

[PRESIDENTIAL DECREE NO. 255, July 26, 1973]

AMENDING PRESIDENTIAL DECREE NO. 39, DATED NOVEMBER 7, 1972 TO CONFER ON MILITARY COMMISSION AND PROVOST COURTS THE JURISDICTION TO TRY MILITARY PERSONNEL FOR VIOLATIONS OF THE ARTICLES OF WAR AND TO DISPOSE OF THE SAME.

WHEREAS, the rules governing the creation, composition, jurisdiction, procedure, and other matters relevant to military tribunals promulgated pursuant to Presidential Decree No. 39, dated November 7, 1972, did not confer on military commissions and provost courts the jurisdiction to try military personnel for strictly military offenses in violation of the Articles of War; and

WHEREAS, in order to expedite the disposition of such offenses, it is necessary that the military commissions and provost courts referred to in the aforesaid Presidential Decree No. 39 be conferred the jurisdiction to try and dispose of the same;

NOW, THEREFORE, I, FERDINAND E. MARCOS, pursuant to Proclamations Nos. 1081, dated September 21, 1972, and No. 1104, dated January 17, 1973, and in my capacity as Commander-in-Chief of all the Armed Forces of the Philippines, do hereby order and decree that the following portion of the rules governing the creation, composition, jurisdiction, procedure, and other matters relevant to military tribunals is amended to read as follows:

"3. *Jurisdiction.* — All crimes and offenses, including those defined and penalized under Commonwealth Act. No. 408, otherwise known as the 'Articles of War,' as amended, which are properly chargeable under said Act even if committed prior to the effectivity of this Decree, shall be referred to military commissions where the range of punishment that may be imposed is confinement for at least six years and one day or fine of not less than two thousand pesos, and to provost courts where the range of punishment that may be imposed is less than the afore-stated punishments; *Provided*, That the appointing authority in each particular case shall not be precluded "from referring the case to a court-martial for trial or from taking action under Article of War 105 or any other appropriate action consistent with the interest of justice, discipline and exigencies of the military service: *Provided, further*, That a commissioned officer shall not be tried by a Provost Court."

All provisions in the aforesaid rules, other general orders, decrees, and letters of instructions which are in conflict with this Decree are hereby modified, amended superseded or repealed to conform herewith.

Done in the City of Manila, this 26th day of July, in the year of Our Lord, nineteen hundred and seventy-three.

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