

COURT MARTIAL
JURISDICTION

GRLA - 10

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Authority *NND383078*

R E S T R I C T E D

Commonwealth of the Philippines
ARMY HEADQUARTERS
APO 75

CIRCULAR) ;
NUMBERS 34.)

30 March 1948

GENERAL COURTS-MARTIAL JURISDICTION OF RECOGNIZED
GUERRILLA COMMANDERS

1. Inquiry has been made to this Headquarters whether Guerrilla District Commanders have authority to appoint General Courts-Martial.

2. Section 8 AW provisions:

"The President of the Philippines, the Chief of Staff of the Philippine Army, when empowered by the President, the Provost Marshal General, the Commanding Officer of a Division, the District Commander, the Superintendent of Military Academy, the Commanding Officer of a separate brigade or body of troops may appoint general courts-martial".

3. It is clear from this provision that Guerrilla Commanders of Military Districts during this years 1942; 1943; and 1944 had the power to appoint General Courts-Martial when empowered by the President to do so. In order to give legal effects to the acts of general courts-martial authority for their constitution was a prerequisite.

4. However, Executive Order No. 47 provides:

"Under the authority of AW 8, the commanding officers of an army, army corps, a division, or a separate brigade, the Provost Marshal General and Superintendent of the Military Academy are hereby empowered to appoint general courts-martial."

5. Under this provision, District Commanders of recognized guerrilla outfits if they fall within one of the categories mentioned, are empowered to appoint General Courts-Martial. This already the general and broad authority to appoint.

6. However, this Executive Order No. 47 took effect on 6 Jun 1945 and therefore, general courts-martial appointed by District Commanders from 1942 to 1944 are not covered by this order, otherwise it would be giving the order its retroactive effect.

7. General Courts-Martial appointed by recognized guerrilla District Commanders prior to 6 Jun 1945 must show authority for this appointment.

8. Example of this authority is shown in the case of Lieut. Colonel Abcede, District Commander, 7th Military District, wherein on 17 Aug. 43.

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he was authorized to appoint a General Court-Martial. The authority is:

"Recent ruling from George How Queen is that we apply Philippine Articles of War Paron The District Commander has authority to appoint General Court-Martial Paron All powers of the President were transferred to the Commanding General SWPA".

BY ORDER OF THE SECRETARY OF NATIONAL DEFENSE:

R. JALANDONI
Major General, PA
Chief of Staff

OFFICIAL:

/s/ Luis Ramos
/t/ LUIS RAMOS
Colonel, AGS
The Adjutant General

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