

[REPUBLIC ACT NO. 6832, January 05, 1990]

AN ACT CREATING A COMMISSION TO CONDUCT A THOROUGH FACT-FINDING INVESTIGATION OF THE FAILED *COUP D' ETAT* OF DECEMBER 1989, RECOMMEND MEASURES TO PREVENT THE OCCURRENCE OF SIMILAR ATTEMPTS AT A VIOLENT SEIZURE OF POWER, AND FOR OTHER PURPOSES

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

SECTION 1. *Creation, Objectives and Powers.*—There is hereby created an independent Commission which shall investigate all the facts and circumstances of the failed coup d' etat of December 1989, and recommend measures to prevent similar attempts at a violent seizure of power.

To attain these objectives, the Commission shall:

- a. Conduct a thorough fact-finding investigation of the said *coup d' etat* and the involvement therein of military personnel and civilian personalities including public officials and employees, evaluate all the facts and circumstances of the same, and submit its findings and recommendations to the President, the Congress, and other appropriate authorities not later than one (1) year from the effectivity of this Act;
- b. Receive, review and evaluate the evidence adduced and to this end, summon witnesses, administer oaths, take testimony or receive evidence relevant to the investigation, and to issue *subpoena ad testificandum* or *subpoena duces tecum* to produce documents, books, records and other papers;
- c. Turn over to the appropriate prosecutorial authorities all evidence involving any person when in the course of its investigation, the Commission finds that there is reasonable ground to believe that he appears to be liable for any criminal offense in connection with said *coup d' etat*;
- d. Ask the Monetary Board to disclose information on and/or to grant authority to examine any bank deposits, trust or investment funds, or banking transactions in the name of and/or utilized by a person, natural or juridical, under investigation by the Commission, in any bank or banking institution in the Philippines, when the Commission has reasonable ground to believe that said deposits, trust or investment funds, or banking transactions have been used in support or furtherance of the objectives of the said *coup d' etat*; and
- e. Exercise such other acts incident to or are appropriate and necessary in connection with the objectives of this Act.

SEC. 2. *Bar Against Court Injunction; Exception, Supreme Court.*—No court, except the Supreme Court, shall issue any restraining order or preliminary injunction on any matter involving the official acts of the Commission pursuant to this Act and of

the Monetary Board under paragraph (d) of Section 1 hereof.

SEC. 3. *Composition, Qualifications and Salary.*—The Commission shall be composed of a Chairman and four (4) members who shall be appointed by the President. The Chairman and members shall be citizens of the Philippines, at least thirty-five (35) years of age, and have an established reputation for integrity, honesty, probity and professional competence. They shall receive the same salary as the Chairman and members, respectively, of the Constitutional Commissions.

SEC. 4. *Tenure and Turn Over of Records.*—The Commission is hereby given one (1) year from the effectivity of this Act to attain the objectives set forth herein. Two (2) months after the lapse of said period, the Commission shall be *functus officio*, and shall turn over all its records, assets and properties to the Department of Justice.

SEC. 5. *Orderly Conduct of Proceedings.*—The Commission shall adopt rules and procedures for the orderly conduct of its investigation, proceeding and hearing, including the presentation of evidence. The rules of evidence under the Revised Rules of Court shall have supplementary application.

SEC. 6. *Conduct of Hearings.*—Proceedings and hearings of the Commission, sitting *en banc*, shall be open to the public. The Commission may, *motu proprio* or upon request of the person testifying, hold an executive or closed-door hearing where matters of national security or public safety are involved or the personal safety of the witness warrants the holding of such executive or closed-door hearing. The Commission shall prescribe the rules to govern such executive or closed-door hearings.

Any person called to testify before the Commission shall have the right to counsel at any stage of the proceedings.

SEC. 7. *Right Against Self-Incrimination; Protection of Witness.*—No person shall be excused from attending and testifying or from producing documents, books, records, correspondence, or other evidence in obedience to a *subpoena* issued by the Commission on the ground that his testimony or the evidence required of him may tend to incriminate him or subject him to penalty or forfeiture. After having invoked his right against self-incrimination, his testimony or any evidence produced by him shall not be used against him in any proceeding, except for perjury committed in so testifying.

The Commission shall protect any person called to testify by providing the necessary and reasonable security arrangements with the assistance and cooperation of the Armed Forces of the Philippines and other appropriate government agencies.

SEC. 8. *Immunity from Criminal Prosecution.*—The Commission is authorized to grant immunity from criminal prosecution to any person who provides information or testifies in any investigation conducted by it where, upon its evaluation, such information or testimony is necessary and vital to the investigation. The immunity thereby granted shall continue to protect the witness who repeats such testimony before the appropriate court when required to do so by the latter. Should he refuse to repeat such testimony, the immunity granted him shall cease.

SEC. 9. *Direct or Indirect Contempt.*—The Commission may hold any person in