RULES AND REGULATIONS IMPLEMENTING PROCLAMATION NO. 347, DATED MARCH 25, 1994, AS AMENDED BY PROCLAMATION NO. 21, DATED SEPTEMBER 23, 1998, AND PROCLAMATIONS NOS. 10 & 10-A (E.O...

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WHEREAS, pursuant to the Government's Comprehensive Peace Process, Proclamation No. 347, Granting Amnesty to Rebels, Insurgents, and All Other Persons Who Have or May Have Committed Crimes Against Public Order, other Crimes Committed in Furtherance of Political Ends, and Violations of the Articles of War, and Creating a National Amnesty Commission dated March 25, 1994 was issued by the President and concurred in by Congress;

WHEREAS, Section 4 of Proclamation No. 347 mandates the National Amnesty Commission (NAC) to promulgate Rules and Regulations, subject to the approval of the President, in order to effectively discharge its primary task of receiving and processing amnesty applications and determining whether the applicants are entitled to be granted amnesty;

WHEREAS, Administrative Order No. 1 was promulgated with the approval of then President Fidel V. Ramos on August 30, 1994 as rules and regulations specifically implementing Proclamation Nos. 347 an d 348, as amended by Proclamation No. 377;

WHEREAS, Proclamation No. 21 further mandates that the NAC shall complete processing of manifestations under Proclamation No. 10 & 10-A through the guidelines set by Executive Order No. 350, series of 1989;

WHEREAS, the issuance of Proclamation No. 21 dated 23 September 1998 requires the revision of the original Rules and Regulations to implement its new provisions and to reflect the experience gained in implementing Proclamation Nos. 347, 348 and 724 for the past four and one-half (4½) years and thereby provide clear and effective guidelines to all concerned.

NOW, THEREFORE, The National Amnesty Commission (NAC), hereby promulgates these Rules and Regulations as follows:

RULE I
PRELIMINARY PROVISIONS
SECTION 1. Declaration of Policy. In consonance with the Government's policy of reconciliation with, and rehabilitation of rebels/insurgents including their harmonious integration into a peaceful, pluralistic and democratic society; and to further enhance and hasten attainment of said objectives, the NAC shall afford to all former rebels/insurgents maximum opportunity to avail of the benefits of amnesty in the most expeditious, convenient, judicious and equitable manner possible.

SECTION 2. Interpretation. These Rules shall be interpreted liberally in favor of the Applicant for Amnesty.

Except in a suppletory manner, the provisions of the Rules of Court shall not be applied to proceedings before the

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NAC and its Local Amnesty Boards [LAB(s)].

SECTION 3. Definition of Terms. For purposes of these Rules, the following definitions shall apply:

(a) “amnesty” — is an act of a sovereign power that abolishes criminal liability for past political offenses, overlooks and obliterates the offense for which persons are charged and allows these persons to stand before the law as though no offense has been committed.

(b) “acts/omissions in pursuit of political belief ” — shall refer to the acts or omissions for which amnesty is sought, motivated by the desire to overthrow, take over or replace the National Government or any of its local government units, or to defy or resist any duly constituted authority, or seize any part of its territory by force, intimidation or by other means outside of legal methods, and as part of a plan, program of action or strategy decided upon by the rebel leadership of a recognized rebel organization.

(c) “manifestor” — a person who has indicated his intention to avail of amnesty under Proc. 10 and 10A pursuant to the guidelines under EO 350 series of 1989 and who shall present his manifestation within the one year period of application under Proclamation 21.

(d) “massacre” — the intentional killing of three or more unarmed or defenseless persons in a single incident.

(c) “oppositor” — any interested or concerned person who objects to the grant of amnesty to an applicant or prospective applicant on or before of the date of the NAC’s decision granting amnesty and files the opposition as provided in Section 4 of Rule III-B.

(f) “Torture” — the infliction of severe pain or suffering, whether physical or psychological, upon any person.

(g) “ post amnesty grant activities” — activities implementing NAC’s mandate under Proclamation No. 21 to facilitate the reintegration and rehabilitation of amnesty grantees in coordination with other concerned agencies in the peace process. These activities are aimed at helping provide for the grantee’s livelihood and other social welfare needs.

