

**[NAC ADMINISTRATIVE ORDER NO. 2, SERIES OF
1999, April 28, 1999]**

**RULES AND REGULATIONS IMPLEMENTING PROCLAMATION NO.
347, DATED MARCH 25, 1994, AS AMENDED BY PROCLAMATION
NO. 21, DATED SEPTEMBER 23, 1998, AND PROCLAMATIONS
NOS. 10 & 10-A (E.O. 350, SERIES OF 1989)**

WHEREAS, pursuant to the Government's Comprehensive Peace Process, 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 was issued by the President and concurred in by Congress;

WHEREAS, Section 4 of Proclamation No. 347 mandates the National Amnesty Commission (NAC) to promulgate Rules and Regulations, subject to the approval of the President, in order to effectively discharge its primary task of receiving and processing amnesty applications and determining whether the applicants are entitled to be granted amnesty;

WHEREAS, Administrative Order No. 1 was promulgated with the approval of then President Fidel V. Ramos on August 30, 1994 as rules and regulations specifically implementing Proclamation Nos. 347 and 348, as amended by Proclamation No. 377;

WHEREAS, Proclamation No. 21 further mandates that the NAC shall complete processing of manifestations under Proclamation No. 10 & 10-A through the guidelines set by Executive Order No. 350, series of 1989;

WHEREAS, the issuance of Proclamation No. 21 dated 23 September 1998 requires the revision of the original Rules and Regulations to implement its new provisions and to reflect the experience gained in implementing Proclamation Nos. 347, 348 and 724 for the past four and one-half (4½) years and thereby provide clear and effective guidelines to all concerned.

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

**RULE I
PRELIMINARY PROVISIONS**

SECTION 1. Declaration of Policy. In consonance with the Government's policy of reconciliation with, and rehabilitation of rebels/insurgents including their harmonious integration into a peaceful, pluralistic and democratic society; and to further enhance and hasten attainment of said objectives, the NAC shall afford to all former

rebels/insurgents maximum opportunity to avail of the benefits of amnesty in the most expeditious, convenient, judicious and equitable manner possible.

SECTION 2. Interpretation. These Rules shall be interpreted liberally in favor of the Applicant for Amnesty.

Except in a suppletory manner, the provisions of the Rules of Court shall not be applied to proceedings before the NAC and its Local Amnesty Boards [LAB(s)].

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

(a) "*amnesty*" — is an act of a sovereign power that abolishes criminal liability for past political offenses, overlooks and obliterates the offense for which persons are charged and allows these persons to stand before the law as though no offense has been committed.

(b) "*acts/omissions in pursuit of political belief*" — shall refer to the acts or omissions for which amnesty is sought, motivated by the desire to overthrow, take over or replace the National Government or any of its local government units, or to defy or resist any duly constituted authority, or seize any part of its territory by force, intimidation or by other means outside of legal methods, and as part of a plan, program of action or strategy decided upon by the rebel leadership of a recognized rebel organization.

(c) "*manifestor*" — a person who has indicated his intention to avail of amnesty under Proc. 10 and 10A pursuant to the guidelines under EO 350 series of 1989 and who shall present his manifestation within the one year period of application under Proclamation 21.

(d) "*massacre*" — the intentional killing of three or more unarmed or defenseless persons in a single incident.

(c) "*oppositor*" — any interested or concerned person who objects to the grant of amnesty to an applicant or prospective applicant on or before of the date of the NAC's decision granting amnesty and files the opposition as provided in Section 4 of Rule III-B.

(f) "*Torture*" — the infliction of severe pain or suffering, whether physical or psychological, upon any person.

(g) "*post amnesty grant activities*" — activities implementing NAC's mandate under Proclamation No. 21 to facilitate the reintegration and rehabilitation of amnesty grantees in coordination with other concerned agencies in the peace process. These activities are aimed at helping provide for the grantee's livelihood and other social welfare needs.

RULE II ORGANIZATION

A. THE NATIONAL AMNESTY COMMISSION

SECTION 1. Composition. The NAC shall be composed of seven (7) members:

- (a) A Chairperson who shall be appointed by the President;
- (b) Three (3) Commissioners who shall be appointed by the President;
- (c) Three (3) Ex-Officio Members
 - 1) Secretary of Justice
 - 2) Secretary of National Defense
 - 3) Secretary of the Interior and Local Government

The ex-officio members may designate their representatives to the Commission. Said Representatives shall be entitled to per diems, allowances, bonuses and other benefits as may be authorized by law.

