



HOUSE OF REPRESENTATIVES

H. Ct. Res. No. 8

BY REPRESENTATIVES BELMONTI (F.), TAÑADA, GONZALES (N.), TUPAS,
BIAZON, FARIÑAS, ZUBIRI, ABAYA, UMALI (R.), CLIMACO AND CHIPECO

CONCURRENT RESOLUTION CONCURRING WITH PROCLAMATION NO. 75 OF THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES DATED 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"

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 24 November 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:

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 who 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 therefore: *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 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. 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 the 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 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) 11 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 applications for amnesty would 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 would 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 regulations, 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 benefits upon their actual retirement.

SECTION 5. *Repealing Clause.* – This proclamation supersedes Proclamation No. 50 issued on 11 October 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, 24th day of November in the year of our Lord, Two Thousand and Ten.

(Sgd.) BENIGNO S. AQUINO III

By the President:

(Sgd.) PAQUITO N. OCHOA JR.

WHEREAS, both Houses of Congress share 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 PNP and their supporters;

WHEREAS, it is the sense of both Houses of Congress 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:

1 *Resolved by both Houses of Congress, To concur with*
2 *Proclamation No. 75 issued by the President of the Philippines in*
3 *accordance with the provisions of Section 19, Article VII of the*
4 *Constitution.*

5 **RESOLVED, FURTHER, THAT BOTH HOUSES OF**
6 **CONGRESS ADOPT THE FOLLOWING**
7 **RECOMMENDATIONS TO THE PRESIDENT OF THE**
8 **PHILIPPINES FOR INCLUSION IN THE IMPLEMENTING**
9 **RULES AND REGULATIONS OF THE AMNESTY**
10 **PROCLAMATION:**

1 (A) NO APPLICATION FOR AMNESTY SHALL BE
2 GIVEN DUE COURSE WITHOUT THE APPLICANT
3 ADMITTING HIS GUILT OR CRIMINAL CULPABILITY OF
4 ANY OR ALL OF THE SUBJECT INCIDENTS IN WRITING
5 AS EXPRESSED IN THE APPLICATION; AND

6 (B) THE DECISION GRANTING AMNESTY SHALL
7 NOT BE EXECUTORY PENDING APPEAL.

Adopted,