

AMENDING ARTICLES 138 and 142 OF THE REVISED PENAL CODE AND FOR OTHER PURPOSES.

PRESIDENTIAL DECREE NO. 970, July 24, 1976

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WHEREAS, Presidential Decree No. 960 dated July 14, 1976, among other things, has increased the penalty prescribed in Article 201 of the Revised Penal Code for the espousal of immoral doctrines, publication of obscene literature and/or the exhibition of indecent or immoral plays, scenes, acts or shows; and

WHEREAS, the use of such literature and/or shows to incite the commission of crimes against public order such as rebellion, sedition and disloyalty are offenses to which a lesser penalty is attached under present laws;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers in me vested by the Constitution, do hereby decree and order:

SECTION 1. Amendment of Articles 138 & 142, Revised Penal Code.—Articles 138 & 142 of Act Numbered Thirty Eight hundred and fifteen, otherwise known as the Revised Penal Code, are hereby amended by increasing the penalties therein respectively prescribed to prison mayor or fine ranging from six thousand to twelve thousand pesos, or both such imprisonment and fine, for act or acts which incite or tend to incite rebellion or sedition or the undermining, in any manner, of the faith and confidence of the people in their government and/or duly constituted authorities and which penalty shall be imposed

"1. Those who shall publicly expound or proclaim doctrines openly rebellious or seditious;

"2. The authors of rebellious or seditious literature, published with their knowledge in any form; the editors publishing such literature; and the owners/operators of the establishment selling the same;

"3. Those who, in theaters, fairs, cinematographs or any other place, exhibit rebellious or seditious plays, scenes, acts or shows which incite or tend to incite rebellion or sedition; and

"4. Those who shall sell, give away or exhibit films, prints, engravings, sculptures, or literatures which are rebellious or seditious in character.

SEC. 2. Disposition of the Prohibited Articles. The disposition of the literature, films, prints, engravings, sculptures, paintings, or other materials involved in the violation referred to in Section 1 hereof shall be governed by the following rules:

"a. Upon conviction of the offender, to be forfeited in favor of the government to be destroyed.

"b. Where the criminal case against any violator of this decree results in an acquittal, the rebellious or seditious literature, films, prints, engravings, sculpture, paintings or other materials and articles involved in the violation referred to in Section 1 hereof shall nevertheless be forfeited in favor of the government

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"3. Those who, in theaters, fairs, cinematographs or any other place, exhibit rebellious or seditious plays, scenes, acts or shows which incite or tend to incite rebellion or sedition; and

"4. Those who shall sell, give away or exhibit films, prints, engravings, sculptures, or literatures which are rebellious or seditious in character.

SEC. 2. Disposition of the Prohibited Articles. The disposition of the literature, films, prints, engravings, sculptures, paintings, or other materials involved in the violation referred to in Section 1 hereof shall be governed by the following rules:

"a. Upon conviction of the offender, to be forfeited in favor of the government to be destroyed.

"b. Where the criminal case against any violator of this decree results in an acquittal, the rebellious or seditious literature, films, prints, engravings, sculpture, paintings or other materials and articles involved in the violation referred to in Section 1 hereof shall nevertheless be forfeited in favor of the government to be destroyed, after forfeiture proceedings conducted by the Chief of Constabulary.

"c. The person aggrieved by the forfeiture action of the Chief of Constabulary may, within fifteen (15) days after his receipt of a copy of the decision, appeal the matter to the Secretary of National Defense for review. The decision of the Secretary of National Defense shall be final and unappealable.

SEC. 3. Additional Penalties.—Additional penalties shall be imposed as follows:

"1. In case the offender is a government official or employee who allows the violations of Section 1 hereof, the penalty as provided herein shall be imposed in the maximum period and, in addition, the accessory penalties provided for in the Revised Penal Code, as amended, shall likewise be imposed. Sec. 4. The Chief of Constabulary shall, with the approval of the Secretary of National Defense, promulgate the necessary rules and regulations for the effective implementation of this decree.

SEC. 5. This Decree shall take effect fifteen (15) days after its publication by the Department of Public Information in two (2) newspapers of general circulation.

Done in the City of Manila, this 24th day of July in the year of Our Lord, nineteen hundred and seventy-six.

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

By the President:

(Sgd.) JUAN C. TUVERA
Presidential Assistant.

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