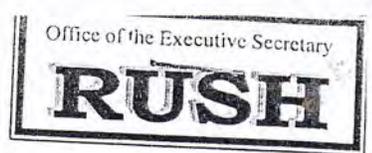


MALACAÑANG
Manila



BY THE PRESIDENT OF THE PHILIPPINES

PROCLAMATION NO. 405

GRANTING AMNESTY TO REBELS OTHER THAN MEMBERS OF THE MORO ISLAMIC LIBERATION FRONT (MILF) WHO HAVE COMMITTED CRIMES IN FURTHERANCE OF THEIR POLITICAL BELIEFS

WHEREAS, a comprehensive peace process has been undertaken by the government that is fully supported by the Filipino people in order to achieve peace, national development and progress;

WHEREAS, rebels should be encouraged to avail of the amnesty program, the benefits of which facilitate their integration into a peaceful, pluralistic and democratic society;

WHEREAS, the more than 11,000 rebels who have been granted amnesty under previous proclamations prove the success of the amnesty program and have strengthened the peace process;

WHEREAS, numerous rebels desiring to apply for amnesty failed to file their applications under Proclamation No. 21 within the deadline for filing of applications on 24 March 2000, and many other rebels could not qualify thereunder as all or some of the acts they are applying amnesty for were committed after December 31, 1996, the cut off date for crimes that may be granted amnesty;

WHEREAS, there is a need to give rebel groups other than the MILF the widest possible opportunity to avail of amnesty, the MILF having been granted amnesty under Proclamation No. 390 dated September 29, 2000, to address the specific problems in Mindanao arising from their armed rebellion;

WHEREAS, the recent State of the Nation Address calling for a "new beginning" includes giving a fresh start for those who, after witnessing the strong commitment of the government to maintain the integrity of the Republic, are now willing to return to peaceful lives and start anew;

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



PJEE Hologram #21060



Section 1. Grant of Amnesty - Amnesty is hereby granted to all rebels who shall apply therefor and who have committed crimes in pursuit of their political beliefs on or before the issuance of this Proclamation; *Provided*, that the amnesty granted under this Proclamation shall not cover rape, crimes against chastity and other crimes for personal ends; *Provided further*, that those who have already been granted amnesty under Amnesty Proclamation Nos. 347, 723, 724 and 21 can no longer qualify for amnesty under this Proclamation.

Sec. 2. Effects -

- (a) Amnesty under this Proclamation shall extinguish any criminal liability for acts committed in pursuit of political belief, without prejudice to the grantee's civil liability for injuries or damages caused to private persons. The grant of amnesty shall also effect the restoration of civil or political rights suspended or lost by virtue of criminal conviction.
- (b) Amnesty granted to former Armed Forces of the Philippines and Philippine National Police personnel shall not *ipso facto* result in their reintegration or reinstatement into the service which shall continue to be governed by existing laws and regulations; *Provided, however*, that the amnesty 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 this Proclamation for which amnesty was granted.

Sec. 3. The National Amnesty Commission - The National Amnesty Commission, created under Amnesty Proclamation 347 shall process amnesty applications and, upon prior determination of entitlement, shall grant amnesty to qualified applicants under this Proclamation. Decisions of the Commission on applications for amnesty shall be appealable to the Court of Appeals.

The Commission shall continue to exercise the functions and powers granted to it under Section 2 of Proclamation No. 21. All other provisions in said section are also deemed incorporated in this Proclamation.

Sec. 4. Who may apply - All rebels, other than members of the Moro Islamic Liberation Front who are already covered under Proclamation No. 390, series 2000, who have committed crimes in pursuit of political beliefs on or before the date of issuance of this Proclamation, may apply for amnesty with the Commission or its duly authorized representatives.

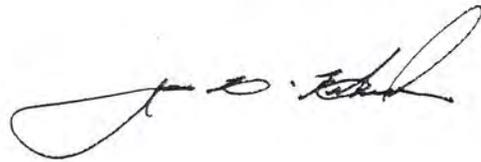


Sec. 5. Application Period - Applications for the grant of amnesty shall be filed under oath with the Commission or its duly authorized representatives within one (1) year from the effectivity of this Proclamation.

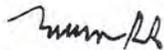
Sec. 6. Effectivity - This Proclamation shall take effect upon concurrence by a majority of the Members of Congress.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 26th day of October, in the year of Our Lord, two thousand.



By the President:



RONALDO B. ZAMORA
Executive Secretary

