

# [ GENERAL ORDER NO. 49, October 04, 1974 ]

## REDEFINING THE JURISDICTION OF MILITARY TRIBUNALS.

WHEREAS, upon the proclamation of martial law it became necessary to transfer the cognizance of a large number of criminal cases to military tribunals;

WHEREAS, positive steps have been taken to revitalize the administration of justice and the new Constitution authorizes the reorganization of the courts; and

WHEREAS, although there still exist areas of active rebellion in the country, on the whole there has been such an improvement in the general conditions obtaining in the country and in the administration of justice as to warrant the return of some of the criminal cases to the jurisdiction of civil courts;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers in me vested by the Constitution, do hereby decree as part of the law of the land the following:

SECTION 1. The military tribunals created under General Order No. 3, dated September 27, 1972, shall exercise exclusive jurisdiction over the following cases;

1. All offenses committed by military personnel of the Armed Forces of the Philippines while in the active services: *Provided*, That offenses committed by military personnel while in the active service shall continue to be heard and tried by military tribunals even after their discharge or separation from the service; *Provided, further*, That whenever there are two or more accused at least one of whom is a military personnel, military tribunals shall have jurisdiction, of the offense if it arose out of any act or omission done in the performance of official duty by the accused military personnel. Whenever it is necessary to determine whether an alleged offense arose out of an act or omission done in the performance of official duty, a certificate issued by the Secretary of National Defense will be delivered to the City or Provincial Fiscal concerned and this certificate shall be binding upon all civil authorities.
2. Crimes against national security and the law of nations as defined and penalized in Title I, Book II of the Revised Penal Code.
3. Violation of the Anti-Subversion Law as defined and penalized in Republic Act No. 1700, as amended.
4. Espionage (Art. 117, Revised Penal Code; Commonwealth Act No. 616).
5. Crimes against public order as defined and penalized under the Revised Penal Code, as amended, namely:
  - a. Rebellion or insurrection (Art. 134)
  - b. Conspiracy and proposal to commit rebellion or insurrection (Art. 136)
  - c. Disloyalty of public officers or employees (Art. 137)
  - d. Inciting to rebellion or insurrection (Art. 138)
  - e. Sedition (Art. 139)
  - f. Conspiracy to commit sedition (Art. 141)
  - g. Inciting to sedition (Art.142)
  - h. Illegal assemblies (Art. 146)