

**[ NAC (OP) ADMINISTRATIVE ORDER NO. 1,  
August 10, 1994 ]**

**RULES AND REGULATIONS IMPLEMENTING PROCLAMATION NO.  
347, DATED MARCH 25, 1994, AND PROCLAMATION NO. 348,  
DATED MARCH 25, 1994, AS AMENDED BY PROCLAMATION NO.  
377, DATED MAY 10, 1994**

WHEREAS, pursuant to the Government's Comprehensive Peace Process, the following Proclamations were issued by the President with the concurrence of Congress:

Proclamation No. 347, 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 Violations of the Articles of War, and Creating a National Amnesty Commission dated March 25, 1994;

Proclamation No. 348, Granting Amnesty to Certain Personnel of the Armed Forces of the Philippines and Philippine National Police Who Have or May Have Committed Certain Acts or Omissions Punishable Under the Revised Penal Code, Articles of War or Other Special Laws, Committed in Furtherance of, Incident to or in Connection With Counter-Insurgency Operations, dated March 25, 1994, as amended by Proclamation No. 377 dated May 10, 1994;

WHEREAS, the National Amnesty Commission has been tasked with the implementation of the above mentioned Proclamations under Section 4 of Proclamation No. 347; and

WHEREAS, there is a need to issue and promulgate the necessary rules and regulations implementing Proclamation No. 347 as well as Proclamation No. 348, as amended by Proclamation No. 377, to provide clear guidelines to all concerned.

NOW, THEREFORE, The National Amnesty Commission, hereby promulgates these Rules and Regulations as follows:

**Rule I  
Preliminary Provisions**

*SECTION 1. Declaration of Policy* — In consonance with the Government's program of reconciliation and reintegration of rebels/insurgents into the mainstream of society, and to enhance and hasten the peace process, the National Amnesty Commission shall afford to all former rebels/insurgents and agents of the State the maximum opportunity to avail of amnesty in the most judicious, expeditious, and convenient manner possible.

*SECTION 2. Interpretation* — The following shall apply in the interpretation of these Rules:

- a. *Commonality* — Unless otherwise specified, these Rules shall apply to both Proclamation No. 347 and Proclamation No. 348, as amended by Proclamation No. 377.
- b. *Liberality* — These Rules shall be interpreted liberally in favor of the Applicant for Amnesty.
- c. *Technical Rules Not Binding* — Except in a suppletory manner, the provisions of the Revised Rules of Court shall not be applied to the proceedings before the Local Amnesty Board and National Amnesty Commission.

*SECTION 3. Definition of Terms* — For purposes of these Rules, the following definitions shall apply:

- a. **AFP personnel** A member or former member of the Armed Forces of the Philippines including a former member of the Philippine Constabulary.
- b. **Applicant** A person who files an application for Amnesty under these Rules.
- c. **Extra-legal execution** The intentional killing, including "salvaging", of any person suspected, charged, and/or convicted of any crime or offense, as a form of retribution or punishment of the victim or as an example to others.
- d. **In furtherance of, incident to, or in connection with counter-insurgency operations** shall include but not be limited to acts or omissions performed in the course of a military or police operation against any of the rebels/insurgents or as a consequence of such operation.
- e. **In pursuit of a political belief** shall include but not be limited to acts or omissions performed or undertaken as part of a plan, program of action or strategy decided by the rebel leadership to overthrow and replace the National Government, any of its political subdivisions, or duly constituted authority, with or without the use of arms.
- f. **Massacre** The intentional killing of three or more unarmed or defenseless persons in a single incident.
- g. **PNP personnel** A member of the Philippine National Police, including a former member of the Philippine Constabulary or the Integrated National Police.
- h. **Rebel or insurgent** A person who performs any of the crimes/acts covered by Proclamation No. 347, and/or one who supports the commission of such crimes/acts.
- i. **Rules** The rules and regulations promulgate hereunder.
- j. **Torture** The infliction of severe pain or suffering whether physical or psychological upon any person for the purpose of gathering information, sadistic pleasure, punishment, or any other unlawful purpose whether or not the act results in death or physical injuries.

## **Rule II Organization**

**A**  
**The National Amnesty Commission**

*SECTION 1. Composition* — The National Amnesty Commission (NAC) shall be composed of seven (7) members: a Chairman and three (3) regular members to be appointed by the President and the Secretary of Justice, the Secretary of National Defense, and the Secretary of the Interior and Local Government, as *ex officio* members.

*SECTION 2. Powers and Functions* — The NAC shall exercise the following powers and functions:

- a. To receive and process applications for amnesty and determine whether the Applicants are entitled to amnesty under Proclamation No. 347 and Proclamation No. 348, as amended;
- b. Administer oaths, summon witnesses and require the production of documents by *subpoena-duces tecum*,
- c. Promulgate rules and regulations subject to the approval of the President;
- d. Call on any Government office, body, agency, instrumentality, council and commission to render assistance in the efficient implementation of its functions;
- e. Constitute Local Amnesty Boards in such provinces, cities, and municipalities as may be necessary; and
- f. Perform such other functions necessary for the proper implementation of this Proclamation as may be authorized by the President.

