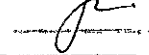


FOURTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

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P. S. RES. NO. 130

RECEIVED BY: 

Introduced by Senator M. A. Madrigal

RESOLUTION
DIRECTING THE COMMITTEE ON PEACE, UNIFICATION AND
RECONCILIATION TO UNDERTAKE A REVIEW OF PAST AMNESTY
PROCLAMATIONS COVERING ARMED INSURGENT GROUPS, INCLUDING
THE PERFORMANCE RECORD AND FUND UTILIZATION
OF THE AGENCIES AND PROGRAMS CREATED FOR THE PURPOSE, IN
ORDER TO ASCERTAIN THE EFFECTIVENESS OF ANY AMNESTY MEASURES
AS A VIABLE FORMULA FOR PEACE AND UNITY AND TO MAKE THE
APPROPRIATE RECOMMENDATIONS.

WHEREAS the Macapagal-Arroyo administration has declared it will issue a "comprehensive" amnesty proclamation for members of the Communist Party of the Philippines and its armed wing, the New People's Army, and their umbrella organization, the National Democratic Front, and submit this to Congress for its concurrence before the end of the year;

WHEREAS in the meeting of the National Security Council on September 4, 2007, President Gloria Macapagal-Arroyo announced the infusion of P500 million as initial funding for the amnesty program for the "social integration" of rebel groups, as part of government efforts "to end the violence and fighting that has scared away investors";

WHEREAS the said amnesty proclamation will also cover other communist rebel groups as well as "those who have committed crimes in pursuit of political beliefs" and it will pardon such crimes and extinguish their criminal liability, according to Presidential Adviser on the Peace Process, Sec. Jesus Dureza;

WHEREAS the processing of the rebels' applications for amnesty will be done through the peace and order councils of each local government units even as peace negotiations and ceasefire will be pursued with the local commands of the New People's Army;

WHEREAS successive administrations likewise pursued the unilateral grant of amnesty as a feature of their peace initiatives and part of an overall strategy to put an end to the nearly 40-year-old communist insurgency and entice the rebels to return to the fold of the law;

WHEREAS beginning with the limited amnesties at the height of the Hukbalahap rebellion of the 1940s and 1950s , the Philippines has had a long history of amnesty programs. During the presidency of Fidel V. Ramos, there were at least five Presidential Proclamations (10, 10-A, 347, 348 and 723) covering communist groups, military rebels and Muslim secessionist rebels, even soldiers and policemen involved in counterinsurgency operations;

WHEREAS Proclamation No. 10, amended by Proclamation No. 10-A, was based on the rebel returnee program under Executive Order No. 350, which was itself based on Proclamation No. 80 issued by the Aquino government barely a month after the collapse of the peace talks in January 1987. The contending party then, the NDF, saw its offer of amnesty as premised on surrender and division and rejected it on these grounds;

WHEREAS the same positions are now being taken by the parties involved in the armed conflict: the current administration describes its amnesty package as part of its use of “hard and soft power” whose final objective the President says is “to crush the communist insurgency, the Muslim rebellion in Mindanao and sheer terrorism before her term ends in 2010”;

WHEREAS the term “amnesty” (from the Greek *amnestia*, oblivion) is defined as an act of justice by which the supreme power in a State restores those who may have been guilty of any offence (usually political) against it to the position of innocent persons;

WHEREAS to be effective and workable in bringing about durable and lasting peace, amnesty requires the active cooperation of the armed groups and addressing the basic causes that drove them to commit rebellion;

WHEREAS amnesty is not a separate or isolated act that can be divorced from the very process of negotiations or seen as a mere palliative to reduce violence or diminish rebel ranks;

WHEREAS amnesty is an integral component of the larger peace process that in most successful cases has been the product or outcome of a negotiated political settlement pegged on a principled and peaceful resolution of the internal armed conflict – “with neither blame nor surrender, but with dignity for all concerned”;

WHEREAS Article VII, Section 19 of the Constitution provides that the President needs “the concurrence of a majority of all the members of Congress” for any grant of amnesty to be legal and binding;

WHEREAS it is incumbent upon Congress to see to it that an informed, careful and thorough review is made to determine whether new amnesty programs are indeed necessary or even viable, guided by historical and empirical study about the success or failure of amnesty as a formula for peace and unity in ending insurgencies or even in curbing military coup attempts in the Philippines;

WHEREAS it is necessary to review as well the performance record and fund utilization of agencies and programs established in relation to amnesty proclamations in the light of past reports about fake surrenderees as main beneficiaries and the illegal diversion of livelihood assistance and other funds for election purposes;

NOW THEREFORE BE IT RESOLVED, AS IT IS HEREBY RESOLVED, to direct the Committee on Peace, Unification and Reconciliation to undertake a review of past amnesty proclamations covering armed insurgent groups, including the performance record and fund utilization of the agencies and programs created for the purpose, in order to ascertain the effectiveness of such amnesty measures as a viable formula for peace and unity and to make the appropriate recommendations

Adopted,


M. A. MADRIGAL