

FIFTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



Senate  
Office of the Secretary

'10 DEC -7 P 4 :41

## SENATE

COMMITTEE REPORT NO. 12 RECEIVED BY: 

Submitted by the Committee on Peace, Unification and Reconciliation

on DEC - 7 2010

Re : Proclamation No. 75

Recommending concurrence through the adoption of the attached Senate Concurrent Resolution No. 4

Sponsor : Senator Guingona III

### MR. PRESIDENT:

The Committee on Peace, Unification and Reconciliation, to which was referred Proclamation No. 75, issued on 24 November 2010, entitled:

**"GRANTING AMNESTY TO ACTIVE AND FORMER PERSONNEL OF THE ARMED FORCES OF THE PHILIPPINES, PHILIPPINE NATIONAL POLICE AND THEIR SUPPORTERS WHO MAY HAVE COMMITTED CRIMES PUNISHABLE UNDER THE REVISED PENAL CODE, THE ARTICLES OF WAR AND OTHER LAWS IN CONNECTION WITH THE OAKWOOD MUTINY, THE MARINES STAND-OFF AND THE PENINSULA MANILA HOTEL INCIDENT"**

has considered the same and has the honor to report it back to the Senate with the recommendation that the Senate concurs with the same through the adoption of the attached Senate Concurrent Resolution No. 4, entitled:

**"SENATE CONCURRENT RESOLUTION CONCURRING IN PROCLAMATION NO. 75 OF THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES DATED NOVEMBER 24, 2010 ENTITLED: "GRANTING AMNESTY TO ACTIVE AND FORMER PERSONNEL OF THE ARMED FORCES OF THE PHILIPPINES, PHILIPPINE NATIONAL POLICE AND THEIR SUPPORTERS WHO MAY HAVE COMMITTED CRIMES PUNISHABLE UNDER THE REVISED PENAL CODE, THE ARTICLES OF WAR AND OTHER LAWS IN CONNECTION WITH THE OAKWOOD MUTINY, THE MARINES STAND-OFF AND THE PENINSULA MANILA HOTEL INCIDENT."**

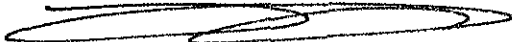
Respectfully submitted:

Chair:



**TEOFISTO L. GUINGONA III**  
Committee on Peace, Unification & Reconciliation

Members:

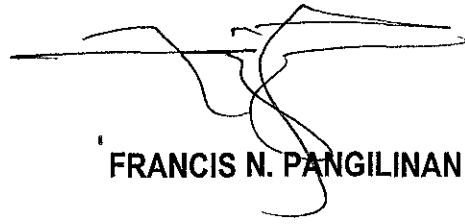


**LOREN B. LEGARDA**

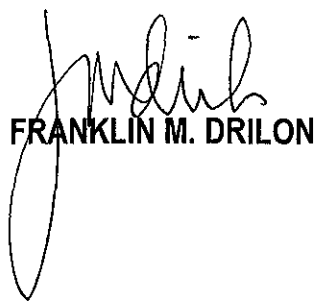
**ANTONIO "SONNY" F. TRILLANES IV**



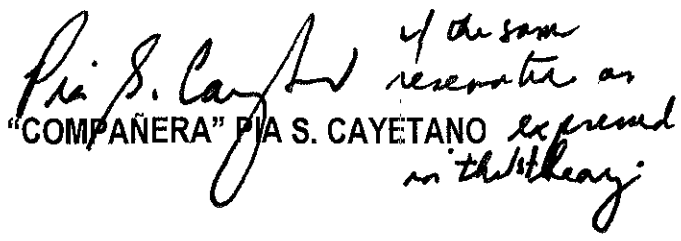
**SERGIO R. OSMEÑA III**



**FRANCIS N. PANGILINAN**



**FRANKLIN M. DRILON**



*if the same reservation as expressed in this theory*

**"COMPAÑERA" PIA S. CAYETANO**

Ex-Officio Members:

**ALAN PETER "COMPAÑERO" S. CAYETANO**  
*Minority Leader*



**VICENTE C. SOTTO III**  
*Majority Leader*



**JINGGOY EJERCITO ESTRADA**  
*President Pro-Tempore*


**HON. JUAN PONCE ENRILE**  
*Senate President*  
*Senate of the Philippines*  
*Pasay City*



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SENATE

S. Ct. RES. NO. 4

RECEIVED BY: 

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Prepared by the Committee on Peace, Unification and Reconciliation

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**SENATE CONCURRENT RESOLUTION  
CONCURRING IN PROCLAMATION NO. 75 OF THE PRESIDENT OF THE  
REPUBLIC OF THE PHILIPPINES DATED NOVEMBER 24, 2010 ENTITLED:  
"GRANTING AMNESTY TO ACTIVE AND FORMER PERSONNEL OF THE ARMED  
FORCES OF THE PHILIPPINES, PHILIPPINE NATIONAL POLICE AND THEIR  
SUPPORTERS WHO MAY HAVE COMMITTED CRIMES PUNISHABLE UNDER  
THE REVISED PENAL CODE, THE ARTICLES OF WAR AND OTHER LAWS IN  
CONNECTION WITH THE OAKWOOD MUTINY, THE MARINES STAND-OFF AND  
THE PENINSULA MANILA HOTEL INCIDENT."**

