

DEFINING THE JURISDICTION OF MILITARY TRIBUNALS AND CIVIL COURTS OVER CRIMES COMMITTED BY MEMBERS OF THE UNITED STATES ARMED FORCES, THE CIVILIAN COMPONENT THEREOF OR THEIR DEFE...

GENERAL ORDER No. 55, June 10, 1976

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WHEREAS, the RF-US Military Bases Agreement of 1947, as amended on August 10, 1965, provides that subject to certain exceptions, the authorities of the Republic of the Philippines shall have jurisdiction over the members of the United States Armed Forces or the civilian component thereof and their dependents with respect to offenses committed within the Republic of the Philippines and punishable by the laws of the Republic of the Philippines;

WHEREAS, General Order No. 12 dated September 30, 1972 defines the jurisdiction of military tribunals authorized to be constituted under General Order No. 8 dated September 27, 1972;

WHEREAS, General Order No. 12-A dated October 2, 1972, amending General Order No. 12, provides, among others, that in cases involving members of the United States Armed forces or civilian component thereof and their dependents over which the Republic of the Philippines has jurisdiction pursuant to the existing RP-US Military Bases Agreement, the preliminary investigation shall be conducted by the city or provincial fiscal concerned and the corresponding informations filed with the proper civil courts, except cases involving subversion, rebellion, sedition, or any other crime committed in furtherance or on the occasion of, or incident to, or in connection with said crimes, which shall be filed with the military tribunals;

WHEREAS, General Order No. 49 dated October 4, 1972 redefining the jurisdiction of military tribunals and repealing "General Order No. 12 and amendments thereto, and related General Orders inconsistent with the provisions of" said Order -- does not contain a provision similar to the provision of General Order No. 12-A allocating between the civil courts and the military tribunals jurisdiction over offenses committed by members of the United State Armed Forces or civilian component thereof or their dependents;

WHEREAS, it is imperative that a redefinition of jurisdiction over such offenses be made in order to obviate confusion among all concerned and to eliminate possible conflicts of jurisdiction between the military tribunals and the civil courts in respect thereof;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers in me vested by the Constitution, do hereby order as part of the law of the land the following:

SECTION 1. The military tribunals created under General Order No. 8 dated September 27, 1972, in relation to Presidential Decree No. 39 dated November 7, 1972, shall exercise exclusive jurisdiction over cases filed against a member of the United States Armed forces or civilian component thereof or their dependents involving subversion, rebellion, sedition, or any other crime committed in furtherance or on the occasion of, or incident to, or in connection with said crimes and over which the Philippines has jurisdiction pursuant to the existing RP-US Military Bases Agreement.

SEC. 2. Cases other than those enumerated in the preceding section against a member of the U.S. Armed Forces or civilian component thereof or their dependents over which the Philippines has jurisdiction pursuant to the existing RP-US Military Bases Agreement shall be triable by the proper civil courts. Such cases already filed and pending in military tribunals at the time of the effectivity of this Order shall immediately be transferred to the corresponding civil courts for trial and disposition.

SEC. 3. The military tribunal or the proper civil court shall exercise jurisdiction as hereinabove conferred subject to the provisions of the aforementioned RP-US Military Bases Agreement.

SEC. 4. All orders, instructions, rules regulations and directives which are inconsistent herewith are hereby superseded, modified and/or repealed accordingly.

SEC. 5. This Order shall take effect immediately.

DONE in the City of Manila, this 10th day of June, in the year of Our Lord, nineteen hundred and

(Sgd.) FERDINAND E. MARCOS

President

Republic of the Philippines

By the President:

(Sgd.) JACOBO C. CLAVE

Presidential Executive Assistant

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