

PROVIDING FOR THE TRIAL BY COURTS-MARTIAL OF MEMBERS OF THE ARMED FORCES CHARGED WITH OFFENSES RELATED TO THE PERFORMANCE OF THEIR DUTIES.

PRESIDENTIAL DECREE NO. 1822, January 16, 1981

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WHEREAS, under P.D. No. 1606, members of the armed forces in the active service who commit crimes in relation to their office do not fall within the jurisdiction of the Tanodbayan and the Sandiganbayan during the period of martial law;

WHEREAS, under the Articles of War, not all offenses committed by persons subject to military law in relation to the performance of their duties are triable by courts-martial;

WHEREAS, it is sound and wise policy long recognized in civilized countries that members of the armed forces charged with offenses related to the performance of their duties have the right to demand trial by courts-martial composed of their own peers;

WHEREAS, there is a need to clarify existing provisions of law relating to the jurisdiction of courts-martial created under the Articles of War in order to vest exclusive jurisdiction in said court-martial over all crimes and offenses committed by members of the Armed Forces in relation to the performance of their duties;

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

SECTION 1. Any provision of existing law to the contrary notwithstanding, all officers, soldiers and personnel in the active service of the Armed Forces of the Philippines, or of the Philippine Constabulary, charged with any crime or offense related to the performance of their duties shall exclusively be tried and punished as a court-martial may direct pursuant to the Articles of War;

SEC. 2. The provisions of Commonwealth Act No. 403, Presidential Decree No. 1606, General Order No. 69 and all other laws and issuances inconsistent herewith are hereby repealed.

This decree shall take effect immediately.

Done in the City of Manila, this 16th day of January, in the year of Our Lord, nineteen hundred and eighty-one.

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

By the President:

(Sgd.) JOAQUIN T. VENUS, JR.

Deputy Presidential Executive Assistant

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