SECTION 2. Functions. The NAC shall perform the following functions:

- (a) Receive and process applications for amnesty;
- (b) Determine whether the applicants are entitled to amnesty under Proclamation No. 347 as amended by Proclamation No. 21;
- (c) Complete the processing of amnesty applications filed under Executive Order No. 350 pursuant to proclamation Nos. 10 & 10-A;
- (d) Facilitate and expedite the reconciliation, rehabilitation and integration of amnesty grantees in coordination with concerned agencies in the peace process;
- (e) Conduct peace advocacy activities;
- (f) Perform such other functions as may be necessary for the proper implementation of Proclamation No. 21.

SECTION 3. Powers — The NAC shall exercise the following powers to accomplish the aforementioned functions:

- (a) Constitute LAB(s) in such provinces, cities, and municipalities and abolish, transfer, and reorganize the same as may be necessary;
- (b) Administer oath, 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) Conduct its own independent investigation and verification of claims made in connection with amnesty applications and such other matters as may be required to accomplish its functions;
- (e) Call on any Government office, body, agency, instrumentality, council and commission to render assistance in the efficient implementation of its functions;

(f) Designate a Regular Commissioner to perform such other duties and responsibilities as may be assigned by the Commission itself

(g) Exercise such other powers as may be necessary for the proper performance of the foregoing functions in Section 2 hereof

SECTION 4. Meetings. The Chairperson shall preside over all meetings of the NAC and shall serve as its Chief Executive Officer. Decisions of the NAC shall be arrived at by a majority vote in a meeting where there is a quorum consisting of at least four (4) members.

SECTION 5. Staff Support. The NAC shall have staff and service divisions headed by an Executive Director including but not limited to:

(a) *Secretariat* — shall provide necessary support and discharge such other functions as may be directed by the Commission.

(b) *Investigation and Documentation Division* — shall assist in the verification and investigation of information related to the processing of amnesty applications.

(c) *Law Division* — shall provide legal research, advisory opinions, and other required support to the Commission.

(d) *Operations Division* — shall coordinate, monitor, and evaluate the operations and activities of the Local Amnesty Boards, and further coordinate with various government and non-governmental agencies involved in the peace process.

(e) *Finance and Administration Division* — shall provide administrative, personnel and financial support services.

SECTION 6. Place of the Office. The NAC shall hold office in Quezon City, or in such other place in Metro Manila, as it may decide.

B. THE LOCAL AMNESTY BOARD

SECTION 1. Composition. The terms of the Chairperson and Members of the LAB appointed under Administrative Order No. 1 shall be deemed terminated upon the effectivity of this Administrative Order. They shall, however, continue in a hold over capacity unless re-appointed or until new members are appointed in their stead and qualify therefor.

(a) The Commission, through its Chairperson, shall appoint the LAB Chairperson and members. Unless otherwise directed by the NAC, the LAB shall be composed of

1) A representative chosen from among three nominee members of the local chapter of the Integrated Bar of the Philippines (IBP) Chapter in the province or city where the LAB is located;

2) The Regional State Prosecutor, Provincial or City Prosecutor or their assistants, as may be determined by the Commission;

3) The Provincial Governor, City or Municipal Mayor, or his/her nominee from his/her office, as the case may be, in the place where the LAB is located, as may be determined by the Commission;

4) The Regional or Provincial Director of the PNP, or his nominee, officially assigned in the place where the LAB is located as may be determined by the Commission;

5) A private citizen residing in the place where the LAB is located, who is of known probity and integrity, appointed from among three (3) nominees of the abovementioned members who have been recommended by civic and religious organization.

Said five members shall nominate three (3) from among themselves for appointment as LAB Chairperson. They may select from among themselves a Vice-Chairperson who will preside in meetings where the Chairperson is absent.

(b) The chairperson and members of the LAB shall have a term of office of one year from the date of their appointment, unless resigned, no longer qualified or when the term of the NAC expires.

(c) Any vacancy shall be filled up by the NAC through its Chairperson.

SECTION 2. Functions — The LAB shall perform the following functions:

(a) Processing of applications for amnesty:

1) Receive all applications for amnesty and oppositions thereto;

2) Verify the identity and claims of the applicant and the oppositors, if any;

3) Evaluate the evidence relative to said application or opposition;

4) Recommend the grant or denial of applications in accordance with such evaluation;

In connection with the performance of the above functions, the LAB Chairperson shall have the power to issue *subpoena and subpoena duces tecum*. Any LAB member is authorized to administer oath to applicants, oppositors, witnesses and such other persons as may be necessary in the course of the amnesty proceedings.

(b) *Peace Advocacy Activities*. — Initiate and implement peace advocacy activities and programs within the guidelines set by the NAC;

(c) *Post Amnesty Grant Activities*. — Conduct post-amnesty grant activities within the NAC framework in coordination with local groups/agencies with a view towards ensuring a better life for amnesty grantees;

(d) Perform such other functions as may be assigned by the NAC.

SECTION 3. Meetings — The LAB shall meet regularly on designated day/s of each week to conduct conferences and/or deliberations on applications for amnesty as