

[PRESIDENTIAL DECREE NO. 1877, July 21, 1983]

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

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.