RULE II
ORGANIZATION

A. THE NATIONAL AMNESTY COMMISSION
SECTION 1. Composition. The NAC shall be composed of seven (7) members:

(a) A Chairperson who shall be appointed by the President;

(b) Three (3) Commissioners who shall be appointed by the President;

(c) Three (3) Ex-Officio Members

1) Secretary of Justice
2) Secretary of National Defense
3) Secretary of the Interior and Local Government

The ex-officio members may designate their representatives to the Commission. Said Representatives shall be entitled to per diems, allowances, bonuses and other benefits as may be authorized by law.

SECTION 2. Functions. The NAC shall perform the following functions:

(a) Receive and process applications for amnesty;

(b) Determine whether the applicants are entitled to amnesty under Proclamation No. 347 as amended by

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Proclamation No. 21;

(c) Complete the processing of amnesty applications filed under Executive Order No. 350 pursuant to proclamation Nos. 10 & 10-A;

(d) Facilitate and expedite the reconciliation, rehabilitation and integration of amnesty grantees in coordination with concerned agencies in the peace process;

(e) Conduct peace advocacy activities;

(f) Perform such other functions as may be necessary for the proper implementation of Proclamation No. 21.

SECTION 3. Powers — The NAC shall exercise the following powers to accomplish the aforementioned functions:

(a) Constitute LAB(s) in such provinces, cities, and municipalities and abolish, transfer, and reorganize the same as may be necessary;

(b) Administer oath, summon witnesses and require the production of documents by subpoena duces tecum;

(c) Promulgate rules and regulations subject to the approval of the President;

(d) Conduct its own independent investigation and verification of claims made in connection with amnesty applications and such other matters as may be required to accomplish its functions;

(e) Call on any Government office, body, agency, instrumentality, council and commission to render assistance in the efficient implementation of its functions;

(f) Designate a Regular Commissioner to perform such other duties and responsibilities as may be assigned by the Commission itself

(g) Exercise such other powers as may be necessary for the proper performance of the foregoing functions in Section 2 hereof

SECTION 4. Meetings. The Chairperson shall preside over all meetings of the NAC and shall serve as its Chief Executive Officer. Decisions of the NAC shall be arrived at by a majority vote in a meeting where there is a quorum consisting of at least four (4) members.

SECTION 5. Staff Support. The NAC shall have staff and service divisions headed by an Executive Director including but not limited to:

(a) Secretariat — shall provide necessary support and discharge such other functions as may be directed by the Commission.

(b) Investigation and Documentation Division — shall assist in the verification and investigation of information related to the processing of amnesty applications.

(c) Law Division — shall provide legal research, advisory opinions, and other required support to the Commission.

(d) Operations Division — shall coordinate, monitor, and evaluate the operations and activities of the Local Amnesty Boards, and further coordinate with various government and non-governmental agencies involved in the peace process.

(e) Finance and Administration Division — shall provide administrative, personnel and financial support services.

SECTION 6. Place of the Office. The NAC shall hold office in Quezon City, or in such other place in Metro Manila, as it may decide.

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B. THE LOCAL AMNESTY BOARD

SECTION 1. Composition. The terms of the Chairperson and Members of the LAB appointed under Administrative Order No. 1 shall be deemed terminated upon the effectivity of this Administrative Order. They shall, however, continue in a hold over capacity unless re-appointed or until new members are appointed in their stead and qualify therefor.

(a) The Commission, through its Chairperson, shall appoint the LAB Chairperson and members. Unless otherwise directed by the NAC, the LAB shall be composed of

1) A representative chosen from among three nominee members of the local chapter of the Integrated Bar of the Philippines (IBP) Chapter in the province or city where the LAB is located;

2) The Regional State Prosecutor, Provincial or City Prosecutor or their assistants, as may be determined by the Commission;

3) The Provincial Governor, City or Municipal Mayor, or his/her nominee from his/her office, as the case may be, in the place where the LAB is located, as may be determined by the Commission;

4) The Regional or Provincial Director of the PNP, or his nominee, officially assigned in the place where the LAB is located as may be determined by the Commission;

5) A private citizen residing in the place where the LAB is located, who is of known probity and integrity, appointed from among three (3) nominees of the abovementioned members who have been recommended by civic and religious organization.

Said five members shall nominate three (3) from among themselves for appointment as LAB Chairperson. They may select from among themselves a Vice-Chairperson who will preside in meetings where the Chairperson is absent.

