

[PROCLAMATION NO. 75, November 24, 2010]

**GRANTING AMNESTY TO ACTIVE AND FORMER PERSONNEL OF
THE ARMED FORCES OF THE PHILIPPINES, PHILIPPINE
NATIONAL POLICE AND THEIR SUPPORTERS WHO MAY HAVE
COMMITTED CRIMES PUNISHABLE UNDER THE REVISED PENAL
CODE, THE ARTICLES OF WAR AND OTHER LAWS IN
CONNECTION WITH THE OAKWOOD MUTINY, THE MARINES
STAND-OFF AND THE MANILA PENINSULA INCIDENT**

WHEREAS, it is recognized that certain active and former personnel of the Armed Forces of the Philippines (AFP), the Philippine National Police (PNP) and their supporters 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 Marines Stand-Off and the November 29, 2007 Manila Pen Incident;

WHEREAS, there is a clamor from certain sectors of society urging the President to extend amnesty to said AFP personnel and their supporters;

WHEREAS, Section 19, Article VII of the Constitution expressly vests the President the power to grant amnesty;

WHEREAS, the grant of amnesty in favor of the said active and former personnel of the AFP and PNP and their supporters will promote an atmosphere conducive to the attainment of a just, comprehensive and enduring peace and is in line with the Government's peace and reconciliation initiatives;

NOW, THEREFORE, I, BENIGNO S. AQUINO III, President of the Philippines, by virtue of the powers vested in me by Section 19, Article VII of the Philippine Constitution, do hereby **DECLARE** and **PROCLAIM**:

SECTION 1. *Grant of Amnesty.* – Amnesty is hereby granted to all active and former personnel of the AFP and PNP as well as their supporters who have or may have committed crimes punishable under the Revised Penal Code, the Articles of War or other laws in connection with, in relation or incident to the July 27, 2003 Oakwood Mutiny, the February 2006 Marines Stand-Off and the November 29, 2007 Manila Peninsula Incident who shall apply therefor; Provided that amnesty shall not cover rape, acts of torture, crimes against chastity and other crimes committed for personal ends.

SECTION 2. *Where to Apply.* – The concerned AFP and PNP personnel and their supporters may apply for amnesty under this Proclamation with the ad hoc committee Department of National Defense (DND) which is hereby tasked with receiving and processing applications – including oppositions thereto, if any – for amnesty pursuant to this proclamation and determining whether the applicants are entitled to amnesty pursuant

to this proclamation. The final decisions or determination of the DND shall be appealable to the Office of the President by any party to the application. The decision, however, shall be immediately executory even if appealed.

SECTION 3. *Period of Application.* – Applications for the grant of amnesty under this proclamation shall be filed under oath with the DND within a period of ninety (90) days following the date of the publication of this proclamation in two (2) newspapers of general circulation as concurred in by a majority of all members in Congress. The DND shall forthwith act on the same with dispatch.

SECTION 4. *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.

(b) Except as provided below, the grant of amnesty shall effect the restoration of civil and political rights or entitlement of 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 or 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 applications for amnesty would 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 service or unable to perform their military or 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 benefits, if qualified under existing laws and regulation, as of the time separation, unless they have forfeited such retirement benefits for reasons other than the acts covered by this Proclamation. Those reintegrated or reinstated shall be entitled to their retirement and separation benefit upon their actual retirement.