

REDEFINING THE JURISDICTION OF MILITARY TRIBUNALS.

GENERAL ORDER NO. 49, October 04, 1974

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/e4e2ff57f977/>

WHEREAS, upon the proclamation of martial law it became necessary to transfer the cognizance of a large number of criminal cases to military tribunals;

WHEREAS, positive steps have been taken to revitalize the administration of justice and the new Constitution authorizes the reorganization of the courts; and

WHEREAS, although there still exist areas of active rebellion in the country, on the whole there has been such an improvement in the general conditions obtaining in the country and in the administration of justice as to warrant the return of some of the criminal cases to the jurisdiction of civil courts;

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

SECTION 1. The military tribunals created under General Order No. 3, dated September 27, 1972, shall exercise exclusive jurisdiction over the following cases;

- All offenses committed by military personnel of the Armed Forces of the Philippines while in the active services: Provided, That offenses committed by military personnel while in the active service shall continue to be heard and tried by military tribunals even after their discharge or separation from the service; Provided, further, That whenever there are two or more accused at least one of whom is a military personnel, military tribunals shall have jurisdiction, of the offense if it arose out of any act or omission done in the performance of official duty by the accused military personnel. Whenever it is necessary to determine whether an alleged offense arose out of an act or omission done in the performance of official duty, a certificate issued by the Secretary of National Defense will be delivered to the City or Provincial Fiscal concerned and this certificate shall be binding upon all civil authorities.
- Crimes against national security and the law of nations as defined and penalized in Title I, Book II of the Revised Penal Code.
- Violation of the Anti-Subversion Law as defined and penalized in Republic Act No. 1700, as amended.
- Espionage (Art. 117, Revised Penal Code; Commonwealth Act No. 616).
- Crimes against public order as defined and penalized under the Revised Penal Code, as amended, namely:
 - a. Rebellion or insurrection (Art. 134)
 - b. Conspiracy and proposal to commit rebellion or insurrection (Art. 136)
 - c. Disloyalty of public officers or employees (Art. 137)
 - d. Inciting to rebellion or insurrection (Art. 138)
 - e. Sedition (Art. 139)
 - f. Conspiracy to commit sedition (Art. 141)
 - g. Inciting to sedition (Art.142)

h. Illegal assemblies (Art. 146)

i. Illegal association (Art. 147)

- Violations of the laws on firearms and explosives found in the Revised Administrative Code, as amended, and General Order Nos. 6 and 7, as amended, in relation to Presidential Decree No. 9, including crimes committed with the use of illegally possessed firearms and explosives.

- Usurpation of military authority, rank, title and illegal use of military uniforms or insignia, as defined under Articles 177 and 179 of the Revised Penal Code, as amended, and Republic Act No. 493.

- Crimes against personal liberty as defined and penalized in Articles 267 and 268 of the Revised Penal Code.

- Rumor-mongering and spreading false information as defined and penalized under Presidential Decree No. 90.

- Violations of those decrees or orders where exclusive jurisdiction is specifically conferred upon military tribunals by such decrees or orders.

SEC. 2. The civil courts shall have exclusive jurisdiction over other offenses not mentioned in the preceding sections Provided, That the President may, in the public interest, refer to a Military Tribunal a case falling under the exclusive jurisdiction of the civil courts: And Provided, further, That when the same interest is involved he may refer a case falling under the exclusive jurisdiction of the Military Tribunals to a civil court.

SEC. 3. With respect to cases not falling under Section 1 of this Order, they shall immediately be transferred to the civil courts except where the accused has already been arraigned may still be transferred to the civil courts under rules and regulations which the Secretary of National Defense is hereby authorized to promulgate.

SEC. 4. General Order No. 12, the amendments thereto, and related General Orders inconsistent with the provisions of this Order are hereby repealed.

SEC. 5. This Order shall take effect immediately.

Done in the City of Manila, this 4th day of October, in the year of Our Lord, nineteen hundred and seventy-four.

(Sgd.) FERDINAND E. MARCOS

President

Republic of the Philippines

By the President:

(Sgd.) ROBERTO V. REYES

Acting Executive Secretary

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.