

## [ GENERAL ORDER NO. 9, December 18, 2007 ]

### **GRANTING EXECUTIVE CLEMENCY TO FIFTY-THREE OFFICERS OF THE ARMED FORCES OF THE PHILIPPINES WHO PLEADED GUILTY AND WERE CONVICTED OF VIOLATION OF ARTICLE 97 OF THE ARTICLES OF WAR (CONDUCT PREJUDICIAL TO GOOD ORDER AND MILITARY DISCIPLINE) FOR THEIR PARTICIPATION IN THE 27 JULY 2003 FAILED MUTINY**

**WHEREAS** , the State recognizes that the attainment of a just, comprehensive and lasting peace under the rule of law is the key to economic development and national prosperity;

**WHEREAS** , certain junior officers of the Armed Forces of the Philippines (AFP) were misguided and influenced by their senior officers to participate in the failed mutiny on 27 July 2003 in Makati City;

**WHEREAS** , in their prosecution for five serious military offenses, some of the junior officers plea-bargained and pleaded guilty to violation of Article 97 of the Articles of War, i.e., Conduct Prejudicial to Good Order and Military Discipline, for their minor participation in the said incident; 1uplaw08

**WHEREAS** , the General Court-Martial No. 1 accepted their plea bargain and convicted them of the said offense, sentencing them to confinement for a period of seven years and six months and to dishonorable discharge from the military service;

**WHEREAS** , the General Court-Martial further granted them credit of three years for three mitigating circumstances and for time served since 28 July 2003 when they were deprived of their liberty; thus, the 54 convicted officers shall have fully served their confinement sentence at noon of 27 January 2008;

**WHEREAS** , these young officers, whether their actions were legitimate or not, had simply been motivated by their patriotism and had no selfish intent to personally profit from their conduct, and hence, have expressed deep remorse for their misdeeds and errors of judgment in imprudently participating in that regrettable incident, accepted the court-martial's verdict, and now plead for executive clemency and to be permitted to remain in active military service;

**WHEREAS** , the President has the absolute discretion and plenary power to grant executive clemency, pursuant to Section 19, Article VII of the Constitution;

**WHEREAS** , also under Article 49 of the Article of War, the President may remit or mitigate the whole or any part of the sentence adjudged by a court-martial;

**NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO** , by virtue of the powers vested in me by the Constitution and the laws of the land as President of the Republic of the Philippines and Commander-in-Chief of all the armed forces of the Philippines, do hereby order:

The original sentence, consisting of confinement for a period of seven years and six months and dishonorable discharge, of the following convicted officers is hereby remitted to confinement until the date of the issuance of this Order and discharge from the military service without prejudice to separation benefits:

1. 1LT JEFFREY A. CAUGUIRAN O-12238 PA
2. 1LT JOSE ENRICO M. DINGLE O-12248 PA
3. 1LT JULIUS R. NAVALES O-12654 PA
4. 1LT EMERSON L. MARGATE O-12676 PA
5. 2LT LAUREFEL P. GABALES O-13088 PA
6. 2LT REGINO S. ORTEZA O-13128 PA
7. 2LT JEOFFREY C. TACIO O-1137 PA
8. 2LT ARCHIBALD S. RANIEL O-13194 PA
9. 2LT NOEL F. TOMONGLAY O-13215 PA
10. 2LT NESTOR JASON V. CAMBA JR. O-13221 PA
11. 2LT RYAN H. QUISAI O-13272 PA IEHSDA
12. 2LT WARY JAMES A. TAYABAN O-13529 PA
13. LTSG NORBERTO E. SANTIAGO JR. O-11974 PN
14. LTJG RONALD A. GALICIA O-12354 PN
15. LTJG MARCO ANGELO J. ANCHETA O-12427 PN
16. LTJG CEFERINO M. CHECA III O-12841 PN
17. 1LT JONATHAN P. COSTALES O-12897 PN (M)
18. ENS JUVENAL B. AZURIN O-13121 PN
19. ENS REX P. CALANO O-13123 PN
20. ENS ELMER D. CRUZ O-13165 PN
21. ENS EMERSON R. ROSALES O-13177 PN
22. ENS JONATHAN JAY J. ADLAWAN O-13270 PN
23. ENS JONAH A. ARUGAY O-13274 PN
24. ENS JEFFREY A. BANGSA O-13285 PN
25. ENS CESAR CARMEL P. TAMBA O-13358 PN
26. ENS JEFFREY SAMUEL A. DAQUILANEA O-14377 PN
27. ENS LYLE G. ROSOS O-13499 PN
28. ENS BRYAN B. BABANG O-13507 PN
29. ENS ARJOHN B. ELUMBA O-13519 PN