

GENERAL ORDER NO. 12, September 30, 1972

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WHEREAS, martial law has been declared under 'Proclamation No. 1081 dated September 21, 1972 and is now in effect throughout the land;

WHEREAS, martial law having been declared because of wanton destruction of lives and property, widespread lawlessness and anarchy, and chaos and disorder now prevailing throughout the country, which condition has been brought about by groups of men who are actively engaged in a criminal conspiracy to seize political and state power in the Philippines in order to take over the Government by force and violence, the extent of which has now assumed the proportion of an actual war against our people and their legitimate Government, and

WHEREAS, pursuant to General Order No. 3, dated September 22, 1972 issued under Proclamation No. 1081 dated September 21, 1972, I have ordered that certain criminal cases shall not be heard and decided by civil courts;

NOW, THEREFORE, I, FERDINAND E. MARCOS, Commander-in-Chief of all the Armed Forces of the Philippines, and pursuant to Proclamation No. 1081 dated September 21, 1972, do hereby order that the military tribunals authorized to be constituted under General Order No. 8 dated September 27, 1972 shall try and decide the following cases exclusive of the civil courts, unless otherwise provided hereunder:

- Those involving crimes against national security and the laws of nations as defined and penalized in the Revised Penal Code.
- Those constituting violations of the Anti-Subversion Law as defined and penalized in Republic Act No. 1700.
- Those constituting violations of the Law on Espionage as defined and penalized in Commonwealth Act No. 616.
- Those constituting violations of the Hijacking Law as defined and penalized in Republic Act No. 6235.
- Those involving crimes against the fundamental laws or the States as defined and penalized in the Revised Penal Code, if committed by members of the Armed Forces of the Philippines.
- Those involving certain crimes against public order as defined and penalized under the Revised Penal Code, namely:
 - Rebellion or insurrection (Art. 134)
 - Conspiracy and proposal to commit rebellion or insurrection (Art. 136)
 - Disloyalty of public officers or employees (Art. 137)
 - Inciting to rebellion or insurrection (Art. 138)
 - Sedition (Art. 139)
 - Conspiracy to commit sedition (Art. 141)

- Inciting to sedition (Art. 142)
- Illegal assemblies (Art. 146)
- Illegal associations (Art. 147)
- Those involving other crimes committed in furtherance or on the occasion of or incident to or in connection with the crimes of insurrection or rebellion.
- Those involving crimes constituting violations of the Law on Firearms and Explosives found in the Revised Administration Code and other existing laws.
- Those involving crimes on usurpation of authority, rank, title, and improper use of names, uniforms and insignia as defined and penalized in the Revised Penal Code, including those penalized under Republic Act No. 493.
- Those involving certain crimes committed by public officers as defined and penalized under the Revised Penal Code, provided that civil courts and military tribunals shall have concurrent jurisdiction thereon if the accused is a civilian, namely:
 - Knowingly rendering unjust judgment (Art. 204)
 - Judgment rendered thru negligence (Art. 205)
 - Unjust interlocutory order (Art. 206)
 - Malicious delay in the administration of justice (Art. 207)
 - Prosecution of offenses, negligence and tolerance (Art. 208)
 - Direct bribery (Art. 210)
 - Indirect bribery (Art. 211)
 - Corruption of public officials (Art. 212)
 - Frauds against the public treasury and similar offenses (Art. 213)
 - Prohibited transactions (Art. 215)
 - Possession of prohibited interest by a public officer (Art. 216)
 - Malversation of public funds or property (Art. 217)
 - Failure of accountable officer to render accounts (Art. 218)
 - Illegal use of public funds or property (Art. 220)
 - Failure to make delivery of public funds or property (Art. 221)
 - Conniving with or consenting to evasion (Art. 223)
 - Removal, concealment or destruction of documents (Art. 226)
 - Officer breaking seal (Art. 227)
 - Opening of closed documents (Art. 228)
 - Revelation of secrets by an officer (Art. 229)

- Those constituting violations of the Anti-graft and Corrupt Practices Law as defined and penalized in Republic Act No. 3019; Provided, that the civil courts shall exercise concurrent jurisdiction with the military tribunals if the accused is a civilian.
- Those constituting violations of Republic Act No. 6425, otherwise known as "The Dangerous Drugs Act of 1972", provided that civil courts and military tribunals shall have concurrent jurisdiction thereon if the accused is a civilian.
- Violations of all decrees, orders and regulations promulgated by me personally or upon my direction pursuant to Proclamation No. 1081 dated September 21, 1972.
- Those involving crimes committed by officers and enlisted personnel of the Armed Forces of the Philippines on the occasion of, in relation to or as a consequence of the enforcement or execution of Proclamation No. 1081 dated September 21, 1972 or of any decree, order and regulation issued or promulgated by me personally or by my duly designated representative, pursuant thereto.

In cases under Nos. 10, 11 and 12 above where jurisdiction is concurrent between civil court and military tribunals, the court or tribunal that first assumes jurisdiction shall exercise it to the exclusion of all others.

Transitory Provisions.—

- Cases now pending in civil courts, whether or not there has been arraignment, shall be tried and decided by said civil courts except criminal cases involving subversion, sedition, insurrection or rebellion and those committed in furtherance of, on the occasion of, incident to or in connection with the commission of said crimes which shall be transferred to military tribunals.
- Cases filed on or before September 22, 1972 (when General Order No. 3 was promulgated) with the offices of City or Provincial Fiscals or the courts for preliminary investigation except cases involving subversion, sedition, insurrection or rebellion, shall be investigated by the City or Provincial Fiscals or the Judges concerned, and the corresponding information shall be filed in the proper civil courts. Cases involving subversion, sedition, insurrection or rebellion shall immediately be Forwarded to the military tribunals through the Office of the Judge Advocate General, Armed Forces of the Philippines.
- Cases involving crimes within the exclusive jurisdiction of military courts, which are filed after September 22, 1972 with the offices of City or Provincial Fiscals or the courts for preliminary investigation, shall be investigated by the City or Provincial Fiscals or the Judges concerned, but the corresponding information will be filed with military tribunals.

This General Order accordingly modifies General Order No. 3 dated September 22, 1972 issued pursuant to Proclamation Mo. 1081 dated September 21, 1972. General Order No. 2-A dated September 26, 1972 shall remain in force.

Done in the City of Manila, this 30th day of September, in the year of Our Lord, nineteen hundred and seventy two.

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

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