

## LETTER OF INSTRUCTIONS NO. 1211, March 09, 1982

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### TO:

The Minister of National Defense  
The Chief of Staff, Armed Forces of the Philippines  
The Chief, Philippine Constabulary  
The Chief, Criminal Investigation Service  
The Director-General, NISA  
The Minister of Justice  
The Director, National Bureau of Investigation  
The Solicitor General

WHEREAS, by virtue of Proclamation No. 2045 the privilege of the writ of habeas corpus remains suspended in the two autonomous regions of Mindanao and in all other places with respect to —

"persons at present detained as well as others who may hereafter be similarly detained for the crimes of insurrection or rebellion, subversion; conspiracy or proposal re commit such crises, and for all other crimes and offenses committed by them in furtherance or on the occasion thereof, or incident thereto, or in connection therewith;"

WHEREAS, the aforesaid Proclamation has rendered unquestionable the authority of the President to cause the arrest and detention of persons engaged in or charge with, the crimes or offenses metioned in said Proclamation;

WHEREAS, on May 25, 1981 I issued Letter of Instructions No. 1125-A providing for guidelines in the arrest and detention of the aforesaid persons for the purpose of insuring that the President's power of arrest incident to the suspension of the privilege of the writ is not abused; and

WHEREAS, it is necessary to clarify the aforesaid guidelines in order to insure protection to individual liberties without sacrificing the requirements of public order and safety and the effectiveness of the campaign against those seeking the forcible overthrow of the Government and duly constituted authorities:

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, do hereby order and direct the following:

- All cases involving the crimes of insurrection, rebellion, subversion, conspiracy or proposal to commit such crimes and all other crimes of offenses committed in furtherance of or on the occasion thereof, or incident thereto, or in connection therewith, shall be referred to the provincial or city fiscal, or to the municipal, city, circuit, or district judge for preliminary examination or investigation in accordance with existing laws.
- Only upon proper warrant issued by a judge shall the person or persons charge with the above crimes be arrested and detained; Provided, however, that should the military commander or the head of law enforcement agency determine that the person or persons to be arrested would probably escape or commit further acts which would

endanger public order and safety before the proper warrant could be obtained, arrest may be immediately effected and the said person or persons shall be detained. Thereafter, he or they shall immediately be investigated and charged and the judicial warrant for his or their arrest obtained.

- The above notwithstanding, the military commander or the head of the law enforcement agency may apply to the President thru the Minister of National Defense, for a Presidential Commitment Order covering the person or persons believed to be participants in the commission of the crimes referred to in paragraph 1 under the following circumstances:

a) When resort to judicial process is not possible or expedient without endangering public order and safety; or  
b) When the release on bail of the person or persons already under arrest by virtue of a judicial warrant would endanger said public order and safety.

- When issued, the Presidential Commitment Order shall constitute authority to arrest the subject person or persons and keep him or them under detention until ordered released by the President or his duly authorized representative.

- In every case where no Presidential Commitment Order is issued by the President, the accused under detention may be released on bail in accordance with the applicable laws.

- In no case shall the powers of the President under Proclamation No. 2045 be invoked except as provided above.

This Letter of Instructions shall take effect immediately and shall supersede the provisions of Letter of Instructions No. 1125-A. It shall apply to those persons now detained by virtue of Presidential Commitment Order.

Done in the City of Manila, this 9th day of March, in the year of Our Lord, Nineteen hundred and eighty-Two.

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

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