

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 490

HOUSE OF REPRESENTATIVES
RECEIVED
DATE: <u>30 JUN 2016</u>
TIME: <u>3:59 PM</u>
BY: <u>[Signature]</u>
REGISTRATION UNIT BILLS AND INDEX SERVICE

Introduced by Representative GLORIA MACAPAGAL ARROYO

AN ACT
GRANTING AMNESTY TO MEMBERS OF THE COMMUNIST PARTY OF THE PHILIPPINES-NEW PEOPLES ARMY-NATIONAL DEMOCRATIC FRONT (CPP-NPA-NDF) AND OTHER INDIVIDUALS AND GROUPS INVOLVED IN PAST POLITICAL CONFLICTS

EXPLANATORY NOTE

Accepting rebels back into the folds of the law through amnesty, and eventually providing them access to the government's existing socio-economic services, are essential to attaining peace and reconciliation in the country. An amnesty program is an integral component of the Duterte Government's comprehensive peace efforts. There is an urgent need and expressed desire to extend amnesty to members of the CPP-NPA-NDF and other individuals and groups involved in past political conflicts as an instrument of reconciliation, and as a path for their return to a peaceful, democratic, and pluralistic society.

In view of the foregoing, immediate approval of this measure is earnestly sought.


GLORIA MACAPAGAL ARROYO
2nd District, Pampanga

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INVOLVED IN PAST POLITICAL CONFLICTS

*Be it enacted by the Senate and the House of Representatives of the
Philippines in Congress assembled:*

SECTION 1. *Grant of Amnesty.* — Amnesty shall be granted to members of the CPP-NPA-NDF and other individuals and groups involved in past political conflicts who shall apply under this Act.

SECTION 2. *Coverage.* — Amnesty shall cover the crime of rebellion and all other crimes included therein or incident thereto in pursuit of political beliefs as defined by jurisprudence, or where the individual or group was accused because of political conflict, whether punishable under the Revised Penal Code or special laws.

Provided, that the amnesty granted under this Act shall not cover the crimes against chastity, rape, torture, kidnapping for ransom, use and trafficking of illegal drugs and violations of international law or convention and protocols, even if alleged to have been committed in pursuit of political beliefs or if the individual or group was accused because of political conflict.

SECTION 3. *Who May File for Amnesty.* — Any member of the CPP-NPA-NDF and other individuals or groups involved in past political conflicts who has committed any act or omission in pursuit of political belief, or who was accused because of political conflict, referred to in Section 2, including those detained, charged or convicted for such acts or omission, may file an application for amnesty.

Provided, that crimes for which amnesty may be granted must have been committed on or before the date of effectivity of this Act.

Provided finally, that the National Committee on Social Integration (NCSI) upon due deliberation, shall issue the corresponding Certificate of Amnesty to qualified applicants. The filing of an application herein, shall not ipso facto result in a grant of amnesty.

SECTION 4. *Effects of Amnesty.* — The grant of amnesty shall have the following effects:

Extinction of Criminal Liability. - Amnesty under this Act shall extinguish any criminal liability for acts committed in pursuit of political beliefs, without prejudice to the grantee's civil liability for injuries or damages caused to private persons.

Restoration of Civil or Political Rights. - The grant of amnesty shall restore the grantee's civil and political rights lost or suspended by virtue of conviction for crime/s covered thereby.

SECTION 5. *Issuance of Safe Conduct Pass.* — Unless detained pursuant to law, a person who applies for amnesty shall be issued a Safe Conduct Pass by the Provincial or City Peace and Order Council Amnesty Centers (P/CPOC-ACs) as provided for under Section 9 of this Act. The Safe Conduct Pass shall provide immunity from warrantless arrests for offenses covered under this Act.

SECTION 6. *Turnover of Firearms.* — Applicants with firearms should turnover their firearms within thirty (30) days from their filing of application for amnesty without incurring liability for illegal possession thereof. Thereafter, illegal possession of firearms by any applicant or amnesty grantee shall be a ground for denial or revocation of the amnesty, without prejudice to legal prosecution for such illegal possession.

SECTION 7. *Confidentiality Clause.* — Any testimony of the applicant as well as the witnesses, and/or any evidence presented by the applicant before the National Committee on Social Integration (NCSI) and P/CPOC-ACs not otherwise available to the prosecution, shall not be used as evidence in any other proceeding where the amnesty is not in issue, except for the offense of perjury committed in the course of the testimony relevant to the amnesty application.

SECTION 8. *Application Period.* — Application for the grant of amnesty shall be filed under oath with the NCSI or P/CPOC-ACs within six (6) months from the effectivity of this Act.

SECTION 9. *Implementing Mechanisms.* — Pursuant to Administrative Order No. 172, series of 2007, the NCSI shall be the principal body at the national level to coordinate and monitor the implementation of this Act.

For this purpose, the NCSI shall, among others, call on any government office, body, agency, instrumentality, council and commission to provide assistance in the implementation of its functions; as well as constitute committees and deputize offices in such provinces or cities, including their respective Peace and Order Councils (POCs), as may be necessary for the processing of amnesty proclamations. Furthermore, the NCSI shall promulgate its own rules and regulations relative to the implementation of this Act.

At the local level, Amnesty Centers shall be established under the Peace and Order Councils of provinces and cities. Said Centers shall be composed of the following:

- Provincial/City Prosecutor Office as Chair
- Integrated Bar of the Philippines
- Department of Interior and Local Government (DILG)
- Philippine National Police (PNP)

- Brigade/Batallion level of the Armed Forces of the Philippines (AFP) in t
the area
- Office of the Presidential Adviser on the Peace Process (OPAPP)

The DILG provincial/city office shall receive the amnesty applications for processing by the P/CPOC.

SECTION 10. *Budget.* — The initial amount necessary to implement this Act shall be sourced from the Office of the President, and released to the Office of the Presidential Adviser on the Peace Process (OPAPP). Regular funds shall be provided on the succeeding years for its implementation under the General Appropriations Act.

SECTION 11. *Separability Clause.* — Any provision of this Act declared unconstitutional shall not affect the validity of the other provisions thereof.

SECTION 12. *Repealing Clause.* — All orders, rules, regulations and other issuances, or parts thereof, which are inconsistent with this Act, are hereby repealed or modified accordingly.

Approved,