evidence offered by the complainant and/or Mr.
 Yango.

c. Mr. Yango would not be permitted to cross-examine witnesses or
 inquire into matters not relevant or pertinent to the present investigation.

4. In accordance with reference (a), I proceeded to examine witnesses and
 obtain evidence for the purpose of determining the circumstances attending
 the alleged injuries of Luis D. Misa. The following is a list of witnesses
 examined:

- Mr. Luis D. Misa, B.P.M. Employee
- Mr. William H. Green, Acting Capt's Security B.P.M.
- Mr. Clifford Chitwood, Security Guard, B.P.M.
- Mr. Karl F. Schwantes, B.P.M. employee
- Misa Victoria Tudela, Saipanese
- Mr. Justino Arriola, Saipanese Constable
- Mr. Vicente Guerrero, Saipanese Constable
- Mr. Joaquin Guerrero, Saipanese Constable
- Lt. Simon W. Coaroy, MC, USNR, NAVAD
- Father P. Taguian, Filipino priest, B.P.M. Camp
- Mr. Jose Camacho, Saipanese Constable
- Mr. William K. Hobbs, Security Guard, B.P.M.
- Dr. Villanueva, B.P.M. Doctor
- Mr. Gregorio Cabrera, Saipanese businessman
- Mr. Sabino Cabrera, Saipanese
- Mr. John P. Baker, District Attorney, Saipan District

FINDINGS OF FACT

1. As a result of the investigation, I believe the following facts to be
 established by the evidence obtained:

a. That Luis D. Misa was a Filipino employee of Brews-Pacific-Manana on
 28 April 1956.

b. That Luis D. Misa arrived at Chalan Kanan Village about 1730, on
 28 April 1956 by bus.

c. That Luis D. Misa knew that the "shopping tour" bus would depart from Chalan Kanoa Village at 1900 to return to the B.P.M. Camp. He also knew that he should leave the Village and return to Camp via that bus.

d. That Luis D. Misa did not return to Camp on the 1900 "shopping tour" bus, but did remain in Chalan Kanoa Village, thereby violating instructions contained in enclosure (2).

e. That subsequent to 1900 on 28 April 1956, Luis D. Misa was offered a ride back to camp which he did refuse.

f. That Luis D. Misa did become involved in an altercation with civilians in the Ecoclastica Store, namely did assault one Mr. Karl P. Schwantes.

g. That Justino Arriola, member of Insular Constabulary, while patrolling in a carryall, was called to the scene of the disorder and arrested Luis D. Misa at about 2200 hours 28 May 1956.

h. That Justino Arriola proceeded to the Insular Constabulary Headquarters with Luis D. Misa where he was booked and ordered detained.

i. That while proceeding from the Insular Constabulary Headquarters to the jail, Misa did resist Justino Arriola, Vicente Guerrero, and Joaquin Guerrero. Misa was forcibly placed in a jeep and transported to the jail.

j. That Misa did resist being locked up in a cell at the jail and did choke Justino Arriola until forcibly ceased to resist.

k. That Misa did lose one shoe in the jeep while being transported to the jail.

l. That Joaquin Guerrero did retrieve the shoe and return it to Misa while locked in the cell, passing it through a peep-hole in the door. After receiving the shoe, Misa did throw it out through the peep-hole at Vicente Guerrero.

m. That Vicente Guerrero did return the shoe.

n. That Misa did suffer injuries to his left eye by objects and/or means unknown while locked in a cell in the Saipan jail.

o. That Misa was transported to the Naval Administration dispensary where he was treated, see enclosure (10). He was returned to jail after treatment.

p. That Misa was again given medical treatment on Sunday, 29 April and Monday, 30 April 1956.

q. That Misa was released from jail at 0900, Tuesday, 1 May after being detained for a period of 59 hours.

That Misa was returned to Guam on Tuesday, 1 May 1956, for return to the Philippines.

That the District Attorney did order an investigation into the attendant circumstances of the arrest and injuring of Luis D. Misa on 29 April 1956.

That present immigration regulations are inadequate.

That the Insular Constabulary requires additional instructions in the manner of effecting arrests and "booking" offenders.

OPINIONS

As a result of the investigation, I have formed the following opinions:

a. That Luis D. Misa was arrested on 28 April 1956 at about 2200 hours, because of disorderly conduct and violating the B.P.M. Camp curfew.

b. That Luis D. Misa was properly detained from about 2200 hours on 28 April 1956 to 0900 hours on 1 May 1956, a period of approximately 59 hours. This period included a Sunday.

c. That Luis D. Misa's left eye was injured while locked in a cell at the Saipan Jail by unidentified objects or persons. Note: A possibility exists that Misa was struck in the eye by his shoe, however the evidence does not adequately support this possibility.

d. That considering the resistance that Misa offered the Constabulary while being transported from the I.C. Headquarters to his cell at the jail and excluding the injury to his eye where cause was undeterminable, Misa was neither maltreated nor abused by the police officials on Saipan.

e. That the District Attorney acted in proper performance of his office.

f. That the Contractor (B.P.M.) repatriated Misa to the Philippines because of his disorderly conduct and violation of curfew.

g. That Luis D. Misa was ordinarily an individual of excellent behavior, however, on the 28th of April he became somewhat intoxicated and truant.

h. That present immigration regulations are inadequate for the guidance of the District Immigration Officer.

i. That the Insular Constabulary requires additional instructions in the manner of effecting arrests and "booking" offenders.

RECOMMENDATIONS

As a result of the investigation, the following recommendations are made:

a. That B.P.M. Filipino employees who violate curfew and who are not

... be not imprisoned but be placed in the ...
... until their case is settled.

... Philippine employees who are involved in original ...
... and detained if the ...
... District Attorney can then waive ...
... and have the employees deported, if appropriate.

... immigration regulations be issued for the Salpan District, in ...
... Section 606 of the Trust Territory Code.

... The District Attorney, Salpan District, institute a course ...
... instruction for the Local Constabulary, utilizing reference (d) as ...
... and stressing Sections 6 to 15 inclusive thereof.

... the legality of implementing the instructions contained in ...
... by law be studied, and, if legal, affect legislation in ...

... That no criminal or disciplinary action be taken against any of ...
... of the Trust Territory officials involved or connected with ...
... investigation.

J. W. Avila
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