

FURTHER AMENDING PRESIDENTIAL DECREE NO. 1886, AS AMENDED.

PRESIDENTIAL DECREE NO. 1903, February 08, 1984

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WHEREAS, there is a need to enhance the powers and functions of the Fact-Finding Board investigating the killing of former Senator Benigno S. Aquino, Jr., in order to ensure an independent and exhaustive investigation of all the aspects of the Aquino killing;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution do hereby decree:

SECTION 1. Section 1 of Presidential Decree No. 1886, as amended, is hereby further amended to read as follows;

"SECTION 1. There is hereby created an ad hoc Fact-Finding Board which shall be independent from the three Departments of the Government, to determine all the facts and circumstances surrounding the killing of former Senator Benigno S. Aquino, Jr. The Board shall be composed of a Chairman and at least four (4) but not exceeding six (6) members.

"The Chairman and the members of the Board shall be appointed by the President of the Philippines from among the recommendees of the various sectors of society, such as not limited to legal or bar associations, civic/service organizations, and the business, education, student, labor and other sectors.

"The positions of Chairman and member of the Board shall be honorary. The Chairman and members of the Board, while discharging their duties, functions and responsibilities, shall be deemed 'persons in authority' in accordance with Article 152 of the Revised Penal Code. They may continue to undertake and engage in their respective occupations and pursuits; PROVIDED, That it will not prejudice whatsoever the discharge of their duties, functions and responsibilities as set forth in this Decree, which shall at all times be paramount and accorded first priority. The Chairman and the members of the Board shall be entitled to transportation allowance of at least THREE THOUSAND PESOS (P3,000.00) and TWO THOUSAND PESOS (P2,000.00) respectively."

SEC. 2. Section 3 of Presidential Decree No. 1886 is hereby amended to read as follows:

"SEC. 3. The Board shall have the power to review the evidence already submitted and determine which to accept and which to hear anew, to issue subpoena or subpoena duces tecum and other compulsory processes requiring the attendance and testimony of witnesses and the production of any evidence relative to any matter under investigation by the Board.

"In case of contumacy or refusal to obey a subpoena issued to any person's under the provisions of this Decree, the Board may deputize any law enforcement agency or officer to arrest and compel the attendance of said person si before the Board.

"The Board, or and member thereof, or its duly authorized representative may administer oaths and affirmations, examine witnesses, and receive evidence.

"The Board may appoint sheriffs and deputize 3EV law enforcement agency as may be necessary to ensure compliance with its orders and processes."

SEC. 3. Section 9 of Presidential Decree No. 1886 is hereby amended to read as follows:

"SEC. 9. The Board shall appoint the General Counsel, a public coordinator, and such Deputy s who shall be members of the Philippine Bar to assist the Board in the discharge of its functions.

"The General Counsel, the Public Coordinator, and the Deputy General Counsels must have all the qualifications of a justice of the Supreme Court."

SEC. 4. Section 10 of Presidential Decree No. 1886 is hereby amended to read as follows:

"SEC. 10. The proceedings and hearings conducted by the Board may be either public or held in closed-doors at the discretion of the majority of the members of the Board, or as may be warranted by the circumstances as where they would affect matters of National security or public safety, or as may be requested by any person testifying in the said proceedings. The closed door hearings shall be held under conditions to be imposed by the Board.

" The Board may sit either en banc or in a division of two as may be provided in the rules and regulations to be promulgated.

" Any person called to testify before the Boards shall have the right to counsel at any stage of the proceedings.

" The Board may not allow local and /or foreign observers in its proceedings."

SEC. 5. Section 11 of the Presidential Decree No. 1886 is hereby amended to read as follows:

"SEC. 11. The presentation of evidence and the conduct of the proceedings or investigations shall at all times remain under the direction and control of the Chairman and members of the Board. The General Counsel and/or his Deputies shall perform such duties and functions as may be directed by the Board.

"The rules of evidence under the Rules of Court shall be followed, unless there are supervening incidents for which the rules of justice and fair play demand the application of more liberal and nontechnical rules. In all cases, the reason(s) for the application of more liberal and non-technical rules must be explained to and accepted by the Board. The General Counsel and his Deputies shall prepare the presentation of evidence to be submitted to the Board under more liberal and technical rules.

SEC. 6. Section 13 of Presidential Decree No. 1886, as amended, is hereby further amended to read as follows:

"SEC. 13. The sum of TEN MILLION PESOS (10,000,000.00) for the operational expenses of the Board shall be provided out of the appropriations for the Special Activities Fund for 1984 and 1985. As a further assurance of its independence, the Board shall not be subject to the jurisdiction of the Commission on Audit. The Board, by resolution, may disburse its funds and dispose of its properties and assets in accordance with the accepted principles of auditing and accounting, and shall not be subject to the rules and regulations of the Office of the Budget and Management on allocations and release of funds."

SEC. 7. Section 14 of Presidential Decree No. 1886 is hereby amended to read as follows:

"SEC. 14. The Commission created and constituted under Administrative Order No. 469 is hereby abolished and all its records shall be transferred to the Board. All the assets and liabilities of the said Commission shall revert to and be assumed by the National Treasury. The Board shall not be bound by the evidence so far submitted to or by the acts performed by the said Commission. Presidential Decree No. 1879, as amended, together with the rules and regulations issued pursuant thereto and Administrative Order No. 469 are hereby repealed.

SEC. 8. This Decree shall take effect immediately.

Done in the City of Manila, this 8th day of February in the year of Our Lord, Nineteen Hundred and Eighty-Four.

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