(b) The chairperson and members of the LAB shall have a term of office of one year from the date of their appointment, unless resigned, no longer qualified or when the term of the NAC expires.

(c) Any vacancy shall be filled up by the NAC through its Chairperson.

SECTION 2. Functions — The LAB shall perform the following functions:

(a) Processing of applications for amnesty:

1) Receive all applications for amnesty and oppositions thereto;

2) Verify the identity and claims of the applicant and the oppositors, if any;

3) Evaluate the evidence relative to said application or opposition;

4) Recommend the grant or denial of applications in accordance with such evaluation;

In connection with the performance of the above functions, the LAB Chairperson shall have the power to issue subpoena and subpoena duces tecum. Any LAB member is authorized to administer oath to applicants, oppositors, witnesses and such other persons as may be necessary in the course of the amnesty proceedings.

(b) Peace Advocacy Activities. — Initiate and implement peace advocacy activities and programs within the guidelines set by the NAC;

(c) Post Amnesty Grant Activities. — Conduct post-amnesty grant activities within the NAC framework in coordination with local groups/agencies with a view towards ensuring a better life for amnesty grantees;

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(d) Perform such other functions as may be assigned by the NAC.

SECTION 3. Meetings — The LAB shall meet regularly on designated day/s of each week to conduct conferences and/or deliberations on applications for amnesty as well as discuss such other matters as may be necessary in implementing the amnesty program. The LAB Chairperson shall preside over all its meetings. In his absence, the members present may choose from among themselves who shall preside over the meeting and perform such other functions pertaining to the regular Chairperson unless a Vice Chairperson has already been selected.

Recommendations of the LAB to the NAC for the grant or denial of amnesty shall be arrived at by the vote of at least three (3) members in a regular meeting or a special meeting called for the purpose.

SECTION 4. Honoraria — Appropriate honoraria in such amount and manner as may be authorized shall be provided for meetings attended at which amnesty applications are deliberated upon or amnesty related matters are discussed.

RULE III
COVERAGE AND PROCEDURES UNDER PROCLAMATION 21

A. COVERAGE
SECTION 1. Persons Who May Apply — Any and all rebels, or insurgents or members of a recognized rebel organization/group whether or not they have been investigated, detained, charged, convicted, or have served or are serving sentence or escaped imprisonment, who have committed acts or omissions as defined in Section 2 hereunder may apply for amnesty.

SECTION 2. Crimes/Acts Covered — Crimes, acts or omissions committed in pursuit of a political belief on or before 31 December 1996, whether punishable under the Revised Penal Code, the Articles of War or special laws including, but not limited to, the following may be subject to amnesty:

a) Rebellion or insurrection
b) Coup d'état
c) Conspiracy and proposal to commit rebellion or insurrection,
d) Conspiracy and proposal to commit coup d'état
e) Disloyalty of public officers or employees
t) Inciting to rebellion or insurrection
g) Sedition
h) Conspiracy to commit sedition
i) Inciting to sedition
j) Illegal assembly
k) Illegal association
l) Direct assault
m) Indirect assault
n) Resistance and disobedience to a person in authority or the agents of such person
o) Tumults and other disturbances of public order
p) Unlawful use of means of publication and unlawful utterances
q) Alarms and scandals
r) Illegal possession of firearms, ammunition or explosives
s) Violation of the following Articles of War:

AW 59 (desertion),
AW 62 (absence without leave),

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AW 67 (mutiny or sedition),
AW 68 (failure to suppress mutiny or sedition) AW 94 (various crimes),
AW 96 (Conduct unbecoming an officer and a gentleman),
AW 97 (general article)

Provided that any of the foregoing crimes for which amnesty may be granted to members and supporters of the following specific rebel organization must have been committed:

1) On or before September 2, 1996, the date of the signing of their peace agreement with the government for the Moro National Liberation Front (MNLF);

2) During the period from February 26, 1986 to April 30, 1994 for the Alyansang Tapat sa Sambayanan (ALTAS) as stated in Article III of the Agreement in the Matter of Disposition of ALTAS Forces;

3) During the period from February 22, 1986 to December 23, 1992 for the Rebolusyonaryong Alyansang Makabansa- Soldiers of the Filipino People-Young Officers Union (RAM-SFP-YOU) as provided in Proclamation No. 723;

4) On or before 31 December 1996, for members of other recognized rebel organizations.

