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SENATE

S. Ct. RES. NO. 3

RECEIVED BY: 

Introduced by Senator Vicente C. Sotto III

SENATE CONCURRENT RESOLUTION

**CONCURRING IN PROCLAMATION NO. 50 OF THE PRESIDENT OF THE
REPUBLIC OF THE PHILIPPINES DATED 11 OCTOBER 2010 ENTITLED:
"GRANTING AMNESTY TO ACTIVE AND FORMER PERSONNEL OF THE
ARMED FORCES OF THE PHILIPPINES AND THEIR SUPPORTERS WHO MAY
HAVE COMMITTED ACTS OR OMISSIONS PUNISHABLE UNDER THE
REVISED PENAL CODE, THE ARTICLES OF WAR OR OTHER SPECIAL LAWS
COMMITTED IN CONNECTION WITH THE OAKWOOD MUTINY, THE
MARINES STAND-OFF AND THE MANILA PEN INCIDENT AND RELATED
INCIDENTS"**

WHEREAS, Section 19, Article VII of the Constitution provides that the President shall have the power to grant amnesty with the concurrence of all the Members of Congress;

WHEREAS, on 11 October 2010, President Benigno S. Aquino III issued Proclamation No. 50, granting amnesty to active and former personnel of the Armed Forces of the Philippines and their supporters who may have committed acts or omissions punishable under the Revised Penal Code, the Articles of War or other special laws committed in connection with the Oakwood Mutiny, the Marines Stand-Off and the Manila Pen Incident and related incidents, the full text of which reads as follows, to wit:

PROCLAMATION NO. 50

**GRANTING AMNESTY TO ACTIVE AND FORMER
PERSONNEL OF THE ARMED FORCES OF THE
PHILIPPINES AND THEIR SUPPORTERS WHO MAY HAVE
COMMITTED ACTS OR OMISSIONS PUNISHABLE UNDER THE
REVISED PENAL CODE, THE ARTICLES OF WAR OR OTHER
SPECIAL LAWS COMMITTED IN CONNECTION WITH THE
OAKWOOD MUTINY, THE MARINES STAND-OFF AND THE
MANILA PEN INCIDENT AND RELATED INCIDENTS**

***WHEREAS**, it is recognized that certain active and former personnel of the Armed Forces of the Philippines (AFP) and their supporters have or may have committed acts or omissions which may be punishable under the Revised Penal Code, the Articles of War and other special laws in connection with the July 27, 2003 Oakwood Mutiny, the February 2006 Marines Stand-Off and the November 29, 2007 Manila Pen Incident and related incidents;*

***WHEREAS**, there is a clamor from certain sectors of society urging the President to extend amnesty to said AFP personnel;*

***WHEREAS**, Section 19, Article VII of the Constitution expressly vests the power to grant amnesty upon the President;*

WHEREAS, in order to promote an atmosphere conducive to the attainment of a just, comprehensive and enduring peace and in line with the Government's peace and reconciliation initiatives, there is a need to declare amnesty in favor of the said active and former personnel of the AFP and their supporters;

NOW, THEREFORE, I BENIGNO S. AQUINO III, President of the Philippines, by virtue of the powers vested in me by Section 19, Article VII of the Philippine Constitution, do hereby **DECLARE and PROCLAIM**:

SECTION 1. Grant of Amnesty. – Amnesty is hereby granted to all active and former personnel of the AFP as well as their supporters who shall apply therefor and who have or may have committed acts or omissions punishable under the Revised Penal Code, the Articles of War or other special laws in connection with, in relation or incident to the July 27, 2003 Oakwood Mutiny, the February 2006 Marines Stand-Off and/or the November 29, 2007 Manila Pen incident and related incidents; Provided that amnesty shall not cover crimes against chastity and other crimes committed for personal ends.

SECTION 2. Where to Apply. – The concerned AFP personnel and their supporters may apply for amnesty under this Proclamation with the Department of National Defense (DND). The DND is hereby tasked with the functions and duties of receiving and processing applications for amnesty under this proclamation and determining whether the applicants are covered by amnesty under this Proclamation. The final decisions or determination of the DND shall be appealable to the Office of the President.

SECTION 3. Period of Application. – Applications for the grant of amnesty under this Proclamation shall be filed under oath with the DND within a period of ninety (90) days following the date of the publication of this Proclamation in two (2) newspapers of general circulation. The DND shall forthwith act on the same with dispatch.

SECTION 4. Effects. –

- (a) Amnesty under this proclamation shall extinguish any criminal liability for acts committed in relation to, in connection with or incident to the July 27, 2003 Oakwood Mutiny, the February 2006 Marines Stand-Off and the November 29, 2007 Manila Pen incident without prejudice to the grantee's civil liability for injuries or damages caused to private persons.
- (b) The grant of amnesty shall also effect the restoration of civil and political rights or entitlement that may have been suspended, lost or adversely affected by virtue of any executive action and /or administrative or criminal action or proceedings lodged against the grantee in connection with the subject incidents, including criminal conviction or any form, if any.
- (c) All enlisted personnel of the Armed Forces of the Philippines whose applications for amnesty would be approved shall be entitled to reintegration or reinstatement, subject to existing laws and regulations. Officers of the AFP on the other hand shall not be entitled to reintegration or reinstatement into the service.

(d) *The amnesty shall reinstate the right of AFP personnel to retirement and separation benefits, if so qualified under existing laws and regulations at the time of the commission of the acts for which the amnesty is extended.*

SECTION 5. Effectivity. – *This Proclamation shall take effect immediately upon the signing thereof.*

IN WITNESS WHEREOF, *I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.*

DONE in the City of Manila this 11th day of October in the year of our Lord, Two Thousand and Ten.

BENIGNO S. AQUINO III

By the President:

PAQUITO N. OCHOA, JR.
Executive Secretary


WHEREAS, the Senate shares the view of the President that in order to promote an atmosphere conducive to the attainment of a just, comprehensive and enduring peace and in line with the Government's peace and reconciliation initiatives, there is a need to declare amnesty in favor of the said active and former personnel of the AFP and their supporters;

WHEREAS, it is the sense of Senate that it is imperative that an amnesty partaking the nature proclaimed by His Excellency, the President of the Philippines, is necessary for the general interest of the Philippines:

Now, therefore, be it:

RESOLVED by the *Senate of the Republic of the Philippines*, To concur with Proclamation No. 50 issued by the President of the Philippines in accordance with the provisions of Section 19, Article VII of the Constitution.

Adopted,


VICENTE C. SOTTO III
Senator