



MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

PROCLAMATION NO. 404

GRANTING AMNESTY TO FORMER MEMBERS OF THE COMMUNIST PARTY OF THE PHILIPPINES-NEW PEOPLES ARMY-NATIONAL DEMOCRATIC FRONT (CPP-NPA-NDF) WHO HAVE COMMITTED CRIMES PUNISHABLE UNDER THE REVISED PENAL CODE AND SPECIAL PENAL LAWS IN FURTHERANCE OF THEIR POLITICAL BELIEFS

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

WHEREAS, the grant of amnesty to former combatants or rebels, who may have committed unlawful acts in furtherance of their respective political beliefs and who wish to return to the folds of the law, will create a climate conducive for peace and reconciliation, pave the way for them to reintegrate into the society, and provide them access to the government's socio-economic services;

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, 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, there is an urgent need and expressed desire to extend amnesty to former members of the CPP-NPA-NDF 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.

THE PRESIDENT OF THE PHILIPPINES

NOW, THEREFORE, I, FERDINAND R. MARCOS, JR., President of the Republic of the Philippines, by the 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 members of the CPP-NPA-NDF or their front organizations 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, 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 Drugs Act of 2002, grave violations of the Geneva Convention of 1949, and those identified by the United Nations as crimes that can never be the subject of amnesty 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.

SECTION 2. Who May File for Amnesty. — Any former member of the CPP-NPA-NDF or their front organizations who has committed any act or omission in pursuit of political belief, referred to in Section 1 hereof, including those detained, charged, or convicted for such acts or omissions, may file an application for amnesty; Provided that, the crime for which amnesty may be granted must have been committed prior to the issuance of this Proclamation.

For purposes of this proclamation, a “former member” is understood to refer to one who was a former member of the CPP-NPA-NDF or their front organizations, has surrendered to the government, and renounced his rebellious activities.

A person who has already been granted amnesty under previous amnesty proclamations shall no longer qualify to apply for amnesty under this Proclamation. For avoidance of doubt, persons who applied for amnesty under previous proclamations whose applications were not considered for having been made outside the reglementary period for filing may apply under this Proclamation.

An applicant under this Proclamation must, in writing and under oath, admit his or her guilt of the offense for which he or she is criminally liable and shall turn over whatever firearms, weapons, and/or explosives he or she may have in his or her possession upon application for amnesty without incurring liability for illegal possession thereof, notwithstanding the grant or denial of the amnesty application.

The filing of an application herein shall not *ipso facto* result in a grant of amnesty. Applicants who are found qualified, upon due deliberation of the commission created for this purpose and approved by the President, shall be issued the corresponding Certificate of Amnesty.

SECTION 3. Amnesty Commission. — An Amnesty Commission shall be created to receive and process applications for amnesty and determine whether the applicants who shall apply therefor are entitled to amnesty under this Proclamation.

SECTION 4. Effects. — Amnesty under this Proclamation shall extinguish any criminal liability for acts committed in pursuit of political beliefs, without prejudice to the grantee’s civil liability for injuries or damages caused to private persons whose right to be indemnified is fully recognized herein. The grant of amnesty shall also restore civil or political rights suspended or lost by virtue of criminal conviction.

SECTION 5. Confidentiality Clause. — All sworn applications filed before the Amnesty Commission, as well as any testimony and/or any evidence given or presented in support of the application which are not otherwise available to the prosecution, shall not be used as evidence against the applicant in any other proceeding where the amnesty is not in issue, except for the offense of perjury committed in the course of the testimony relevant to the amnesty application.

SECTION 6. Application Period. — Applications for the grant of amnesty shall be filed under oath with the Amnesty Commission within two (2) years from the effectivity of this Proclamation.

SECTION 7. Separability Clause. — Any provision of this Proclamation declared unconstitutional shall not affect the validity of the other provisions hereof.

SECTION 8. Repealing Clause. — All orders, rules, regulations and other issuances, or parts thereof, which are inconsistent with this Proclamation, are hereby repealed or modified accordingly.

SECTION 9. Effectivity. — This Proclamation shall take effect upon concurrence by a majority of all the Members of the Congress.

SECTION 10. Implementing Rules and Regulations. — The implementing rules and regulations covering the amnesty program shall be issued by the Amnesty Commission not later than fifteen (15) days upon the effectivity of this Proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

DONE in the City of Manila, this 22nd day of November in the year of Our Lord, Two Thousand and Twenty-three.

By the President:


LUCAS P. BERSAMIN
Executive Secretary



Office of the President
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CERTIFIED COPY
ATTY. DUSTIN C. GARVIDA
ACTING DIRECTOR IV
7-11-22-2023