SECTION 3. Crimes/Acts Not Covered — Amnesty shall not be extended for the crimes of rape, those against chastity, and other crimes committed for personal ends.

B. PROCEDURE IN THE LOCAL AMNESTY BOARD
SECTION 1. Notice to the Public — The LAB shall, as may be necessary through the most practical and convenient means available, notify the public how, when and where to file the applications for, and/or oppositions to, the grant of amnesty.

SECTION 2. Filing of Applications —

(a) When to File — Applications must be filed within one year from the effectivity of Proclamation No. 21 or on or before March 24, 2000.

(b) How to File — Applications may be filed in person, through a representative or by registered mail.

(c) What to File — Three copies of the application, subscribed and sworn to before any person authorized to administer oath, shall be filed in the form prescribed in, Annex “A”, together with ID photographs taken not more than six (6) months before the filing of the application and such documentary evidence as may be necessary to support his claim.

(d) Where to File — At the option of the applicant, he may file his application with the NAC; the LAB closest to his residence, place of rebel operations/assignments, Metro Manila LAB, or with any representative deputized by the Commission.

(e) Detained/Imprisoned Applicant — An Applicant who is detained or imprisoned may file his application at the place of detention or imprisonment. For this purpose, the custodial officer or jail warden shall assist the Applicant and transmit the application to the nearest LAB or to the Metro Manila LAB within twenty-four (24) hours from date of submission.

(f) Where There is a Pending Criminal Case/Preliminary Investigation — An applicant who is undergoing trial or preliminary investigation may file a motion for suspension of the proceedings, copy furnished the private complainant, the public/private prosecutor and the Commission.

One copy of the filed application shall be retained by the applicant. The application shall indicate the date and time of receipt, printed name and signature of the receiving officer and the LAB he represents and the date of the conference under Section 5 hereof if applicable.

SECTION 3. Verification —

(a) It shall be the responsibility of the LAB to initially verify the claims made by an Applicant. Within twenty-four (24) hours from receipt of the Application, the LAB shall request the Department of National Defense-Armed Forces of the Philippines (DND-AFP), Department of the Interior and Local Government-Philippine National Police (DILG-PNP), Department of Justice-National Bureau of Investigation (DOJ-NBI) or other competent government offices or agencies to verify such claims. The LAB shall also determine whether or not there is an opposition to the application.

(b) Applications of AFP or PNP personnel shall be verified with the DND-AFP Personnel Staff, DILG-PNP Personnel Staff, or other competent government agencies as the case may be.

(c) Applications of persons who have pending criminal complaints/cases shall be verified with the Courts and/or with the Provincial/City Prosecutor concerned.

(d) The verification of the claims made by the Applicant shall be completed and returned to the LAB within twenty (20) days from the date of receipt of the Referral for Verification from the LAB. A report of incomplete or negative verification, as the case may be, shall be made within the same period. The head or chief of the verifying unit must ensure that the verification report is sent to the LAB within the required period.

SECTION 4. Opposition —

(a) Any interested party may oppose the application or prospective application by filing a sworn statement defining his interest and setting the grounds therefor and accompanied by such documentary evidence including sworn statements of witnesses in support thereof. Such opposition may be filed with any LAB or the NAC at any time but in no case later than the date of the NAC's decision granting or denying amnesty.

(b) An Opposition may be filed on any of the following grounds:

1) That the applicant is not qualified for the grant of amnesty;

2) The act or omission for which amnesty is applied for is not subject to amnesty; and

3) That the applicant is a grantee under amnesty Proclamation Nos. 347, 348, 723, 724

SECTION 5. Conference —

(a) Purpose — Subject to sub-paragraph (e) below, the LAB shall hold a conference where the Applicant shall personally appear and reaffirm the contents of his application and for the purpose of receiving additional evidence or propounding clarificatory questions to the Applicant or his/her witnesses. A separate conference may be held for the oppositor and his witnesses at the discretion of the LAB.

(b) Schedule — Upon receipt of the application by the LAB, the conference shall be set not later than thirty (30) days from the filing of the application as indicated in the Applicant's copy. No conference shall last more than three (3) successive working days. Applications of persons who are detained or have pending criminal charges in court must be prioritized by the LAB.

