

GRANTING AMNESTY TO PERSONS FOR VIOLATION OF SECTION FOUR OF REPUBLIC ACT 1700

PRESIDENTIAL DECREE NO. 124[], February 02, 1973*

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WHEREAS, Proclamation No. 1081, dated September 21, 1972, declaring a state of martial law throughout the land was issued because of widespread lawlessness and anarchy, chaos and disorder, and wanton destruction of lives and property prevailing throughout the country, perpetrated, among others, by die-hard leaders and some members of activist groups, subversive associations, and Communist-front organizations;

WHEREAS, surveys and assessments made by the military authorities as well as reports from law-abiding and peace-loving sectors of our society indicate that a number of the members, followers, and sympathizers, of said activist groups, subversive associations and Communist-front organizations, are not die-hard members or ideological believers in Communism but had been drawn into these organizations, because of their association with, and/or as a result of subtle indoctrination by hard-core activist leaders and false propagandists;

WHEREAS, it is not unlikely that, in many instances, members or followers of said groups have unwittingly allowed themselves to be identified with said groups, associations or organizations;

WHEREAS, it has been the policy of the Government to deal and treat the foregoing type of persons with compassion so that they may be led back to the folds of the law, and may thereby become our co-workers in the New Society; and

WHEREAS, to better realize the objectives of Proclamation No. 1081, general orders, decrees and instructions issued pursuant thereto, and to hasten the restoration of the tranquility and stability of the nation, and secure the people from violence, injuries and loss of lives in the quickest possible manner and time, it is necessary that certain members of said activist groups, subversive associations and Communist-front organizations especially the youth be allowed to lead normal lives under the control and supervision of their parents, guardians, or benevolent citizens of their respective communities;

NOW, THEREFORE, I, FERDINAND E. MARCOS, in my capacity as Commander-in-Chief of all the Armed Forces of the Philippines and pursuant to Proclamation No. 1081, dated September 21, 1972, do hereby declare and decree an amnesty in favor of all persons who may have violated the following provisions of Section 4 of Republic Act No. 1700, to wit:

" . . . whoever knowingly, wilfully, and by overt acts affiliates himself with, becomes or remains a member of the Communist Party of the Philippines and/or its successors or of any subversive association as defined in Section 2 hereof. . . "

I do hereby further declare and decree an amnesty in favor of all such affiliates/members who may have committed any other offense penalized under any law in furtherance of their political beliefs: Provided, however, That this amnesty shall not apply to the following: (a) such affiliate/member who has committed murder or crimes against chastity or who have taken up arms against the Government; (b) those leaders of rebellion and sedition; (c) officer or ranking leader of the Communist Party of the Philippines or of any subversive association as defined in

Section 2 of said Anti-Subversion Act; (d) one who conspires with any other person to overthrow the Government of the Republic of the Philippines or the government of any of its political subdivisions by force, violence, deceit, subversion or any other illegal means for the purpose of placing such Government or political subdivision under the control and domination of any alien power: Provided, further, That this Decree shall cover only those who shall apply for amnesty not later than March 15, 1973: Provided, furthermore, That said applicant renounces in writing his affiliation/membership with said subversive group or organization, surrenders whatever firearms and/or explosives which he/she may have in his/her possession, licensed or unlicensed, and pledges loyalty and obedience to the Government of the Republic of the Philippines: and provided, finally, That his or her parents, known guardian or in the absence of the latter two, any prominent resident of the community where he or she resides, shall likewise pledge in writing to insure that the applicant shall be a peace-loving and law-abiding citizen of the Philippine Republic at all times.

For the purposes of this Decree, subversive association, having the same purpose as the Communist Party of the Philippines as the term is defined in Section 2 of Republic Act No. 1700, is one organized to overthrow the Government of the Republic of the Philippines for the purpose of establishing in the Philippines a totalitarian regime and placing the government under the control and domination of an alien power.

It is further decreed that in order to determine the persons who may be granted amnesty, the Amnesty Commissions to be created by me shall examine the facts and circumstances surrounding each case, conduct summary hearings of witnesses, if necessary, and recommend to me whether or not the persons concerned shall be granted amnesty: Provided, That any person not expressly covered by this Decree may nonetheless be granted amnesty if so recommended as provided herein and the merits of his/her case so warrant.

It is decreed finally that cases now pending before fiscals, civil courts, or military tribunals against those who would be covered by this Decree shall be dismissed motu proprio by the respective fiscals, civil courts or military authorities/tribunals, or upon petition by the prosecution or the accused, after the grant of amnesty by me as herein decreed.

Done in the City of Manila, this 2nd day of February, in the year of Our Lord, nineteen hundred and seventy-three.

(Sgd.) FERDINAND E. MARCOS

President

Republic of the Philippines

By the President:

(Sgd.) ALEJANDRO MELCHOR

Executive Secretary

In order to facilitate the implementation of this Presidential Decree No. 124, the Office of the President issued the following:

Administrative Order No. 350, dated February 2, 1973, creating the Amnesty Commissions;

Memorandum Order No. 345, dated February 8, 1973, designating the chairmen and members of the commissions; and

Memorandum Order No. 351, dated March 16, 1973, amending Memorandum Order No. 345.

[*] Amended by Presidential Decree Nos. 138 and 206.

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