*SECTION 3. Meetings* — The Chairman shall preside over all the meetings of the NAC. Decisions of the NAC shall be arrived at by majority vote in a meeting where there is a quorum consisting of at least four (4) members.

*SECTION 4. Staff Support* — The NAC shall have staff and service offices headed by an Executive Director, including but not limited to the following:

- a. Secretariat — to provide technical support;
- b. Research and Documentation — to assist in the verification and investigation of recommendations for the grant or denial of amnesty, and the maintenance of the records;
- c. Legal — to assist in the processing and deliberation on the recommendations for the grant or denial of amnesty;
- d. Operations — to assist in the coordination of and communication with the Local Amnesty Boards, various government and non-government agencies; and
- e. Finance and Administration — to provide administrative, personnel and financial support services.

*SECTION 5. Place of Office* — The NAC shall hold office in Metro Manila, or in such places as it may decide.

**B**  
**The Local Amnesty Board**

**SECTION 6. Composition** — The NAC shall constitute and designate the membership of the Local Amnesty Boards (LAB) in Metro Manila and in such province, city, or municipality as may be necessary. Unless otherwise directed by the NAC, the LAB shall be composed of:

- a. A representative of the Integrated Bar of the Philippines (IBP) as Chairman;
- b. The Provincial or City Prosecutor, or his representative who shall act as the Chief Executive Officer;
- c. The Provincial Governor, City or Municipal Mayor, or his representative, as the case may be;
- d. The Provincial Director of the PNP or his representative;
- e. A private citizen of known probity and integrity.

**SECTION 7. Powers and Functions** — The LAB shall have the following powers and functions:

- a. Receive and process applications for amnesty and oppositions thereto;
- b. Conduct the pertinent proceedings set forth in these Rules; c. Recommend the grant or denial of applications filed in accordance with these Rules;
- d. Perform such other functions as may be assigned by the NAC.**

**SECTION 8. Meetings** — The Chairman shall preside over the meetings of the LAB. Recommendations of the LAB to NAC for the grant or denial of amnesty shall be arrived at by majority vote in a meeting where there is a quorum consisting of a majority of its members. Appropriate honoraria from meetings attended shall be provided as may be authorized by law.

### **Rule III Coverage**

**SECTION 1. Persons Who May Apply** — The following persons may apply for amnesty, whether or not they have been investigated, detained, charged, convicted, or have served sentence or escaped imprisonment, or are serving sentence:

- a. **Under Proclamation No. 347** — Any and all rebels, insurgents, or persons who have or may have committed acts or omissions as defined in Section 2(a) hereunder.
- b. **Under Proclamation No. 348, amended** — Any member of the AFP or PNP who have or may have committed acts or omission as defined in Section 2(b) hereunder.

**SECTION 2. Crimes/Acts Covered** — The following acts or omissions may be subject to amnesty, whether or not punishable under the Revised Penal Code, the Articles of War, or special laws.

- a. **Under Proclamation No. 347** — Crimes committed in pursuit of a political belief on or before April 30, 1994, including, but not limited to, the following:
  - a. Rebellion or insurrection
  - b. *Coup d'etat*
  - c. Conspiracy and proposal to commit rebellion, insurrection, or *coup d'etat*

- d. Disloyalty of public officers or employees
- e. Inciting to rebellion or insurrection
- f. Sedition
- g. Conspiracy to commit sedition
- h. Inciting to sedition
  - i. Illegal assembly
  - j. Illegal association
- k. Direct assault
  - l. Indirect assault
- m. Resistance and disobedience to a person in authority or the agents of such person
- n. Tumults and other disturbances of public order
- o. Unlawful use of means of publication and unlawful utterances
- p. Alarms and scandals
- q. Illegal possession of firearms, ammunition, or explosives committed in furtherance of, incident to, or in connection with the crimes of rebellion or insurrection
- r. Violation of the following Articles of War:
  - AW 59 (desertion),
  - AW 62 (absence without leave),
  - AW 67 (mutiny or sedition).
  - AW 68 (failure to suppress mutiny or sedition)
  - AW 94 (various crimes),
  - AW 96 (conduct unbecoming an officer and a gentleman),
  - AW 97 (general article),

b. **Under Proclamation No. 348, as amended** Crimes/acts committed in furtherance of, incident to, or in connection with counter-insurgency operations on or before March 25, 1994, including but not limited to the following:

- a. Willful killing
- b. Willful infliction of physical injuries
- c. Illegal detention
- d. Arbitrary detention
- e. Coercion
- f. Threats
- g. Illegal possession of firearms, ammunition, or explosives
- h. Violation of the following Articles of War:

- AW 94 (various crimes)
- AW 96 (conduct unbecoming of an officer and a gentleman),
- AW 97 (general article)

*SECTION 3. Crimes/Acts Not Covered* — Amnesty shall not be extended for the crimes committed for personal ends, and the crimes enumerated hereunder

a. **Under Proclamation No. 347** —

- i. Rape
- ii. Other Crimes Against Chastity

b. **Under Proclamation No. 348, as amended** — Serious human rights violations, including but not limited to: