

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

21 DEC -7 P3:36

S E N A T E

COMMITTEE REPORT NO. 372

Submitted by the Committee on National Defense and Security, Peace, Unification and Reconciliation on DEC - 7 2021.

Re: House Concurrent Resolution No. 12

Recommending the adoption of House Concurrent Resolution No. 12, without amendment

Sponsor: Senator Panfilo M. Lacson

MR. PRESIDENT:

The Committee on National Defense and Security, Peace, Unification and Reconciliation, to which was referred **HCR NO. 12**, introduced by Representatives Velasco, Romualdez (F.M.), Paduano, Veloso, Tejada, Tupas, and Gatchalian, entitled:


**"CONCURRENT RESOLUTION
CONCURRING WITH PROCLAMATION NO. 1090 OF THE
PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES DATED
FEBRUARY 5, 2021 ENTITLED, 'GRANTING AMNESTY TO
MEMBERS OF THE MORO ISLAMIC LIBERATION FRONT
(MILF) WHO HAVE COMMITTED CRIMES PUNISHABLE UNDER**

**THE REVISED PENAL CODE AND SPECIAL PENAL LAWS IN
FURTHERANCE OF THEIR POLITICAL BELIEFS”**

has considered the same and has the honor to report it back to the Senate with the recommendation that HCR No. 12, be adopted without amendment.

Respectfully submitted:

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SEN. PANFILO M. LACSON
*Committee on National Defense and Security,
Peace, Unification and Reconciliation*


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SEN. GRACE POE

SEN. RONALD "BATO" DELA ROSA


SEN. CHRISTOPHER BONG GO


SEN. EMMANUEL "MANNY" D.
PACQUIAO

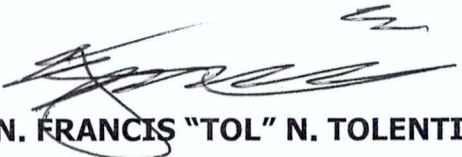

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SEN. FRANCIS "TOL" N. TOLENTINO

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SEN. FRANKLIN M. DRILON
Minority Leader

HON. VICENTE C. SOTTO III
Senate President



HOUSE OF REPRESENTATIVES

H. Ct. Res. No. 12

BY REPRESENTATIVES VELASCO, ROMUALDEZ (F.M.), PADUANO, VELOSO, TEJADA, TUPAS AND
GATCHALIAN

**CONCURRENT RESOLUTION
CONCURRING WITH PROCLAMATION NO. 1090 OF THE
PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES DATED
FEBRUARY 5, 2021 ENTITLED, "GRANTING AMNESTY TO
MEMBERS OF THE MORO ISLAMIC LIBERATION FRONT (MILF)
WHO HAVE COMMITTED CRIMES PUNISHABLE UNDER THE
REVISED PENAL CODE AND SPECIAL PENAL LAWS IN
FURTHERANCE OF THEIR POLITICAL BELIEFS"**

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 the Congress;

WHEREAS, on February 5, 2021, President Rodrigo Roa Duterte issued Proclamation No. 1090, granting amnesty to members of the Moro Islamic Liberation Front who have committed crimes under the Revised Penal Code or special penal laws in pursuit of their political beliefs, the full text of which reads as follows:

PROCLAMATION NO. 1090

**GRANTING AMNESTY TO MEMBERS OF THE MORO
ISLAMIC LIBERATION FRONT (MILF) WHO HAVE
COMMITTED CRIMES PUNISHABLE UNDER THE
REVISED PENAL CODE AND SPECIAL PENAL LAWS IN
FURTHERANCE OF THEIR POLITICAL BELIEFS**

WHEREAS, the peace policy of the Government of the Philippines includes nurturing a climate conducive for peace and the implementation of programs for reconciliation and reintegration of rebels into mainstream society;

WHEREAS, accepting rebels back into the folds of the law through amnesty and providing them access to the government's existing socio-economic services are essential to attaining peace and reconciliation in the country;

WHEREAS, an amnesty program is an integral component of the government's comprehensive peace efforts and part of the implementation of the Comprehensive Agreement on the Bangsamoro signed on 27 March 2014 between the Government of the Philippines and the MILF;

WHEREAS, there is an urgent need and expressed desire to extend amnesty to members of the MILF as an instrument of reconciliation and as a path for their return to a peaceful, democratic, and pluralistic society; and

WHEREAS, the grant of amnesty in favor of the foregoing group and individuals will promote an atmosphere conducive to the attainment of a just, comprehensive, and enduring equanimity and is in line with the government's call for peace, unity, and reconciliation to bring closure to past enmity, rancor, and bitterness that has stymied lasting amity among the Filipino people;

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Republic of the Philippines, by virtue of the powers vested in me by Section 19, Article VII of the Constitution, do hereby declare and proclaim:

SECTION 1. Grant of Amnesty. – Amnesty is hereby granted to members of the MILF who have committed crimes in pursuit of their political beliefs, whether punishable under the Revised Penal Code or special penal laws, including but not limited to the following:

- a. Rebellion or insurrection;
- b. Conspiracy and proposal to commit rebellion or insurrection;
- c. Disloyalty of public officers or employees;
- d. Inciting to rebellion or insurrection;
- e. Sedition;
- f. Conspiracy to commit sedition;
- g. Inciting to sedition;
- h. Illegal assembly;

- i. Illegal association;
- j. Direct assault;
- k. Indirect assault;
- l. Resistance and disobedience to a person in authority or the agents of such person;
- m. Tumults and other disturbances of public order;
- n. Unlawful use of means of publication and unlawful utterances;
- o. Alarms and scandals;
- p. Illegal possession of firearms ammunition or explosives, provided that these crimes or offense were committed in furtherance of, incident to, or in connection with the crimes of rebellion or insurrection; and
- q. Those charged, detained or convicted of common crimes but who can establish by substantial evidence that they have actually committed said crimes in pursuit of political beliefs;

Provided, that the amnesty shall not be granted to those who have already been proscribed or those charged under Republic Act (RA) No. 9372, otherwise known as the Human Security Act of 2007, or RA No. 11479 or the Anti-Terrorism Act of 2020.