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

**WHEREAS**, on November 24, 2010, President Benigno S. Aquino III issued Proclamation No. 75, granting amnesty to active and former personnel of the Armed Forces of the Philippines, Philippine National Police and their supporters who may have committed crimes punishable under the Revised Penal Code, the Articles of War and other laws in connection with the Oakwood Mutiny, the Marines Stand-Off and the Peninsula Manila Hotel Incident, the full text of which reads as follows, to wit:

**"PROCLAMATION NO. 75**

**GRANTING AMNESTY TO ACTIVE AND FORMER PERSONNEL OF  
THE ARMED FORCES OF THE PHILIPPINES, PHILIPPINE  
NATIONAL POLICE AND THEIR SUPPORTERS WHO MAY HAVE  
COMMITTED CRIMES PUNISHABLE UNDER THE REVISED PENAL  
CODE, THE ARTICLES OF WAR AND OTHER LAWS IN  
CONNECTION WITH THE OAKWOOD MUTINY, THE MARINES  
STAND-OFF AND THE PENINSULA MANILA HOTEL INCIDENT.**

*WHEREAS, it is recognized that certain active and former personnel of the Armed Forces of the Philippines (AFP), the Philippine National Police (PNP) and their supporters have or may have committed crimes punishable under the Revised Penal Code, the Articles of War and other laws in connection with, in relation or incident to the July 27, 2003 Oakwood Mutiny, the February 2006 Marines Stand-Off and the November 29, 2007 Peninsula Manila Hotel Incident;*

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

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

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

*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 and PNP as well as their supporters who have or may have committed crimes punishable under the Revised Penal Code, the Articles of War or other laws in connection with, in relation or incident to the July 27, 2003 Oakwood Mutiny, the February 2006 Marines Stand-Off and the November 29, 2007 Peninsula Manila Hotel Incident who shall apply therefor; Provided that amnesty shall not cover rape, acts of torture, crimes against chastity and other crimes committed for personal ends.*

***SECTION 2. Where to Apply.** – The concerned AFP and PNP personnel and their supporters may apply for amnesty under this Proclamation with the ad hoc committee of the Department of National Defense (DND) which is hereby tasked with receiving and processing applications – including oppositions thereto, if any – for amnesty pursuant to this proclamation and determining whether the applicants are entitled to amnesty pursuant to this proclamation. The final decision or determination of the DND shall be appealable to the Office of the President by any party to the application. The decision, however, shall be immediately executory even if appealed.*

***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 publication of this proclamation in two (2) newspapers of general circulation as concurred in by a majority of all the Members of Congress. The DND shall forthwith act on the same with dispatch.*

***SECTION 4. Effects.** –*

- (a) Amnesty pursuant to this proclamation shall extinguish any criminal liability for acts committed in connection, incident or related to the July 27, 2003 Oakwood Mutiny, the February 2006 Marines Stand-*

*Off and the November 29, 2007 Peninsula Manila Hotel Incident without prejudice to the grantee's civil liability for injuries or damages caused to private persons, if any.*

- (b) Except as provided below, the grant of amnesty shall effect the restoration of civil and political rights or entitlement of the grantees that may have been suspended, lost or adversely affected by virtue of any executive, administrative or criminal action or proceedings 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 with the rank of up to Technical Sergeant and personnel of the PNP with the rank of up to Senior Police Officer 3, whose application for amnesty will be approved shall be entitled to reintegration or reinstatement, subject to existing laws and regulations. However, they shall not be entitled to back pay during the time they have been discharged or suspended from the service or unable to perform their military or police duties.*
- (d) Commissioned and Non-commissioned officers of the AFP with the rank of Master Sergeant and personnel of the PNP with the rank of at least Senior Police Officer 4 whose application for amnesty will be approved shall not be entitled to remain in the service, reintegration or reinstatement into the service nor back pay.*
- (e) All AFP and PNP personnel granted amnesty who are not reintegrated or reinstated shall be entitled to retirement and separation benefits, if qualified under existing laws and regulation, as of the time of their separation, unless they have forfeited such retirement benefits for reasons other than the acts covered by this Proclamation. Those reintegrated or reinstated shall be entitled to their retirement and separation benefit upon their actual retirement.*

**SECTION 5. Repealing Clause.** – *This Proclamation supersedes Proclamation No. 50 issued on October 11, 2010 which is hereby deemed recalled.*

**SECTION 6. Effectivity.** – *This Proclamation shall take effect upon concurrence of a majority of all the Members of the Congress.*

**DONE** in the City of Manila, this 24<sup>th</sup> day of November 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, the PNP and their supporters;

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

Now, therefore, be it:

**RESOLVED** by the *Senate of the Republic of the Philippines*, to concur with Proclamation No. 75 issued by the President of the Philippines in accordance with the provisions of Section 19, Article VII of the Constitution.

Adopted,