

# [ PRESIDENTIAL DECREE NO. 1850, October 04, 1982 ]

## **PROVIDING FOR THE TRIAL BY COURTS-MARTIAL OF MEMBERS OF THE INTEGRATED NATIONAL POLICE AND FURTHER DEFINING THE JURISDICTION OF COURTS-MARTIAL OVER MEMBERS OF THE ARMED FORCES OF THE PHILIPPINES**

**WHEREAS**, under Section 12, Article XV of the Constitution, the State shall establish and maintain an integrated national police force whose organization, administration, and operation shall be provided by law;

**WHEREAS**, under and pursuant to existing laws, the various municipal/city police and fire departments and jails have been integrated into law-enforcement units under the operational control and organization set-up of the Philippine Constabulary;

**WHEREAS**, in the interest of discipline and public service, it is desirable that members of the Integrated National Police be subject to trial by courts-martial under Commonwealth Act No. 408, as amended, otherwise known as the "Articles of War for the Armed Forces of the Philippines, for all crimes or offenses which are heretofore cognizable by the civil courts;

**WHEREAS**, as a complementary measure, there is a need to clarify existing provisions of law relating to jurisdiction of courts-martial and the Tanodbayan/Sandiganbayan and the regular civil courts over crimes and offenses committed by members of the Armed Forces of the Philippines.

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

**SECTION 1.** *Court-Martial Jurisdiction over Integrated National Police and Members of the Armed Forces* – Any provision of to the contrary notwithstanding – (a) uniformed members of Integrated National Police who commit any crime of offense cognizable by the civil courts shall henceforth be exclusively tried by courts-martial pursuant to and in accordance with Commonwealth Act No. 408, amended, otherwise known as the Articles of War; (b) all persons subjects to military law under Article 2 of the aforementioned Articles of War who commit any crime or offense shall be exclusively tried by courts-martial or their case disposed of under the said Articles of War; *Provided*, that, in either of the aforementioned situations, the case shall be disposed of or tried by the proper civil or judicial authorities when court-martial jurisdiction over the offense has prescribed under Article 38 of Commonwealth Act Numbered 408, as amended, or court-martial jurisdiction over the person of the accused military or Integrated National Police personnel can no longer be exercised by virtue of their separation from the active service without jurisdiction having duly attached before hand unless otherwise provided by law.

As used herein, the term uniformed members of the Integrated National Police shall refer to police officers, policemen, firemen and jail guards.

**SEC. 2.** *Segregation of Criminal Cases of Armed Forces and Integrated National Police from Civilian Co-accused.*