The amnesty granted under this Proclamation shall not cover kidnap for ransom, massacre, rape, terrorism and other crimes committed against chastity as defined in the Revised Penal Code as amended, crimes committed for personal ends, violation of RA No. 9165, otherwise known as the Comprehensive Dangerous Act of 2002, grave violations of the Geneva Convention of 1949, and those identified by the United Nations as crimes that can never be amnestied such as genocide, crimes against humanity, war crimes, torture, enforced disappearances and other gross violations of human rights.

For purposes of this Proclamation, the clause "crimes committed in pursuit of a political belief" shall include, but shall not be limited to, acts and omissions performed or undertaken as part of a plan, program of action or strategy decided by the rebel leadership to overthrow and replace the National Government, any of its political subdivisions, or duly constituted authority, with or without the use of arms.

SECTION 2. Who May File for Amnesty. – Any member of the MILF who has committed any act or omission in pursuit of political belief, referred to in Section 1 hereof, including those detained, charged or convicted for such acts or omissions, may file an application for amnesty; Provided that, the crime for which amnesty

may be granted must have been committed prior to the issuance of this Proclamation.

A person who has already been granted amnesty under previous amnesty proclamations shall no longer qualify to apply for amnesty under this Proclamation. For avoidance of doubt, persons who applied for amnesty under previous proclamations whose applications were not considered for having been made outside the reglementary period for filing may apply under this Proclamation.

An applicant under this Proclamation must, in writing and under oath, admit his or her guilt of the offense for which he or she is criminally liable and shall turn over whatever firearms, weapons, and/or explosives he or she may have in his or her possession upon application for amnesty without incurring liability for illegal possession thereof, notwithstanding the grant or denial of the amnesty application.

The filing of an application herein shall not *ipso facto* result in a grant of amnesty. Applicants who are found qualified upon due deliberation of the commission created for this purpose and approved by the President, shall be issued the corresponding Certificate of Amnesty.

SECTION 3. Amnesty Commission. – An Amnesty Commission shall be created to receive and process applications for amnesty and determine whether the applicants who shall apply therefor are entitled to amnesty under this Proclamation.

SECTION 4. Effects. – Amnesty under this Proclamation shall extinguish any criminal liability for acts committed in pursuit of political beliefs, without prejudice to the grantee's civil liability for injuries or damages caused to private persons whose right to be indemnified is fully recognized herein. The grant of amnesty shall also effect the restoration of civil or political rights suspended or lost by virtue of criminal conviction.

SECTION 5. Confidentiality Clause. – All sworn applications filed before the Amnesty Commission, as well as any testimony and/or any evidence given or presented in support of the application which are not otherwise available to the prosecution, shall not be used as evidence against the applicant in any other proceeding where the amnesty is not in issue, except for the offense of perjury committed in the course of the testimony relevant to the amnesty application.

SECTION 6. Application Period. – Applications for the grant

of amnesty shall be filed under oath with the Amnesty Commission within one (1) year from the effectivity of this Proclamation.

SECTION 7. Separability Clause. – Any provision of this Proclamation declared unconstitutional shall not affect the validity of the other provisions hereof.

SECTION 8. Repealing Clause. – All orders, rules, regulations and other issuances, or parts thereof, which are inconsistent with this Proclamation, are hereby repealed or modified accordingly.

SECTION 9. Effectivity. – This Proclamation shall take effect upon concurrence by a majority of all the Members of the Congress.

SECTION 10. Implementing Rules and Regulations. – The implementing rules and regulations covering the amnesty program shall be issued by the Amnesty Commission not later than sixty (60) days upon the effectivity of this Proclamation.

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 5th day of February, in the year of Our Lord, Two Thousand and Twenty-one.

(Sgd.) **RODRIGO ROA DUTERTE**

By the President:

(Sgd.) **SALVADOR C. MEDIALDEA**
Executive Secretary

WHEREAS, both Houses of Congress share the view that with the creation of the National Amnesty Commission and the grant of amnesty in favor of the members of the Moro Islamic Liberation Front, will not only enable the delivery of an important commitment of the government under the Comprehensive Agreement on the Bangsamoro, particularly the gradual normalization of the previously conflict-affected areas, but will also provide a meaningful and complete transformation and assimilation of the MILF decommissioned combatants into peaceful and progressive lives towards national reconciliation and healing in the Bangsamoro.

WHEREAS, the amnesty proclaimed by His Excellency, the President of the Philippines, is necessary for the general interest of the Philippines and the Filipino people for a just and lasting peace: Now, therefore, be it

1 **RESOLVED BY BOTH HOUSES OF CONGRESS**, To concur with
2 Proclamation No. 1090 of the President of the Republic of the Philippines dated
3 February 5, 2021 entitled, "*Granting Amnesty to Members of the Moro Islamic*
4 *Liberation Front (MILF) who have Committed Crimes Punishable Under the*
5 *Revised Penal Code and Special Penal Laws in Furtherance of their Political*
6 *Beliefs.*"

Adopted,