(c) Nature — The conference shall be non-confrontational and shall be conducted expeditiously.

(d) Evidence — The parties may submit additional documentary or testimonial evidence in affidavit form.

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(e) When not necessary — The conference may, at the discretion of the LAB, be dispensed with, provided that the following requisites concur:

1) The Applicant personally appeared before the LAB to file an application under oath;

2) No opposition to the application has been filed;

3) Based on the results of the verification, the applicant clearly appears to be qualified for amnesty.

(f) Failure to Appear — Should the Applicant fail to appear after the third notice at the conference where his/her appearance is required, the Safe Conduct 'Pass provided for in Section 2, Rule VI shall be automatically revoked and action on his/her application shall be suspended until such time that he/she personally appears but not later than one (1) year from the date of the last scheduled conference where he/she failed to appear.

SECTION 6. Evaluation and Recommendation —

(a) Within fifteen (15) days from the last conference date, the LAB shall evaluate the application and write its recommendation in the form prescribed in Annex "B", which shall contain, among others:

1) The name and personal circumstances of the Applicant;

2) The crimes for which amnesty is applied for;

3) The recommendation to grant or deny the application and the reason therefor,

Where the applicant is detained, the LAB evaluation and recommendation must be submitted within five (5) days from the last conference date.

(b) The recommendation, together with the application and all of the records of the case, shall forthwith be transmitted to the NAC within twenty-four(24) hours. The LAB must keep a copy of the records for its files. The applicant and the oppositor, if any, shall be notified of the fact of transmission. However, the recommendation itself shall remain confidential until the NAC promulgates its Decision. A member who disagrees with the LAB recommendation may submit a written comment to be attached to the Recommendation.

(c) Records to be transmitted — The records of the cases shall consist of the Amnesty Evaluation Report, and the following:

1) Application
2) Verification documents
3) Opposition, if any
4) Testimonies/Affidavits
5) Documents submitted to the LAB in support of or in opposition to the application
6) Minutes of the Meeting wherein the application was deliberated upon
7) An index of the documents and testimonies presented before the LAB, including the results of the verification.
8) When no conference with the applicant was conducted, a certification from the LAB that all the requisites under Section 5(e) is present shall be submitted.
9) Such other pertinent documents

The LAB must act on NAC directives/instructions pertaining to deferred applications within thirty (30) days from receipt thereof

C. PROCEDURE IN THE NATIONAL AMNESTY COMMISSION
SECTION 1. Directly Filed Applications — Applications filed directly with the NAC may be referred for

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processing to the appropriate LAB.

SECTION 2. Decision by NAC —

(a) The NAC shall forthwith resolve the amnesty application after receipt of the recommendation and records from the LAB unless the NAC decides that further verification be made and additional evidence submitted, or conduct hearings thereon.

(b) A Notice of Resolution shall immediately be furnished the Applicant, copy furnished the Oppositor, if any, and in case of a convicted applicant, the public or private prosecutor, and such other concerned persons as may be determined by the NAC.

(c) The decision of the NAC shall become final after the lapse of fifteen (15) days from receipt of the Notice of Resolution unless a Motion for Reconsideration has been filed.

SECTION 3. Motion for Reconsideration —

(a) Only one (1) motion for reconsideration in any form may be filed by the applicant or the oppositor, if any, with the NAC within (1 5) days from receipt by the movant of the Notice of Resolution, otherwise the same shall become final and executory. The NAC shall resolve the said motion within thirty (30) days from receipt thereof, unless it sets the same for hearing, in which case it shall resolve the case within thirty (30) days from the last hearing date.

(b) A motion for reconsideration may be filed with the NAC based only on the following grounds:

1) The decision is not supported by substantial evidence;

2) A party has been unjustly deprived of the opportunity to present evidence;

3) Fraud or serious irregularities attended the proceedings;

4) Newly discovered evidence sufficient to reverse the decision.

(c) The decision of the NAC on the Motion for Reconsideration shall become final after the lapse of fifteen (15) days from receipt of the Notice of Resolution on said motion, unless an appeal has been filed.

SECTION 4. Appeal — The decision of the NAC on the Motion for Reconsideration may be appealed by the aggrieved party to the Court of Appeals within 15 days from receipt of the notice of resolution.

