

OUTLAWING SUBVERSIVE ORGANIZATIONS, PENALIZING MEMBERSHIP THEREIN AND FOR OTHER PURPOSES.

PRESIDENTIAL DECREE NO. 885, February 03, 1976

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WHEREAS, there are certain associations or organizations in the Republic of the Philippines, not covered by Republic Act No. 1700, which are seeking to overthrow the Government of the Republic of the Philippines or to dismember a portion thereof; and

WHEREAS, in order to protect the Government of the Republic of the Philippines and the people, it has become necessary to revise Republic Act No. 1700 to broaden its coverage;

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

SECTION 1. Short Title—This decree shall be known as The Revised Anti-Subversion Law.

SEC. 2. Subversive Associations and Organizations.— Any association, organization, political party, or group of persons organized for the purpose of overthrowing the Government of the Republic of the Philippines with the open or covert assistance and support of a foreign power by force, violence, deceit or other illegal means shall be considered and is hereby declared an illegal organization.

SEC. 3. Penalties—(a) Members.—Whoever knowingly, willfully and by overt act affiliates with, becomes or remains a member of a subversive association or organization as defined in Section 2 hereof shall be punished by arresto mayor and shall be disqualified permanently from holding any public office, appointive or elective, and from exercising the right to vote; in case of a second conviction, the principal penalty shall be prision correccional; and in all subsequent convictions the penalty of prision mayor shall be imposed.

The following acts shall constitute prima facie evidence of membership in any subversive association:

- Allowing himself to be listed as a member in any book or any of the lists, records, correspondence, or any other document of the organization;
- Subjecting himself to the discipline of such association or organization in any form whatsoever;
- Giving financial contribution to such association or organization in dues, assessments, loans, or in any other forms;
- Executing orders, plans or directives of any kind of such association or organization;
- Acting as an agent, courier, messenger, correspondent, organizer, or in any other capacity, on behalf of such association or organization;
- Conferring with officers or other members of such association or organization in furtherance of any plan or enterprise thereof;
- Transmitting orders, directives, or plans of such association or organization orally or in writing or any other

means of communication such as by signal, semaphore, sign or code;

- Preparing documents, pamphlets, leaflets, books, or any other type of publication to promote the objectives and purposes of such association or organization;
- Mailing, shipping, circulating, distributing, or delivering to other persons any material or propaganda of any kind on behalf of such association or organization;
- Advising, counselling, or in other way giving instruction, information, suggestions, or recommendations to officers or members or to any other person to further the objectives of such association or organization;
- Participating in any way in the activities, planning action, objectives, or purposes of such association or organization.

(b) Officers or Ranking Leaders.—If such member is an officer or a ranking leader of any subversive association or organization as defined in Section 2 hereof, or if such member takes up arms against the Government, he shall be punished by prison mayor to death with all the accessory penalties provided therefor in the Revised Penal Code.

(c) Deputation.—Any alien convicted under this decree shall be deported immediately after he shall have served the sentence imposed upon him.

SEC. 4. False Testimony.—Any person who knowingly furnishes false evidence in any action brought under this decree shall be punished by prison correccional.

SEC. 5. Sufficiency of Evidence.—Except as provided in Section 1 hereof, the two-witness rule heretofore provided in Republic Act Numbered Seventeen Hundred is hereby abrogated and the accused may be convicted on the testimony of one witness if sufficient under the rules of evidence, or on his confession given in open court.

SEC. 6. No restriction of Thought.—Nothing in this decree shall be interpreted as a restriction on freedom of thought, of assembly and of association for purposes not contrary to law as guaranteed by the Constitution.

SEC. 7. Repealing Clause.—This decree supersedes Republic Act Numbered Seventeen Hundred, but acts committed in violation thereof and before the effectivity of this decree, shall be prosecuted and punished either in accordance with the provisions of the former Act. Nothing in this decree shall prevent prosecution of cases pending for violation of Republic Act Numbered Seventeen Hundred.

SEC. 8. Sequestration of Property.—The sequestration of the property of any person, natural or artificial, engaged in subversive activities against the Government and its duly constituted authorities, is hereby authorized, in accordance with implementing rules and regulations as may be issued by the Secretary of National Defense.

As used herein, the terms "sequester" and "sequestration" shall mean the seizure of private property or assets in the hands of any person or entity in order to prevent the utilization, transfer or conveyance of the same for purposes inimical to national security, or when necessary to protect the interest of the Government or any of its instrumentalities. It shall include the taking over and assumption of the management, control and operation of the private property or assets seized.

SEC. 9. Effectivity.—This decree shall take effect thirty days after its publication in the Official Gazette.

Done in the City of Manila, this 3rd day of February, in the year of Our Lord, nineteen hundred and seventy-six.

(Sgd.)

FERDINAND E. MARCOS

President

Republic of the Philippines

By the President:

(Sgd.)

JACOBO C. CLAVE

Presidential Executive Assistant

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