

DIRECTING THE REFERRAL OF MILITARY TRIBUNAL CASES TO CIVIL GOVERNMENT PROSECUTORS AND/OR JUDICIAL AUTHORITIES AND FOR OTHER PURPOSES

GENERAL ORDER NO. 69, January 12, 1981

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WHEREAS, after the declaration of martial law on September 21, 1972, crimes against the national security and public order, subversion, and other serious crimes which undermine the national security, were placed under the trial jurisdiction of the military tribunals created pursuant to General Order No. 8 and Presidential Decree No. 39, as amended, in order to enable the government, thru the Armed Forces of the Philippines, to more effectively and successfully prosecute the plotters and conspirators against the security of the State, as well as other subversive groups and hardened criminal elements who were responsible for the anarchy, the lawless violence and the breakdown of law and order throughout the land;

WHEREAS, convinced that the civil government authorities can now effectively take over from the military establishment the function of administering criminal justice over the remnants of subversive groups and lawless elements and the platters and conspirators against the security of the State in view of the much improved peace and order situation in the country and in line with the announced policy towards full normalization;

NOW, THEREFORE, I FERDINAND E. MARCOS, President Prime Minister of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order as follows:

SECTION 1. Cases for Referral—The following military tribunal cases shall be referred by the Judge Advocate General, AFP to the proper civil government authorities for disposition as herein provided:

(a) Cases pending preliminary investigation.—All cases which are pending preliminary investigation by the Judge Advocate General, AFP, pursuant to Presidential Decree No. 39, as amended, and other pertinent laws shall be referred to the provincial or city fiscals concerned or to the proper civil judicial authorities for the requisite preliminary investigation, with a view to the filing of charge before the civil courts of competent jurisdiction against the respondents or to the dismissal of the cases against them as evidence may warrant.

(b) Cases already investigated (ready for trial).—All cases which, on the effective date of this Order, have been referred to the military tribunals for trial pursuant to Presidential Decree No. 39, as amended, wherein the accused have not as yet entered their pleas, shall be referred to the provincial or city fiscals or civil government prosecutors concerned, who, on the basis of the charges thus preferred by the Judge Advocate General AFP, consequent to a finding of a prima facie case after preliminary investigation, shall file the corresponding informations before the civil courts of competent jurisdiction without the need of conducting another preliminary investigation.

SEC. 2. Cases to Remain Under Military Jurisdiction.—The following criminal cases shall remain under military jurisdiction for final disposition as herein provided:

(a) Cases undergoing trial.—All cases undergoing trial before military tribunals as of the effectivity of this Order

shall continue to be tried by such tribunals until final disposition thereof. However, the case of an accused who has entered his plea may still be transferred to the civil court upon a petition to such effect and approved by the President.

(b) Cases pending review.—All cases which, on the effective date of this Order, have been tried and decided by the military tribunals but are still pending final disposition by the reviewing authorities as provided in Presidential Decree No. 39, as amended, shall continue to be reviewed by the said authorities in accordance with the provisions thereof.

SEC. 3. Trial of Persons Subject to Military Law.— (a) Criminal cases against persons subject to military law which, on the effective date of this Order, are undergoing trial by the Military Tribunals shall continue to be tried by such Tribunals irrespective of the nature of the offense involved, subject, however, to the right of the accused to file a petition for the transfer of a case to the civil com as provided for in Section 2 hereof.

(b) Those pending preliminary investigation under Presidential Decree No. 39, as amended, or awaiting arraignment before the Military Tribunals, as well as other cases involving crimes committed, or that may be committed, by military personnel shall, any provision of law to the contrary notwithstanding, exclusively be disposed of under Commonwealth Act No. 408, as amended, if the crimes involved constitute violations of the punitive Articles of said Act. Any other felony, crime, breach of law or violation of a municipal ordinance which is recognized as an offense of a penal nature punishable under the Revised Penal Code or other special penal laws, or under municipal ordinances, shall likewise be exclusively tried or disposed of under said Act, if (1) committed inside a reservation of the Armed Forces of the Philippines, or (2) committed outside any such reservation when the private offended party (and each one of the private offended parties, if there be more than one) is a person subject to military law, or (3) the offense involves no private offended party.

(c) Cases against military personnel not falling within court-martial jurisdiction as above provided shall be referred by the Judge Advocate General, AFP to the appropriate civil authorities.

SEC. 4. Detention of Criminal Offenders.—On the effective date of this Order, persons arrested pursuant to orders or instructions issued by the President shall be delivered to the proper civil judicial authorities for disposition in accordance with existing laws governing arrest and restraint of criminal offenders, Provided that, the restraint of persons subject to military law shall be governed by the Articles of War; Provided, further, that in the event martial law is lifted, persons involved in offenses against national security and public order committed in those areas where the privilege of the writ of habeas corpus is suspended for said offenses, may be arrested and detained by military authorities on orders of the President, and Provided, finally, that persons whose cases remain under military jurisdiction pursuant to Section 2 hereof and who are detained by reason of their case shall remain under military custody unless otherwise ordered by the President.

SEC. 5. This Order shall take effect immediately.

Done in the City of Manila, this 12th day of January in the year of Our Lord, nineteen hundred and eighty-one.

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

BY THE PRESIDENT:

(Sgd.) Joaquin T. Venus, Jr.
Deputy Presidential Executive Assistant

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