RULE IV
COVERAGE AND PROCEDURES UNDER PROCLAMATION NO. 10 & 10-A

A. COVERAGE
SECTION 1. Persons Covered — Manifestors under Proc. 10 and 10-A as defined above who have been determined as qualified and who has filed manifestation, within the period of 29 February 1988 to 31 December 1992.

Applicants under Proclamations 10 and 10-A may either be:

(a) listed in the referral compiled by the Commission

(b) not listed in the referral but able to produce the following documents to prove that he had filed manifestation on or before December 31, 1992:

1) Manifestations favoring amnesty;

2) Pledge of Loyalty;
3) Certification under E. O. 350.

SECTION 2. Crimes/Acts Covered — Treason; conspiracy and proposal to commit treason; misprision of treason; espionage; rebellion or insurrection; inciting to rebellion or insurrection; sedition; conspiracy to commit sedition; inciting to sedition; illegal assemblies; illegal associations; direct assaults; indirect assaults; resistance and disobedience to a person in authority or agents of such person(s); subversion 1 ; and illegal possession of firearms and/or explosives, provided that the act or crime was not committed from purely personal ends.

SECTION 3. Conditions and Restrictions — Amnesty shall be granted in favor of those who have applied for amnesty under Executive Order No. 350, and whose applications had already been processed and are ready for final action as of 28 July 1992, the date Proclamation No. 10A was issued, and whosoever applied for amnesty under Executive Order No. 350 from the said date of Proclamation No. 10 up to December 11, 1992, and who have committed any act covered under Rule IV Section 2 hereof

B. PROCEDURE IN THE LOCAL AMNESTY BOARD (PROCLAMATION NO. 10 AND 10-A)

SECTION 1. Notice — Upon receipt of the proper referral from the NAC, the LAB shall forthwith give notice to —

(a) Those determined to have been qualified, informing that NAC will issue a certificate of amnesty in his/her favor and requesting appearance before the LAB for picture taking for ID purposes.

(b) Those with pending manifestations, informing that the NAC will continue processing his/her manifestation and requesting appearance before the LAB for further processing.

SECTION 2. Verification —

(a) It shall be the responsibility of the LAB to initially verify the identity of and claims made by the Manifestor whose manifestation remain pending. Within twenty-four (24) hours from receipt of the referral, the LAB shall request concerned local offices of Department of National Defense-Armed Forces of the Philippines (DND-AFP), Department of the Interior and Local Government-Philippine National Police (DILG-PNP), Department of Justice-National Bureau of Investigation (DOJ-NBI) or other competent government offices or agencies to verify such claims.

(b) The verification of the claims made by the Manifestor shall be completed and returned to the LAB within twenty (20) days from the date of receipt by the Verifying Unit of the Referral for Verification from the LAB. A report of incomplete or negative verification, as the case may be, shall be made within the same period. The head or chief of the verifying unit must ensure that the verification report is sent to the LAB within the required period.

SECTION 3. Interview — The LAB shall interview the manifestor for confirmation of the contents of his/her manifestation.

Failure of the Manifestor to appear for the interview after three notices shall be deemed a lack of interest to pursue his/her manifestation and shall be a ground for the LAB to recommend denial thereof.

SECTION 4. Determination —

(a) Within fifteen (15) days from the last scheduled interview the LAB shall determine whether or not (1) The Manifestor is actually the one listed in the referral from the NAC or the one referred to in the documents presented by him/her as required by Sec. 1, Rule IV; and, (2) Whether or not the documents referred to in Sec. 1.b, Rule IV were duly filed on or before 31 December 1992.

(b) The recommendation, together with the manifestation and all the records of the case, shall forthwith be

transmitted to the NAC. The LAB must keep a copy of the records for its files. The applicant shall be notified of the fact of transmission. However, the recommendation itself shall remain confidential until the NAC promulgates its Decision. A LAB member who disagrees with the LAB recommendation may submit a written dissent to be attached to the Recommendation.

