



MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

MEMORANDUM ORDER NO. 36

**AUTHORIZING THE NATIONAL AMNESTY COMMISSION TO ISSUE
SAFE CONDUCT PASSES IN FAVOR OF AMNESTY APPLICANTS
COVERED BY PROCLAMATION NOS. 403, 404, 405, AND 406, ALL
SERIES OF 2023**

WHEREAS, under Section 5, Article II of the Constitution, the maintenance of peace and order, the protection of life, liberty, and property, and the promotion of general welfare are essential for the enjoyment by all people of the blessings of democracy;

WHEREAS, Section 19, Article VII of the Constitution empowers the President to grant amnesty with the concurrence of a majority of all the Members of the Congress;

WHEREAS, Proclamation Nos. 1090, 1091, 1092, and 1093, all series of 2021, granted amnesty to the Moro Islamic Liberation Front (MILF), Moro National Liberation Front (MNLF), *Rebolusyonaryong Partido ng Manggagawa-Pilipinas*/Revolutionary Proletarian Army/Alex Boncayao Brigade (RPMP-RPA-ABB), and Communist Terrorist Group, and required their members to apply for amnesty with the National Amnesty Commission (NAC) within a period of one (1) year from the date of effectivity of said Proclamations;

WHEREAS, Section 1 of Executive Order (EO) No. 125 (s. 2021) created the NAC to receive and process amnesty applications under Proclamation Nos. 1090, 1091, 1092, and 1093;

WHEREAS, Proclamation Nos. 403, 404, 405, and 406, all series of 2023, extended the amnesty application period for members of MILF, MNLF, RPMP-RPA-ABB, and Communist Party of the Philippines-New People's Army-National Democratic Front and their front organizations for up to two (2) years from the date of effectivity of said Proclamations;

WHEREAS, Section 1 of EO No. 47 (s. 2023) amended Section 1 of EO No. 125 by mandating the NAC to receive and process amnesty applications under Proclamation Nos. 403, 404, 405, and 406;

THE PRESIDENT OF THE PHILIPPINES

WHEREAS, it has been observed that rebels and insurgents covered by the abovementioned Proclamations are reluctant to apply for amnesty for fear of being arrested;

WHEREAS, to further encourage amnesty applicants to avail the amnesty program of the government, there is a need guarantee their safe passage and freedom from arrest during the evaluation and processing of their amnesty applications; and

WHEREAS, Section 17, Article VII of the Constitution vests in the President the power of control over all Executive departments, bureaus and offices;

NOW THEREFORE, I, FERDINAND R. MARCOS, JR., President of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

Section 1. Authority to Issue Safe Conduct Pass. The NAC is hereby authorized to issue Safe Conduct Passes (SCPs) to amnesty applicants covered by Proclamation Nos. 403, 404, 405, and 406. The NAC shall issue SCPs to amnesty applicants who are not under detention and who have manifested their desire to surrender in order to apply for amnesty.

The SCP shall grant its holders with the following privileges:

- a. Protection from arrest and prosecution for crimes covered by the subject Proclamations;
- b. Authority and/or conformity of prosecutors to motions for suspension filed by SCP holders in any proceeding for crimes covered by the subject Proclamations; and
- c. Suspension of any reward, and the grant thereof, for the SCP holders' capture.

Section 2. Limitations of SCP. The SCP shall have the following limitations:

- a. The SCP shall not entitle its holders to be released from detention pursuant to a valid warrant of arrest;
- b. The SCP shall not entitle its holders to possess loose firearms and/or ammunition; and
- c. The possession of SCPs shall not automatically confer amnesty to the holders thereof.

The NAC is hereby authorized to impose other conditions and limitations of SCPs as they may deem necessary, as may be contained in the Implementing Guidelines under Section 6 hereof.

Section 3. Authority to Issue Provisional Safe Conduct Pass. Prior to the issuance of SCPs, the NAC, through its Local Amnesty Boards, may issue Provisional SCPs (PSCPs) which shall grant amnesty applicants the same rights, as well as subject them to the same conditions and limitations, given to SCP holders. However,

PSCPs shall only be valid for a non-extendible period of 15 days from the date of issuance.

Section 4. Database. The NAC shall establish a database management system of all amnesty applicants who have been issued SCPs and PSCPs. For this purpose, the NAC shall strictly comply with the requirements of data privacy under Republic Act No. 10173 or the "Data Privacy Act of 2012."

For the effective implementation of this Order, the NAC shall furnish the Department of Justice, Philippine National Police, and Armed Forces of the Philippines the list of SCP and PSCP holders, for their information.

Section 5. Agency Support. All relevant departments, agencies, bureaus, offices and instrumentalities shall provide full support to, and cooperation with NAC to ensure effective implementation of this Order.

Section 6. Implementing Guidelines. Within 30 days from the effectivity of this Order, the NAC shall issue the necessary guidelines for the effective implementation of this Order, which may include the Rules of Procedure for processing SCPs and PSCPs, and other conditions and limitations of SCPs and PSCPs, subject to existing laws, rules and regulations.

Section 7. Separability. If any part or provision of this Order shall be held invalid or unconstitutional, the provisions not affected thereby shall remain in full force and effect.

Section 8. Repeal. All orders, rules and regulations, and other issuances or parts thereof which are inconsistent with the provisions of this Order, are hereby repealed or modified accordingly.

Section 9. Effectivity. This Order shall take effect immediately.

DONE, in the City of Manila, this 8th day of April, in the year of Our Lord, Two Thousand and Twenty-Five.

By the President:

Law
7



Lucas P. Bersamin
LUCAS P. BERSAMIN
Executive Secretary

