

## **AN ACT STRENGTHENING CIVILIAN SUPREMACY OVER THE MILITARY BY RETURNING TO THE CIVIL COURTS THE JURISDICTION OVER CERTAIN OFFENSES INVOLVING MEMBERS OF THE ARMED FORCES OF THE PH...**

*REPUBLIC ACT NO. 7055, June 20, 1991*

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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Members of the Armed Forces of the Philippines and other persons subject to military law, including members of the Citizens Armed Forces Geographical Units, who commit crimes or offenses penalized under the Revised Penal Code, other special penal laws, or local government ordinances, regardless of whether or not civilians are co-accused, victims, or offended parties which may be natural or juridical persons, shall be tried by the proper civil court, except when the offense, as determined before arraignment by the civil court, is service-connected, in which case the offense shall be tried by court-martial: Provided, That the President of the Philippines may, in the interest of justice, order or direct at any time before arraignment that any such crimes or offenses be tried by the proper civil courts.

As used in this Section, service-connected crimes or offenses shall be limited to those defined in Articles 54 to 70, Articles 72 to 92, and Articles 95 to 97 of Commonwealth Act No. 408, as amended.

In imposing the penalty for such crimes or offenses, the court-martial may take into consideration the penalty prescribed therefor in the Revised Penal Code, other special laws, or local government ordinances.

SEC. 2. Subject to the provisions of Section 1 hereof, all cases filed or pending for filing with court-martial or other similar bodies, except those where the accused had already been arraigned, shall within thirty (30) days following the effectivity of this Act, be transferred to the proper civil courts: Provided, That the Chief of the Armed Forces of the Philippines shall, upon petition before commencement of trial and with the written consent of the accused, order the transfer of such excepted case or cases to the proper civil courts for trial and resolution.

SEC. 3. Presidential Decree Nos. 1822, 1822-A, 1850 and 1952, and all acts, general orders, executive orders, and other presidential issuances, rules and regulations inconsistent with this Act are hereby repealed or amended accordingly.

SEC. 4. This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,

(Sgd.) JOVITO R. SALONGA (Sgd.) RAMON V. MITRA

President of the Senate Speaker of the House of Representatives

This bill which is a consolidation of Senate Bill No. 1468 and House Bill No. 31130, was finally passed by the Senate and the House of Representatives on May 9, 1991 and April 30, 1991, respectively.

(Sgd.) EDWIN P. ACOBA (Sgd.) CAMILO L. SABIO

Secretary of the Senate Secretary General House of Representatives

Approved: June 20, 1991

(Sgd.) CORAZON C. AQUINO President of the Philippines

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