

[PROCLAMATION NO. 1093, February 05, 2021]

GRANTING AMNESTY TO FORMER REBELS OF THE COMMUNIST TERRORIST GROUP (CTG) WHO HAVE COMMITTED CRIMES PUNISHABLE UNDER THE REVISED PENAL CODE AND SPECIAL PENAL LAWS IN FURTHERANCE OF THEIR POLITICAL BELIEFS

WHEREAS, the peace policy of the Government of the Philippines includes nurturing a climate conducive for peace and the implementation of programs for reconciliation and reintegration of rebels into mainstream society;

WHEREAS, Executive Order No. 70, series of 2018, institutionalized the Whole of Nation Approach as a government policy for the attainment of inclusive and sustainable peace by creating a National Task Force to End Local Communist Armed Conflict and directing the adoption of a national peace framework which provides a clear direction for the various stakeholders to harmonize and synchronize the delivery of services in conflict-affected and vulnerable areas;

WHEREAS, accepting rebels back into the folds of the law through amnesty and providing them access to the government's existing socio-economic services are essential to attaining peace and reconciliation in the country;

WHEREAS, there is a need for the government to act on rebel and insurgent returnees' request for the grant of amnesty so that they may live in peace in the pursuit of productive endeavors without prejudice to any legal arrangement that may result from a negotiated settlement which the government is pursuing with the various rebel and insurgent groups;

WHEREAS, an amnesty program is an integral component of the government's comprehensive peace efforts;

WHEREAS, to enhance and hasten the peace process, there is a need to reintegrate, as soon as possible, all rebels and insurgents into the mainstream society under the rule of law, including those who may have committed unlawful acts in furtherance of their respective political beliefs;

WHEREAS, there is an urgent need and expressed desire to extend amnesty to former rebels of the CTGs as an instrument of reconciliation and as a path for their return to a peaceful, democratic, and pluralistic society; and

WHEREAS, the grant of amnesty in favor of the foregoing group and individuals will promote an atmosphere conducive to the attainment of a just, comprehensive, and enduring equanimity and is in line with the government's call for peace, unity, and reconciliation to bring closure to past enmity, rancor, and bitterness that has stymied lasting amity among the Filipino people;

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, 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. - Amnesty is hereby granted to former rebels of the CTG who have committed crimes in pursuit of their political beliefs, whether punishable under the Revised Penal Code or special penal laws, including but not limited to the following:

- a. Rebellion or insurrection;
- b. Conspiracy and proposal to commit rebellion or insurrection;
- c. Disloyalty of public officers or employees;
- d. Inciting to rebellion or insurrection;
- e. Sedition;
- f. Conspiracy to commit sedition;
- g. Inciting to sedition;
- h. Illegal assembly;
- i. Illegal association;
- j. Direct assault;
- k. Indirect assault;
- l. Resistance and disobedience to a person in authority or the agents of such person;
- m. Tumults and other disturbances of public order;
- n. Unlawful use of means of publication and unlawful utterances;
- o. Alarms and scandals;
- p. Illegal possession of firearms, ammunition or explosives, provided that these crimes or offense were committed in furtherance of, incident to, or in connection with the crimes of rebellion or insurrection; and
- q. Those charged, detained or convicted of common crimes but who can establish by substantial evidence that they have actually committed said crimes in pursuit of political beliefs;

Provided that, the amnesty shall not be granted to those who have already been proscribed or those charged under Republic Act (RA) No. 9372, otherwise known as the Human Security Act of 2007, or RA No. 11479 or the Anti-Terrorism Act of 2020.

The amnesty granted under this Proclamation shall not cover kidnap for ransom, massacre, rape, terrorism, and other crimes committed against chastity as defined in the Revised Penal Code, as amended, crimes committed for personal ends, violation of RA No. 9165, otherwise known as the Comprehensive Dangerous Act of 2002, grave violations of the Geneva Convention of 1949, and those identified by the United Nations as crimes that can never be amnestied such as genocide, crimes against humanity, war crimes, torture, enforced disappearances, and other gross violations of human rights.

For purposes of this proclamation, the clause "crimes committed in pursuit of a political belief shall include, but shall not be limited to, acts and 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.