

[**PRESIDENTIAL DECREE NO. 1822-A, January 16, 1981**]

AMENDING SECTION 1, P.D. NO. 1822, PROVIDING FOR TRIAL BY COURTS-MARTIAL OF MEMBERS OF THE ARMED FORCES CHARGED WITH OFFENSES RELATED TO THE PERFORMANCE OF THEIR DUTIES.

WHEREAS, under P.D. No. 1822, members of the Armed Forces of the Philippines in the active service who commit crimes in relation to their office are considered excluded from the jurisdiction of the Tanodbayan and the Sandiganbayan even after the lifting of Martial Law;

WHEREAS, such officers, soldiers and personnel of the Armed Forces including the Philippine Constabulary charged with any crime or offense related to the performance of their duties shall be exclusively tried and punished as a court martial may direct pursuant to the Articles of War as *provided* for in said presidential decree;

WHEREAS, there are special cases wherein members of the Armed Forces are jointly tried with members of the Integrated National Police or with civilians; and

WHEREAS, to avoid the splitting of jurisdiction on such special cases where members of the Armed Forces of the Philippines, are charged together with defendants who do not fall within the jurisdiction of courts martial, it becomes imperative to charge and try them jointly.

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

"SECTION 1. Any provision of existing law to the contrary notwithstanding, all officers, soldiers and personnel in the active service of the Armed Forces of the Philippines, or of the Philippine Constabulary charged with any crime or offense related to the performance of their duties shall exclusively be tried and punished as a court martial may direct pursuant to the Articles of War; *Provided, however*, that in all cases or crimes wherein the respondents or accused are the members of the Armed Forces of the Philippines in the active service together with civilians and other non-members of the Armed Forces, or in any other case in which the interest of justice requires, the President of the Philippines may waive the provisions of this Decree for the purpose of having all the respondents or defendants investigated by the Tanodbayan and tried by the Sandiganbayan."

This decree shall take effect immediately.

Done in the City of Manila, this 16th day of January, in the year of Our Lord, nineteen hundred and eighty-one.

**(Sgd.) FERDINAND E.
MARCOS**
President of the Philippines