

[**PRESIDENTIAL DECREE NO. 872, January 09, 1976**]

DECREE AMENDING PRESIDENTIAL DECREE NO. 206

WHEREAS, Presidential Decree No. 206 dated June 6, 1973 provides that "all proceedings before military tribunals and/or civil courts in connection with all criminal cases pending before them against all persons who have applied for amnesty in accordance with Presidential Decrees No. 95 and No. 124, dated January 11, 1973 and February 2, 1973, respectively, including those persons who are excepted thereunder but who, nevertheless, have applied for amnesty, shall be held in abeyance pending final action by the President on their applications for amnesty";

WHEREAS, considering that the administrative process in determining the merits of applications for amnesty under Presidential Decrees No. 95, 124, 497, 571, and 571-A cannot be expedited to the extent desired in view of the necessity of prior extensive investigation inherent in any such determination of whether an accused should be granted amnesty or not under the provisions of the aforementioned Presidential Decrees;

WHEREAS, mindful that delay in the trial of military tribunal cases consequent upon the filing of applications for amnesty by the accused and pending consideration thereof may result in the travesty of justice to the great prejudice of either the Government or the accused concerned in that in the meantime that the applications for amnesty are pending processing/action evidence on the case may be lost or destroyed, or rendered unavailable; and in order not to unduly delay the trial of cases exclusively triable by the military tribunals thereby affording the accused the early opportunity to vindicate himself before such courts;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby decree the amendment of the abovementioned Presidential Decree No. 206 to read as follows:

"All proceedings before military tribunals and/or civil courts in connection with all criminal cases pending before them against all persons who have applied for amnesty in accordance with Presidential Decrees No. 95 and No. 124, dated January 11, 1973 and February 2, 1973, respectively, including those persons who are excepted thereunder but who nevertheless, have applied for amnesty, may be held in abeyance pending final action by the President on their applications for amnesty: Provided, however, that the Secretary of National Defense is authorized to determine and order whether in each specific case trial by military tribunals may be commenced and/or resumed notwithstanding that the accused have applied for amnesty; and Provided, finally, that the application for amnesty shall not in any way be considered as evidence against the applicant in the corresponding case".

Done in the City of Manila, this 9th day of January in the year of our Lord, nineteen hundred and seventy-six.