(c) The following records shall be transmitted to the NAC:

1) Manifestation
2) Verification documents
3) Documents submitted to the LAB in support of the manifestation
4) Minutes of the Interview wherein the manifestation was taken up
5) An index of the documents and testimonies presented before the LAB, including the results of the verification

C. PROCEDURE IN THE NATIONAL AMNESTY COMMISSION (PROCLAMATION NO. 10 AND 10-A)
SECTION 1. Action on qualified grantees — A Certificate of Amnesty shall be issued to each of the Manifestors that have previously been determined to be qualified except those who have also applied for and have been granted amnesty under Proclamation Nos. 347 and 724.

SECTION 2. Action on pending manifestations — The NAC shall refer the pending manifestations to the appropriate LAB for processing under Rule IV B above. The NAC shall decide on the issuance of certificates of amnesty on manifestations acted upon by the LAB(s) under Proc. Nos. 10 and 10-A pursuant to EO 350 series of 1989.

RULE V
EFFECTS OF AMNESTY
SECTION 1. Extinction of Criminal Liability — The grant of amnesty shall extinguish any criminal liability for the acts/crimes subject of the grant.

SECTION 2. Restoration of Civil and Political Rights — The grant of amnesty shall restore the grantee’s civil and political rights lost or suspended by virtue of criminal conviction.

SECTION 3. Civil Liability — Amnesty shall not affect the grantee’s civil liability for injuries or damages caused to private persons.

SECTION 4. Administrative Effects — With respect to Applicants who are AFP or PNP personnel, the following provisions shall also apply:

(a) Right to Retirement and Separation Benefits — The amnesty grant shall reinstate the right of AFP and PNP personnel to retirement and separation benefits, if so qualified under existing laws rules, and regulations at the time of the commission of the acts for which amnesty is extended, unless they have forfeited such retirement and separation benefits for reasons other than the acts covered by the amnesty.

(b) Reintegration or Reinstatement — Amnesty shall not ipso facto result in the reintegration or reinstatement into service of former AFP and PNP personnel. Reintegration or reinstatement into the service shall be governed by existing rules and regulations.

RULE VI
MISCELLANEOUS
SECTION 1. Surrender — The surrender of the applicant and/or of his firearms shall not be made conditions for the filing of an Application for, or the grant of, amnesty.

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SECTION 2. Safe Conduct Pass — A Safe Conduct Pass bearing the official stamp of the LAB or NAC, shall be issued to an applicant not under detention who personally files an application for amnesty. A Safe Conduct Pass is a recognition of the applicant's withdrawal from the rebel movement and intention to refrain from further committing crimes/acts pursuant to the applicant's political belief and affords immunity from warrantless arrest or detention for investigation of said crimes or for preventive detention in relation thereto.

Except as provided in Section 5 (f), Rule III B the said privileges and immunities shall remain in effect until otherwise revoked for just cause or upon finality of the Resolution denying his application for amnesty.

SECTION 3. Temporary Safe Conduct Pass — This shall be issued to an applicant not under detention who files an application through a representative for the purpose of ensuring safe passage to the office of the LAB to secure the regular Safe Conduct Pass under Section 2 above. It shall be valid only for fifteen (15) days from date thereof without any renewal or extension.

SECTION 4. Confidentiality of Records and Proceedings — Any admission made by the applicant in his/her application for amnesty or in the course of the amnesty proceedings are deemed confidential and shall not be used in any proceedings. Any other evidence presented by the applicant in the course of his application and not otherwise available to the prosecution is inadmissible against the applicant in any other proceedings where amnesty is not in issue, except for perjury.

SECTION 5. Separability Clause — If any portion or provision of this Administrative Order is declared unconstitutional or invalid, the other portions or provisions hereof, which are not affected thereby shall continue in full force and effect.

SECTION 6. Effectivity — These Rules shall take effect fifteen (15) days after registration with the UP Law Center and its publication in a newspaper of general circulation.

Adopted: 28 April 1999

(SGD.) ALFREDO F. TADIAR
Chairman

(SGD.) REMEDIOS C. BALBIN
(SGD.) ALEXANDER N. MIRANO
(SGD.) MANUEL MARIO A. ZARAGOZA
Commissioners

(SGD.) SERAFIN R. CUEVAS
Secretary of Justice

(SGD.) ORLANDO S. MERCADO
Secretary of National Defense

(SGD.) RONALDO V. PUNO
Secretary of Interior and Local Government

Approved: (19 Oct. 1999)

(SGD.) JOSEPH EJERCITO ESTRADA
President

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