

PROVIDING FOR THE ISSUANCE, OF A PREVENTIVE DETENTION ACTION AND FOR OTHER PURPOSES.

PRESIDENTIAL DECREE NO. 1877, July 21, 1983

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WHEREAS, by virtue of Proclamation No. 2045, the privileges of the Writ of Habeas Corpus remain suspended in the two autonomous regions of Mindanao and in all other places with respect to "persons at present detained as well as others who may hereafter be similarly detained for 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;"

WHEREAS, the aforesaid Proclamation, authorizing the President to cause the preventive detention of persons engaged in, or charged with, the crimes or offenses mentioned in said Proclamation, has been upheld by the Supreme Court;

WHEREAS, the penalties for the crimes of rebellion, sedition and related crimes and the conspiracy and/or proposal to commit said crimes under Articles 135, 136, 138, 140, 141 and 142 of the Revised Penal Code, have been increased by Presidential Decree 1834 characterizing said crimes as capital offenses;

WHEREAS, the penalties for subversion have likewise been increased by Presidential Decree No. 1835 making said crimes and the conspiracy and/or proposal to commit the same as capital offenses;

WHEREAS, there are occasions where an offender has definitely committed any or all of the crimes against the public order and/or subversion, and/or continues or threatens to continue to commit the same but the evidence in possession of competent authorities to warrant his arrest and prosecution in Court cannot be divulged in advance of judicial processes without prejudice to the state such as endangering covert intelligence/counter-insurgency operations, particularly the lives of intelligence and undercover agents;

WHEREAS, the Government and the people are at the same time aware that public safety continues to require a degree of capability in deal adequately with elements who persist in endeavoring overthrow the Government by violent means and to supplant and substitute the existing political, social, economic and legal order with an entirely new one whose form of government, system of laws, religion, concept of individual rights and family precepts are based on teachings and beliefs other than the democratic form of government;

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

SECTION 1. All cases involving the crimes of insurrection, rebellion, subversion, conspiracy or proposal to commit such crimes, and all other crimes or offenses emitted in furtherance thereof, or the occasion thereof, or incident thereto or in connection therewith, shall be referred to the Provincial or City Fiscal, or to the proper Court for preliminary examination or investigation in accordance with existing laws.

SEC. 2. Only upon proper warrant issued by the Court or other responsible officer as may be authorized by law, after examination under oath or affirmation of the complainant and his witness, shall the person or persons

charged with the above mentioned crimes be arrested and detained; Provided, however, That should a military commander or the head of a law enforcement agency ascertain that the persons to be arrested has/have committed The above-mentioned crimes, or would probably escape or commit further acts which would endanger public order and safety as well as the stability of the state before and proper warrant could be obtained, the said military commander or the head of law enforcement agency may apply to the President of the Philippines for a preventive detention action against the person or persons ascertained to be participants in the commission of the crimes referred to in Section 1 hereof, under the following circumstances:

- When result to judicial processes is not possible or expedient without endangering public order and safety;
- When in the judgment of the President of the Philippines to apply for a judicial warrant may prejudice peace and order and the safety of the state like when it may jeopardize the continued covert intelligence/counter insurgency operations of the Government, or endanger the lives of intelligence and undercover agents whose identities would be revealed by the evidence against the person or persons covered by a preventive detention action.

SEC. 3. When issued, the preventive detention action shall constitute authority to arrest the subject person or persons, and to preventively detain him or them for a period not exceeding one year and sequester all arms, equipment or property used or to be used in the commission of the crime or crimes.

SEC. 4. The President may constitute a review committee composed of such civilian and/or government lawyers, as he may designate to evaluate the evidence against the person or persons covered by preventive detention action. The review committee shall submit its recommendation to the President before the expiration of the one year period of detention. The President may either order the release, authorize the further detention of, or direct the filing of the proper information in Court against, the person or persons subject of a preventive detention action, on the basis of the recommendation of the review committee.

SEC. 5. The status of all pending; cases of persons presently detained under a presidential commitment order or its derivatives shall be reviewed by the President or by the review committee to be constituted by him which shall make the appropriate recommendations on said cases. On the basis of his findings or the recommendations of the review committee, the President may either order the release, authorize the further detention of or direct the filing of the proper information in Court against said person or persons.

SEC. 6. In case the President of the Philippines directs the further detention of a person or persons covered by a preventive detention action, the Chief of Staff of the Armed Forces and the Minister of Defense shall submit periodic status reports on such person or persons, together with the appropriate recommendation, to the President. The President may reconstitute the review committee at any time to further review and evaluate the case(s) of the person or persons involved.

SEC. 7. If the person or persons covered by a preventive detention action is/are acquitted or has/have served sentence after conviction, he or they shall be released from proper custody, Provided that if in the meantime there is evidence of the detained person continuing to engage in the acts for which he was detained he may be ordered further detained by the President.

SEC. 8. The Minister of Defense shall promulgate the rules and regulations to implement this Decree.

SEC. 9. All laws, decrees, letters of instructions, executive or administrative orders, rules and regulations inconsistent with this Decree are hereby repealed, amended or modified accordingly.

SEC. 10. This Decree shall take effect after fifteen (15) days following its publication in the Official Gazette.

Done in the City of Manila, Philippines, this 21st day of July in the year of Our Lord, nineteen hundred and

eighty-three.

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

By the President:

(Sgd.) JUAN C. TUVERA
Presidential Executive Assistant

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