

[**PRESIDENTIAL DECREE No. 38, November 07, 1972**]

AMENDING ARTICLES 135, 136, 137, 138, 140, 142, 177, 178 AND 179 OF THE REVISED PENAL CODE.

WHEREAS, Proclamation No. 1081, dated September 21, 1972, declaring a state of martial law throughout the land was issued by me because of a grave national emergency

prevailing throughout the country which has been brought about by activities of groups of men now actively engaged in a criminal conspiracy to seize political power and state power in the Philippines and to take over the Government by force and violence the extent of which has assumed the proportion of actual war against our people and their legitimate Government;

WHEREAS, in the pursuit of their conspiracy, criminal design, unlawful activities, and sinister objectives, the radical and lawless elements have continued to commit rebellion, insurrection, sedition and subversion, by means of force, violence, deceit, and other illegal means, causing wanton destruction of lives and property, widespread lawlessness and anarchy, and chaos and disorder;

WHEREAS, in order to abate, curb, or arrest the mounting efforts of these radical and lawless elements to challenge and defy the Government through actual military confrontations, subversion, and other illegal means, it is necessary, as a deterrent, to mete out higher penalties for certain offenses involving crimes against public order and public interest;

NOW, THEREFORE, I, FERDINAND E. MARCOS, by virtue of the powers vested in me by the Constitution as Commander-in-Chief of all the Armed Forces of the Philippines, and pursuant to Proclamation No. 1081, dated September 21, 1972, and General Order No. 1, dated September 22, 1972, as amended, do hereby order and decree that Articles 135, 136, 137, 138, 140, 142, 177, 178 and 179 of Act No. 3815, otherwise known as the Revised Penal Code, as amended, be further amended to read as follows:

"ART. 135. *Penalty for rebellion or insurrection.* —Any person who promotes, maintenance, or heads a rebellion or insurrection, or who while holding any public office or employment takes part therein, engaging in war against the forces of the Government, destroying property or committing serious violence, exacting contributions or diverting public funds from the lawful purpose for which they have been appropriated, shall suffer the penalty of *reclusion perpetua*.

"Any person merely participating or executing the command of others in a rebellion shall suffer the penalty of *reclusion temporal*.

"When the rebellion or insurrection shall be under the command of unknown leaders, any person who in fact directed the others, spoke for them, signed receipts and other documents issued in their name, or performed similar acts on behalf of the rebels, shall be deemed the leader of such rebellion."

"ART. 136. *Conspiracy and proposal to commit rebellion or*