

[PRESIDENTIAL DECREE NO. 1996, November 05, 1985]

FURTHER AMENDING PRESIDENTIAL DECREE NO. 1834 AS AMENDED

WHEREAS, in this period of economic recovery and in our fight against insurgency, Presidential Decree No. 1834 as amended, was enacted, among others, to ensure the economic and political, stability of the State;

WHEREAS, Presidential Decree No. 1834 *provided* for a uniform penalty or reclusion perpetua to death for the crimes of rebellion or insurrection and sedition, regardless of whether the offender is a leader or one who is merely participating in the acts constituting the said crimes;

WHEREAS, some persons who are not leaders but are merely participating in the crimes of rebellion or insurrection and/or sedition, are oftentimes not aware of the impact and consequences of their unlawful acts;

WHEREAS, Presidential Decrees Nos. 1974 and 1975, issued on the 2nd day of May 1985, discarded the uniform penalty of reclusion perpetua to death imposed under Presidential Decree No. 1834 for the crime of conspiracy and proposal to commit rebellion or insurrection, inciting to rebellion or insurrection, plot or conspiracy to commit sedition, etc.; and deleted the penalties of forfeiture of rights as citizens of the Philippines and the confiscation in favor of the State of real and personal properties of persons violating Presidential Decree No. 1835;

WHEREAS, in the spirit of national reconciliation, the Government deems it appropriate to further temper the penalties for those who are merely participating in the acts constituting rebellion or insurrection, sedition and/or other offenses;

WHEREAS, the Batasang Pambansa again adjourned its session without having acted promptly and adequately on the Parliamentary Bills seeking the repeal and/or modification of the uniform penalty for rebellion and sedition, and other measures to meet the exigencies or imperatives of national reconciliation;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested upon me by the Constitution do hereby decree:

SECTION 1. Article 135 of the Revised Penal Code as amended, is hereby further amended to read as follows:

"ART. 135. *Penalty for rebellion or insurrection.* — Any person who promote, maintains or heads a rebellion or insurrection, or while holding any public office or employment takes part therein, engaging in war against the forces of the Government, destroying property or committing serious violence, exacting contributions or diverting public funds from the lawful purpose for which they have been appropriated, shall suffer the penalty of reclusion perpetua to death.

"Any person merely participating or executing the commands of others in a rebellion shall suffer the penalty of reclusion temporal in its medium period and a fine not to exceed 20,000 pesos.