

LETTER OF INSTRUCTIONS NO. 1125, May 09, 1981

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

I have on my table a request dated May 8, 1981 for the issuance of s Presidential Order of arrest against Marino Jefferson and 29 others.

It appears that the group of Marino Jefferson ambushed a PC patrol led by Lieut. Limuel Lupang in Barangay Labaan, Bucloc, Abra on 3 March 1981. After the firefight all were arrested. During the investigation that followed, they admitted having extended financial and material support to the New People's Army/Communist Party of the Philippines. In the second case involving Joaquin Beturin et al., they were arrested on 5 April 1931 at San Jose and Baliwasan Grande, Zamboanga City while posting subversive leaflets and stickers.

The request above cited is based on the fact that under Proclamation No. 2045 the privilege of the writ of habeas corpus remains suspended in the two autonomous regions in Mindanao and all other places with respect to - -

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

While the power of the President and various other offices under him as regards the arrest of persons engaged in rebellion, insurrection, subversion, conspiracy or proposal to commit such crimes is not in question, we shall now adopt a policy of regular judicial procedures by going through the inquest or prosecuting fiscal and the judge conducting the preliminary investigation who, upon finding a probable cause, may order the arrest and detention of respondents. The matter will then be reported to the President for the issuance of a commitment order and the persons may be kept under detention for the period required by the judicial authorities and committed to the proper institution.

You shall refrain from using the powers of the President under the above quoted provision of Proclamation No. 2045 and instead establish an efficacious and expeditious system to be adopted as a standard operating procedure not only by investigating agencies but also by combat units.

This does not cover persons arrested in flagrante delicto or caught in the act of committing a crime like that of ambushade, terrorism, arson, rape, pilferage and the like and they can be arrested even by civilians and turned over to the nearest police, military or judicial authorities. In cases of this nature you shall follow the same

procedure. The proper cases will be filed with the investigating fiscal as well as the judicial authorities conducting the preliminary investigation who shall then issue the proper warrant of arrest and report the matter to the Office of the President.

Please be guided accordingly.

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

May 9, 1981

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