

PROVIDING FOR THE RULES OF PROCEDURE IN THE PROCESSING OF AMNESTY APPLICATIONS PURSUANT TO PRESIDENTIAL PROCLAMATION NO. 75 DATED NOVEMBER 24, 2010 AND DEPARTMENT ORDER NO. 320 ...

DEPARTMENT OF NATIONAL DEFENSE AMNESTY COMMITTEE CIRCULAR NO. 1, December 21, 2010

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SUBJECT:

PROVIDING FOR THE RULES OF PROCEDURE IN THE PROCESSING OF AMNESTY APPLICATIONS PURSUANT TO PRESIDENTIAL PROCLAMATION NO. 75 DATED NOVEMBER 24, 2010 AND DEPARTMENT ORDER NO. 320 DATED DECEMBER 15, 2010.

WHEREAS, Presidential Proclamation No. 75 was issued on November 24, 2010, granting amnesty to all active and former personnel of the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) as well as their supporters who have or 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 the Marines Stand-Off and the November 29, 2007 Peninsula Manila Hotel Incident who shall apply therefor;

WHEREAS, Section 2 of Presidential Proclamation No. 75 provides the Ad Hoc Committee of the Department of National Defense (DND) is tasked with receiving and processing applications for amnesty, including opposition thereto, if any, and determining whether the applicants are entitled to amnesty pursuant to Proclamation No. 75;

WHEREAS, DND Department Order No. 320 dated December 15, 2010 was issued constituting the DND Ad Hoc Amnesty Committee with the authority to promulgate its own rules and procedures for the effective implementation of the amnesty program;

NOW THEREFORE, the DND Ad Hoc Amnesty Committee, by virtue of DND Department Order No. 320, hereby prescribes and adopts the following guidelines and procedures governing the reception, processing and determination of amnesty applications under Presidential Proclamation No. 75.

SECTION 1. Title.—These rules shall be known as the "Rules of Procedure of the DND Ad Hoc Amnesty Committee for the Implementation of Presidential Proclamation No. 75."

SEC. 2. Functions of the Department of National Defense Amnesty Committee.— The Department of National Defense Ad Hoc Amnesty Committee (hereinafter referred to as the "Committee") shall be tasked to receive and process applications, including oppositions thereto, if any, and issue recommendations to the Secretary of National Defense regarding its determination whether the applicants are entitled to amnesty under Presidential Proclamation No. 75.

SEC. 3. Coverage.—These rules shall apply to all proceedings and deliberations of the Committee in connection with the performance of its duties and functions as defined in the preceding Section 2 hereof.

SEC. 4. Who may apply; Act/s or omission/s covered.—All active and former personnel of the Armed Forces of the Philippines (AFP), the Philippine National Police (PNP) as well as their supporters who have or may have committed crimes punishable under the Revised Penal Code, the Articles of War and other laws in connection with the July 27, 2003 Oakwood Mutiny, the February 2006 Marines Stand-Off and/or the November 29, 2007 Peninsula Manila Hotel Incident, may apply for amnesty.

Provided that amnesty shall not cover rape, acts of torture, crimes against chastity and other crimes committed for personal ends.

SEC. 5. Application Forms.—Applicants for amnesty under Presidential Proclamation No. 75, shall fill up to the official application form as attached herein. Official application forms can be obtained through the Ad Hoc Amnesty Committee thru its Secretariat in the address as provided below and can be downloaded from the Official DND website, especially www.dnd.gov.ph and the official AFP website, namely www.afp.mil.ph.

Certified true copies of any civilian and/ or military court decisions and/or resolutions of pertinent cases involving the applicant's involvement participation in any of the subject incidents shall be attached to the application.

SEC. 6. Where to apply; Period of availment.—Sworn applications for the grant of amnesty shall be personally filed by the applicant with the DND Ad Hoc Amnesty Committee thru its Secretariat, within a period of ninety (90) days following the date of the publication of Proclamation No. 75 in two (2) newspapers of general circulation as concurred in by majority vote of all members of Congress. Applications filed beyond the foregoing period shall no longer be entertained by the Committee.

SEC. 7. Principal office/venue of proceedings of the Committee and the Secretariat.—The Committee shall hold office at the Office of the Undersecretary for Defense Affairs (OUSDA), DND, and the Committee Secretariat shall have its office at the General Aguinaldo Room, AFP Commissioned Officers Club (AFPCOC), General Headquarters, Camp General Emilio Aguinaldo, Quezon City. The principal venue for the Committee's deliberations shall be the AFP Commissioned Officers Club (AFPCOC), unless otherwise changed by the Committee.

