

FURTHER AMENDING PRESIDENTIAL DECREE NO. 1834 AS AMENDED

PRESIDENTIAL DECREE NO. 1996, November 05, 1985

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WHEREAS, in this period of economic recovery and in our fight against insurgency, Presidential Decree No. 1834 as amended, was enacted, among others, to ensure the economic and political, stability of the State;

WHEREAS, Presidential Decree No. 1834 provided for a uniform penalty or reclusion perpetua to death for the crimes of rebellion or insurrection and sedition, regardless of whether the offender is a leader or one who is merely participating in the acts constituting the said crimes;

WHEREAS, some persons who are not leaders but are merely participating in the crimes of rebellion or insurrection and/or sedition, are oftentimes not aware of the impact and consequences of their unlawful acts;

WHEREAS, Presidential Decrees Nos. 1974 and 1975, issued on the 2nd day of May 1985, discarded the uniform penalty of reclusion perpetua to death imposed under Presidential Decree No. 1834 for the crime of conspiracy and proposal to commit rebellion or insurrection, inciting to rebellion or insurrection, plot or conspiracy to commit sedition, etc.; and deleted the penalties of forfeiture of rights as citizens of the Philippines and the confiscation in favor of the State of real and personal properties of persons violating Presidential Decree No. 1835;

WHEREAS, in the spirit of national reconciliation, the Government deems it appropriate to further temper the penalties for those who are merely participating in the acts constituting rebellion or insurrection, sedition and/or other offenses;

WHEREAS, the Batasang Pambansa again adjourned its session without having acted promptly and adequately on the Parliamentary Bills seeking the repeal and/or modification of the uniform penalty for rebellion and sedition, and other measures to meet the exigencies or imperatives of national reconciliation;

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

SECTION 1. Article 135 of the Revised Penal Code as amended, is hereby further amended to read as follows:

"ART. 135. Penalty for rebellion or insurrection. — Any person who promote, maintains or heads a rebellion or insurrection, or 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 to death.

"Any person merely participating or executing the commands of others in a rebellion shall suffer the penalty of reclusion temporal in its medium period and a fine not to exceed 20,000 pesos.

"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."

SEC. 2. Article 140 of the Revised Penal Code as amended, is hereby further amended to read as follows:

"ART. 140. Penalty for Sedition. —The leader of a sedition shall suffer the penalty of reclusion perpetua to death.

"Other persons participating therein shall suffer the penalty of reclusion temporal in its minimum period and a fine not exceeding 10,000 pesos.

SEC. 3. Article 142-B of the Revised Penal Code is hereby further amended to read as follows:

"ART. 142-B. The penalty of prision mayor in its minimum period and a fine not exceeding 8,000 pesos shall be imposed on any person who, on the occasion of a rebellion or sedition, adheres to the perpetration of such crimes, giving them aid and comfort. The same penalty shall be imposed upon such person who having control and management of printing, broadcast or television facilities, or any form of mass communication, shall use or, knowingly and with specific intent of giving assistance, allow the use of such facilities on the purpose of committing any of the Acts punished by Articles 138 and 142 of this Code, or who shall use or, knowingly and with specific intent of giving assistance, allow the use of such facilities for any plot or conspiracy to accomplish any of the acts which constitute rebellion or insurrection or sedition.

"Conviction for the offenses provided under this Article shall carry with it the forfeiture and/or confiscation of the mass media facilities; firearms and explosives, and all other instruments, equipment or tools directly used in their commission."

SEC. 4. Article 146 of the Revised Penal Code is hereby further amended to read as follows:

"ART. 146. Illegal Assemblies. —The penalty of prision mayor in its medium period shall be imposed upon the organizers or leaders of:

- Any meeting attended by armed persons for the purpose of committing any of the crimes punishable under this Code;
- Any meeting in which the audience is incited to the commission of the crime of treason, rebellion or insurrection, sedition, or assault upon a person in authority or his agents; and
- Any meeting which is held for the purpose of supporting any plot or conspiracy to accomplish any of the acts which constitute rebellion or insurrection or sedition.

"Persons merely present at such meeting shall suffer the penalty of arresto mayor in its maximum period, unless they are armed, in which case the penalty shall be prision correctional in its maximum period.

"If any person present at such meeting carries an unlicensed firearm, it shall be presumed that the purpose of said meeting insofar as he is concerned, is to commit act punishable under this Code, and he shall be considered a leader or organizer of the meeting within the purview of the preceding paragraph."

"As used in this Article, the word 'meeting' shall be understood to include in gathering or group such as public rallies and similar group actions, whether in a fixed place or moving."

SEC. 5. All laws, decrees, executive or administrative orders, rules and regulations or parts thereof, inconsistent with the provisions of this Decree, are hereby repealed, amended or modified accordingly.

SEC. 6. This Decree shall take effect after fifteen (15) days following its publication in the Official Gazette.

Done in the City of Manila, this 5th day of November, in the year of Our Lord, nineteen hundred and eighty-five.

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

By the President:

(Sgd.) JUAN C. TUVERA
Presidential Executive Assistant

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