

[GENERAL ORDER NO. 12-A, October 02, 1972]

AMENDING GENERAL ORDER NO. 12, DATED SEPTEMBER 30, 1972, BY FURTHER DEFINING THE JURISDICTION OF MILITARY TRIBUNALS AND PRESCRIBING THAT DECISIONS OF THESE TRIBUNALS SHALL BE SUBJECT TO APPEAL AND/OR REVIEW BY THE PRESIDENT.

General Order No. 12, dated September 30, 1972, is hereby amended so that sub-paragraphs 7 and 14 of the dispositive portions¹ of the Order shall read as follows:

"7. Those involving other crimes committed in furtherance or on the occasion of or incident to or in connection with the crimes of insurrection, rebellion, subversion or sedition."

X X X

"14. Those involving crimes committed by officers and enlisted men of the Armed Forces of the Philippines, regardless of dates of commission and whether or not related to the performance of their official duties.

"In cases where there are civilians involved in the commission of the crime, the case of the civilians will be jointly tried and decided along with the accused military personnel by the military tribunals.

"Cases covered by this sub-paragraph which are now pending before the courts or the offices of provincial or city fiscals, either for preliminary investigation or trial on the merits, shall be transferred to military tribunals."

The General Order is further amended by adding the following sub-paragraph:

"15. In any case over which the Philippines has jurisdiction pursuant to the existing Philippine-United States Military Bases Agreement, where the respondent is a member of the United States Armed Forces or civilian component thereof and their dependents, the preliminary investigation shall be conducted by the city or provincial fiscal concerned and the corresponding information filed with the proper civil courts, except where the offense involved is subversion, rebellion, sedition, or any other crime committed in furtherance or on the occasion of or incident to or in connection with said crimes, which cases shall be filed with the military tribunals: *Provided, however,* That nothing in this General Order or in General Order No. 12 shall affect the existing Philippine-United States Military Bases Agreement."

and the following provisions

"All decisions of the Military Tribunals constituted pursuant to General Order Mo. 8, dated September 27, 1972, on all cases heard and decided by them in accordance with General Order No. 12, dated September 30, 1972, shall be subject to appeal and/or review by the President, through the Chief of Staff of the Armed Forces of the Philippines and the Secretary of National Defense, and