SEC. 8. Official Register of Applicants; Periodic Posting and Publication.—The Committee shall maintain an official register of applicants for amnesty within the period of availment as specified under Section 6 of these Rules. The Committee shall ensure accessibility of the official register to any interested party.

The Committee shall periodically cause the posting of the updated official register in the following locations. AFP Commissioned Officers Club Bulletin Board and the Department of National Defense Bulletin Board (lobby), and shall cause the publication of said updated official register at the aforementioned DND and AFP website. The Committee shall cause the inclusion of the name of any applicant in the updated official register within three (3) days from filing of the subject application.

SEC. 9. Opposition.—Within fifteen (15) days from the posting of the name of an applicant in the locations mentioned in Section 8 hereof of the publication of the applicant's name in the DND and AFP website, whichever comes later, any person may file a sworn opposition to the application or amnesty.

SEC. 10. Determination of qualifications of applicants under the Amnesty Program.— Upon receipt of the sworn application of any applicant and any sworn opposition thereto, the Committee shall immediately proceed to calendar the same for deliberation or for clarificatory hearing, if deemed necessary. The Committee shall forthwith act on the same with dispatch as provided for in Section 3 of Proclamation No. 75.

SEC. 11. Deliberations by the Committee; Admission of Participation and Guilt.—The Committee may, in the

presence of a quorum conduct deliberations or any other investigative proceedings to clarify or resolve issues. A majority of all the members constitutes a quorum to conduct official proceedings. All decisions of the Committee shall be approved by a majority vote of all the members.

No application shall be approved without an express admission by the applicant of actual involvement/participation in connection with, in relation or incident to the July 27, 2003 Oakwood Mutiny, the February 2006 Marines Stand-Off and/or the November 29, 2007 Peninsula Manila Hotel Incident and that such involvement/ participation constituted a violation of the 1987 Constitution, criminal laws and the Articles of War, as indicated in the application form. No application shall likewise be approved without a recantation of all previous statements, if any, that are inconsistent with such express admission of actual involvement/participation and guilt.

SEC. 12. Authority to call a meeting.— The Chairman of the Committee shall fix the dates of deliberations and hearings of the Committee. Attendance in committee deliberations and hearings shall take precedence over all other duties of the members.

SEC. 13. Authority to Gather Information.—The Committee is hereby authorized to call upon any office or personnel of the DND/AFP and other government agencies to furnish documents and information to the Committee for the effective implementation of its tasks.

SEC. 14. Secretariat—The Deputy Chief of Staff for Personnel, J1, AFP, shall provide and create a Secretariat to provide administrative assistance to the Committee in receiving and processing of applications for amnesty and any opposition thereto and the recording of minutes, reception of evidence and other documents presented during deliberations and hearings.

SEC. 15. Submission to the Secretary of National Defense.—The Committee shall submit its recommendations to the Secretary of National Defense for approval within fifteen (15) days from receipt of all documentary requirements and/or from termination of the proceedings as the case may be.

SEC. 16. 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 the 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 of any form if any.

(c) All 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 application for amnesty will 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 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 will 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 benefit, 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 Proclamation No. 75. Those reintegrated or reinstated shall be entitled to their retirement and separation benefit upon their actual retirement.

SEC. 17. Appeal.—The final decision or determination of the Department of National Defense shall be appealable to the Office of the President by any party to the application within 10 days from notice of the decision. The decision, however, shall be immediately executory even if appealed.

SEC. 18. Effectivity.—These Rules shall take effect immediately upon its publication in two (2) newspapers of general circulation in the Philippines.

Done at the Department of National Defense, Camp General Emilio Aguinaldo, Quezon City, this 21st day of December, 2010.

ADOPTED,

Undersecretary (Sgd.) HONORIO S. AZCUETA
Chairman

Undersecretary (Sgd.) PIO LORENZO F. BATINO
Vice-Chairman Asst. Secretary (Sgd.) LAMBERTO B. SILLONA
Member

RADM (Sgd.) CORNELIO A DELA CRUZ JR AFP
Member BGEN (Sgd.) GILBERTO JOSE C ROA AFP
Member

APPROVED BY:

Honorable (Sgd.) VOLTAIRE T. GAZMIN
Secretary

See DEPARTMENT OF NATIONAL DEFENSE AMNESTY COMMITTEE CIRCULAR NO. 1 107 OG No. 2, 101 (January 11, 2011)

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