

AMENDING ARTICLES 135, 136, 137, 138, 140, 142, 177, 178 AND 179 OF THE REVISED PENAL CODE.

PRESIDENTIAL DECREE No. 38, November 07, 1972

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WHEREAS, Proclamation No. 1081, dated September 21, 1972, declaring a state of martial law throughout the land was issued by me because of a grave national emergency

prevailing throughout the country which has been brought about by activities of groups of men now actively engaged in a criminal conspiracy to seize political power and state power in the Philippines and to take over the Government by force and violence the extent of which has assumed the proportion of actual war against our people and their legitimate Government;

WHEREAS, in the pursuit of their conspiracy, criminal design, unlawful activities, and sinister objectives, the radical and lawless elements have continued to commit rebellion, insurrection, sedition and subversion, by means of force, violence, deceit, and other illegal means, causing wanton destruction of lives and property, widespread lawlessness and anarchy, and chaos and disorder;

WHEREAS, in order to abate, curb, or arrest the mounting efforts of these radical and lawless elements to challenge and defy the Government through actual military confrontations, subversion, and other illegal means, it is necessary, as a deterrent, to mete out higher penalties for certain offenses involving crimes against public order and public interest;

NOW, THEREFORE, I, FERDINAND E. MARCOS, by virtue of the powers vested in me by the Constitution as Commander-in-Chief of all the Armed Forces of the Philippines, and pursuant to Proclamation No. 1081, dated September 21, 1972, and General Order No. 1, dated September 22, 1972, as amended, do hereby order and decree that Articles 135, 136, 137, 138, 140, 142, 177, 178 and 179 of Act No. 3815, otherwise known as the Revised Penal Code, as amended, be further amended to read as follows:

"ART. 135. Penalty for rebellion or insurrection. —Any person who promotes, maintenance, or heads a rebellion or insurrection, or who while holding any public office or employment takes part therein, engaging in war against the forces of the Government, destroying property or committing serious violence, exacting contributions or diverting public funds from the lawful purpose for which they have been appropriated, shall suffer the penalty of reclusion perpetua.

"Any person merely participating or executing the command of others in a rebellion shall suffer the penalty of reclusion temporal.

"When the rebellion or insurrection shall be under the command of unknown leaders, any person who in fact directed the others, spoke for them, signed receipts and other documents issued in their name, or performed similar acts on behalf of the rebels, shall be deemed the leader of such rebellion."

"ART. 136. Conspiracy and proposal to commit rebellion or

insurrection. —The conspiracy and proposal to commit rebellion or insurrection shall be punished by prison

mayor."

"ART. 137. Disloyalty of public officers or employees. —The penalty of prision mayor in its medium period shall be imposed upon public officers or employees who have failed to resist a rebellion by all means in their power, or shall continue to discharge the duties of their offices under the control of the rebels or shall accept appointment to office under them."

"ART. 138. Inciting to rebellion or insurrection. —The penalty of reclusion temporal in its minimum period shall be imposed upon any person who, without taking arms or being in open hostility against the Government, shall incite others to the execution of any of the acts specified in Article 134 of this Code, by means of speeches, proclamations, writings, emblems, banners or other representations tending to the same end."

"ART. 140. Penalty for sedition. —The leader of a sedition shall suffer the penalty of reclusion temporal in its maximum period.

"Other persons participating therein shall suffer a penalty of prision mayor in its maximum period."

"ART. 142. Inciting to sedition. —The penalty of prision mayor in its maximum period and a fine not exceeding P6,000 pesos, shall be imposed upon any person who, without taking any direct part in the crime of sedition, should incite others to the accomplishment of any of the acts which constitute sedition, by means of speeches, proclamations, writings, emblems, cartoons, banners, or other representations, tending to the same end; or upon any person or persons who shall utter seditious words or speeches, write, publish, or circulate scurrilous libels against the Government of the Philippines, or any of the duly constituted authorities thereof, which tend to disturb or obstruct any lawful officer in executing the functions of his office, or which tend to instigate others to cabal and meet together for unlawful purposes, or which suggest or incite rebellious conspiracies or riots, or which lead or tend to stir up the people against the lawful authorities or to disturb the peace of the community, the safety and order of the Government, or who shall knowingly conceal such evil practices."

"ART. 177. Usurpation of authority or official functions. —Any person who shall knowingly and falsely represent himself to be an officer, agent or representative of any department or agency of the Philippine Government or of any foreign government, or who, under pretense of official position, shall perform any act pertaining to any person in authority or public officer of the Philippine Government or of any foreign government, or any agency thereof, without being lawfully entitled to do so, shall suffer the penalty of prision mayor in its minimum and medium period."

"ART. 178. Using fictitious name and concealing true name. —The penalty of prision correctional shall be imposed upon any person who shall publicly use a fictitious name for the purpose of concealing a crime, evading the execution of a judgment or causing damage.

"Any person who conceals his true name and other personal circumstances shall be punished by arresto mayor."

"ART. 179. Illegal use of uniform or insignia. — The penalty of prision mayor in its maximum period shall be imposed upon any person who shall publicly and improperly make use of insignia, uniforms or dress pertaining to an office not held by such person or to a class or persons of which he is not a member."

This Decree which shall henceforth be part of the law of the land shall take effect immediately.

Done in the City of Manila, this 7th day of November in the year of our Lord, nineteen hundred and seventy-two.

(SGD.) FERDINAND E. MARCOS

President of the Philippines

By the President:

(SGD.) ALENJANDRO MELCHOR

Executive Secretary

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