

**MALACAÑANG**  
Manila

BY THE PRESIDENT OF THE PHILIPPINES

Proclamation No. 21

FURTHER AMENDING PROCLAMATION NO. 347 GRANTING AMNESTY TO REBELS, INSURGENTS AND ALL OTHER PERSONS WHO HAVE OR MAY HAVE COMMITTED CRIMES IN FURTHERANCE OF POLITICAL ENDS, AND VIOLATIONS OF THE ARTICLES OF WAR, AND CREATING A NATIONAL AMNESTY COMMISSION, AS AMENDED.

WHEREAS, on March 25, 1994, Proclamation No. 347 entitled "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 Violation of the Articles of War, and Creating a National Amnesty Commission" was issued, giving the National Amnesty Commission (NAC) the mandate of "receiving and processing applications for amnesty and determining whether the applicants are entitled to amnesty";

WHEREAS, Proclamation No. 347 was amended by Proclamation No. 724, series of 1996, reopening the period for filing applications for amnesty as well as extending the cut-off date of commission of crimes eligible for amnesty, to June 1, 1995;

WHEREAS, since its inception, the NAC has received more than sixteen thousand applications for amnesty under Proclamation Nos. 347, 723 and 724;

WHEREAS, the amnesty applications filed under Proclamation Nos. 10 and 10-A, series of 1992, were left unresolved due to the abolition of the National Reconciliation and Development Program the body then tasked to process the said applications resulting in widespread confusion as to their legal status;

WHEREAS, Proclamation Nos. 10 and 10-A and Executive Order No. 19 established the National Unification Commission (NUC) which was tasked to recommend a "viable general amnesty program and peace process that will lead to a just, comprehensive and lasting peace in the country";

WHEREAS, in pursuit of its mandate, the NUC recommended six (6) major paths to peace, the fourth of which advocates, among other things, the implementation of programs for reconciliation, reintegration to mainstream society, and rehabilitation, including amnesty and other measures to respond to concerns for legal status and security, of former rebels;



WHEREAS, the paths to peace envisaged by the NUC remain uncompleted.

NOW THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by Section 19, Article VII of the Constitution, do hereby declare and proclaim:

**Section 1. Grant of Amnesty.** - Section 1 of Proclamation No. 347, as amended by Proclamation No. 724, is hereby further amended to read as follows;

“Section 1. Grant of Amnesty. - Amnesty is hereby granted to all persons who shall apply therefor and who have or may have committed crimes on or before 31 December 1996 in pursuit of their political beliefs, whether punishable under the Revised Penal Code or special laws, including but not limited to the following: rebellion or insurrection; coup d’ etat; conspiracy and proposal to commit rebellion, insurrection, or coup d’ etat; disloyalty of public officers or employees; inciting to rebellion or insurrection; sedition; conspiracy to commit sedition; inciting to sedition; illegal assembly; illegal association; direct assault; indirect assault; resistance and disobedience to a person in authority or agents of such person; tumults and other disturbances of public order; unlawful use of means of publication and unlawful utterances; alarms and scandals; illegal possession of firearms, ammunitions and explosives committed in furtherance of, incident to, or in connection with crimes of rebellion or insurrection; and violations of Articles 59 (desertion), 62 (absence without leave), 67 (mutiny or sedition), 68 (failure to suppress mutiny or sedition), 94 (various crimes), 96 (conduct unbecoming an officer and gentleman), and 97 (general article) of the Articles of War; *Provided*, that the amnesty shall not cover rape, crimes against chastity and other crimes for personal ends; provided further, that crimes for which amnesty may be granted to members and supporters of the following specific rebel organizations must have been committed:

- a. On or before September 2, 1996, the date of the signing of the peace agreement for the Moro National Liberation Front (MNLF);
- b. 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;
- c. 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 for in Proclamation No. 723; and,



*Provided*, that those who have already been granted amnesty under Proclamation Nos. 347, 348, 723 and 724 can no longer apply for amnesty under this Proclamation.”

**Section 2. Functions of the National Amnesty Commission.** - Section 4 of Proclamation No. 347, as amended, is amended to read as follows:

“Section 4. National Amnesty Commission. - There is hereby created a National Amnesty Commission, hereinafter referred to as the Commission, which shall be primarily tasked to receive and process applications for amnesty and determine whether the applicants are entitled to amnesty under this Proclamation and to complete the processing of amnesty applications filed under Executive Order No. 350 pursuant to Proclamation Nos. 10 and 10-A. Final decisions or determinations of the Commission shall be appealable to the Court of Appeals.

“The Commission shall also be tasked to facilitate the reintegration and rehabilitation of amnesty grantees in coordination with other concerned agencies in the peace process.

“Pursuant to the foregoing functions, the Commission shall exercise the following powers:

- a.) Administer oaths, summon witnesses and require the production of documents by subpoena duces tecum; *Provided*, that the testimonies of the applicant and his witnesses for a grant of amnesty, and any evidence presented by him before the Commission, not otherwise available to the prosecution, shall not be used as evidence against the applicant in any other proceedings where the amnesty is not in issue, except for perjury committed in so testifying;
- b.) Promulgate rules and regulations subject to the approval of the President;
- c.) Call on any Government office, body, agency, instrumentalities, council and commission to render assistance in the efficient effective implementation of its primary function of receiving and processing applications and determining whether the applicants are entitled to amnesty;
- d.) Constitute Local Amnesty Boards in such provinces, cities, and municipalities as may be necessary; and



- e.) Perform such other powers as may be necessary to or inferred from its functions for the effective implementation of this Proclamation.

“The Commission shall be composed of seven (7) members: a Chairperson and three (3) regular members to be appointed by the President; the Secretary of Justice, the Secretary of National Defense and the Secretary of Interior and Local Government as *ex officio* members.

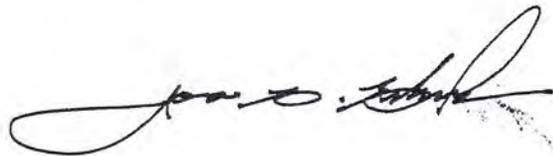
“The amounts necessary for the operational and administrative expenses of the Commission shall be funded from the budget of the Office of the President.

“The term of the Commission shall expire upon the completion of its assigned tasks as may be determined by the President.”

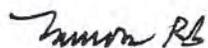
**Section 3. Reopening of the Application Period.** - Sworn applications for the grant of amnesty under this Proclamation shall be filed with the National Amnesty Commission within one (1) year from the effectivity of this Proclamation.

**Section 4. Effectivity.** - This Proclamation shall take effect upon concurrence by a majority of the members of Congress.

Done in the City of Manila, the 23<sup>rd</sup> day of SEPTEMBER in the year of our Lord, Nineteen Hundred and Ninety Eight.



By the President:



RONALDO B. ZAMORA  
Executive Secretary

