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RULES GOVERNING THE CONDUCT OF ADVERSARIAL PUBLIC HEARINGS

NAC RESOLUTION NO. 00-01, January 13, 2000

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WHEREAS, the National Amnesty Commission is tasked to process amnesty applications;

WHEREAS, under Secs. 2(a) and 3 (a), Rule IIIC, Administrative Order No. 2, the National Amnesty Commission may conduct public hearings on amnesty applications and motions for reconsideration;

WHEREAS, the issuance of Proclamation No. 21 and Administrative Order No. 2 requires the revision of Resolution No. 95-04 providing for rules governing adversarial public hearings;

NOW, THEREFORE, the National Amnesty Commission hereby resolves to promulgate the following rules governing the conduct of adversarial public hearings:

Section 1. Public Adversarial Hearing, When Necessary . — (1) Where, despite the documents and evidence gathered by the Local Amnesty Board in support of its recommendation, the Commission deems it necessary to fully apprise itself of certain facts or circumstances in order to arrive at a fair and judicious determination of the merits of an application, the Commission may direct the holding of an adversarial public hearing on the application.

(2) The Commission may similarly decide to hold adversarial public hearing on a motion for reconsideration seeking to reverse its grant or denial of an amnesty application.

Section 2. Notice . — When the Commission determines that a public adversarial hearing is necessary in order to properly decide upon an application or a motion for reconsideration, a formal notice shall be sent to the applicant or movant and oppositor/s, containing the following:

(a) The issue/s to be resolved;
(b) The date, time, and place of the hearing; and
(c) The parties' right to counsel.

The applicant or movant shall be directed to submit, within ten (10) days from receipt of notice, their testimonial evidence in the form of an affidavit in question and answer form specifically addressing the issue/s to be resolved. Said affidavit shall constitute the affiant's testimony on direct examination upon which cross-examination shall be based.

Notices shall also be sent to such other concerned persons as may be determined by the Commission containing (a) and (b) above.

Section 3. Appearance . — The following persons may appear at the hearing:

(a) The applicant/movant;
(b) The oppositor/s, if any;
(c) Respective counsels;

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(d) Witnesses; and/or
(e) Such other person/s whose presence is/are requested by the Commission to give enlightenment on the issue/s involved.

Section 4. Public Hearing . — The hearing shall be open to the public unless the Commission grants the motion of a party for a closed hearing on the grounds of security, confidentiality and such other justifiable reasons;

Section 5. Order of Presentation . — The parties shall be heard in the following order:

(a) Presentation of the applicant's/movant's evidence;
(b) Presentation of the oppositor/s' evidence;
(c) Rebuttal evidence of the applicant/movant;
(d) Sur-rebuttal evidence of the oppositor/s.

Such order of trial may however be modified at the discretion of the Commission.

Section 6. Non-appearance . — Failure to appear at a hearing shall be deemed a waiver of the right of the absent party to present evidence and oral arguments.

Section 7. Absence of counsel . — If, despite notice, the applicant or movant appears without counsel, the Commission shall appoint a de officio counsel to assist him in the hearing.

Section 8. Non-appearance of witness/es . — Testimonial evidence shall be submitted in the form of affidavits and the affiants shall be presented before the Commission for authentication of his statement and cross-examination by the opposing party. If the witness/es whose testimony/ies was/were submitted in affidavit form fail/s to appear at the hearing, his/their affidavit/s shall be stricken off the record except public documents attached thereto.

Section 9. Continuance . — The Commission may order a continuance of the hearing if the arguments and evidence of the parties cannot be fully presented in the course of one hearing; however, in no case shall a party be allowed more than two (2) hearing days to present his case. Neither shall the hearings on the application or motion for reconsideration take more than thirty (30) days to be completed.

Section 10. Submission of Memorandum of Arguments. — After the presentation of oral arguments and additional evidence to the commission, the parties may make closing oral arguments and/or submit a written Memorandum of Arguments within fifteen (1 5) days. Failure to submit the respective Memorandum of Arguments shall be deemed a waiver, and the Commission shall decide the application or motion for reconsideration based on the evidence on record. Extension of time to file Memorandum of Arguments shall not be allowed.

Section 11. Time to decide . — Within thirty (30) days from the date of the last hearing, the application or motion for reconsideration shall be scheduled for deliberation and decision by the Commission.

Adopted: 13 Jan. 2000

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Chairman

(SGD.) ALEXANDER N. MIRANO
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