



MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

PROCLAMATION NO. 572

REVOCAION OF THE DEPARTMENT OF NATIONAL DEFENSE AD HOC COMMITTEE RESOLUTION NO. 2(#1) DATED JANUARY 31, 2011 INSOFAR AS IT GRANTED AMNESTY TO FORMER LTSG ANTONIO TRILLANES IV

WHEREAS, Section 19, Article VII of the 1987 Constitution expressly authorizes the President of the Republic of the Philippines to grant amnesty;

WHEREAS, by virtue of Proclamation No. 75, series of 2010, an amnesty was granted to all active and former personnel of the Armed Forces of the Philippines and Philippine National Police as well as their supporters who have or may have committed crimes punishable under the Revised Penal Code, the Articles of War or other laws in connection with, in relation or incident to, the July 27, 2003 Oakwood Mutiny, the February 2006 Marines Stand-Off and the November 29, 2007 Manila Peninsula Incident who shall apply therefor, provided that amnesty shall not cover rape, acts of torture, crimes against chastity, and other crimes committed for personal ends;

WHEREAS, Section 2 of Proclamation No. 75, series of 2010, an Ad Hoc Committee of the Department of National Defense (DND) was tasked with receiving and processing applications, including opposition thereto, if any, for amnesty pursuant to this proclamation and determining whether applicants are entitled to amnesty pursuant to this proclamation. The final decisions or determination of the DND shall be appealable to the Office of the President by any party to the application;

WHEREAS, Proclamation No. 75, series of 2010 provides that the concerned AFP and PNP personnel and their supporters are required to file an application for amnesty under oath with the Department of National Defense (DND) ad hoc Committee;

WHEREAS, Sections 5, 6 and 11 of the DND Amnesty Committee (DND-AC) Circular No. 1 dated December 21, 2010, "The Rules and Procedures in the processing of Amnesty Applications pursuant to Proclamation No. 75, series of 2010," requires the applicants to personally fill up and file the Official Amnesty Application Form and expressly admit their guilt for the crimes committed during the Oakwood Mutiny, the Marines Stand-Off, and the Manila Peninsula Incident. DND-AC Circular No. 1 further requires the applicants to recant all previous statements inconsistent with the requirement of admission of that guilt;

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WHEREAS, Section 14 of DND-AC Circular No. 1 mandates the Deputy Chief of Staff for Personnel, J1, AFP, to provide and create a Secretariat to provide administrative assistance to the Committee in receiving and processing of applications for amnesty and any opposition thereto and the recording of minutes, reception of evidence and other documents presented during deliberations and hearings;

WHEREAS, the Supreme Court in the case of People of the Philippines vs. Vera, et al,¹ declared that “a previous admission of guilt is necessary in amnesty since the invocation of amnesty is in the nature of a plea of confession and avoidance, which means that the pleader admits the allegations against him but disclaims liability therefor on account of intervening facts which, if proved, would bring the crime charged within the scope of the amnesty proclamation”;

WHEREAS, at the time Proclamation No. 75, Series of 2010 was issued former LTSG Antonio Trillanes IV, O-11797 PN, was facing trial for a non-bailable offense of coup d e’tat in Criminal Case No. 03-2784 pending with the Regional Trial Court, Makati City, Branch 148;

WHEREAS, at the time Proclamation No. 75, Series of 2010 was issued former LTSG Antonio Trillanes IV, O-11797 PN, was also facing trial before the Military Tribunal for Mutiny or Sedition, Conduct Unbecoming an Officer and Gentleman, and all disorders and neglects to the prejudice of good order and military discipline, and all conduct of a nature to bring discredit upon the military service defined and penalized under Commonwealth Act No. 408, as Amended, otherwise known as the Articles of War;

WHEREAS, former LTSG Antonio Trillanes IV, O-11797 PN, a grantee under Proclamation No. 75, did not file an Official Amnesty Application Form as per the Certification dated August 30, 2018 issued by Lt. Col. Thea Joan N. Andrade, Chief, Discipline, Law and Order Division of the Office of the Deputy Chief of Staff for Personnel, J1, stating that “there is no available copy of his application for amnesty in the records”;

WHEREAS, former LTSG Antonio Trillanes IV, O-11797 PN, never expressed his guilt for the crimes that were committed on occasion of the Oakwood Mutiny and Peninsula Manila Hotel Siege, stating that “they were not admitting guilt to the mutiny and coup d’etat charges lodged against them both in the civil and military courts” and “I would like to qualify that we did not admit to the charge of coup d’etat or anything *na i-finile sa amin kasi we believe na hindi iyon and narapat na i-charge sa amin*²”;

WHEREAS, despite former LTSG Trillanes IV's failure to apply for amnesty and refusal to admit his guilt, his name was nonetheless included among those granted amnesty pursuant to DND Ad Hoc Committee Resolution No. 2 approved by former Secretary of National Defense Voltaire T. Gazmin;

¹ GR. No. L-26539 February 28, 1990

² Mark Muruenas, GMA News.TV dated January 5, 2011

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Philippines, by virtue of the powers vested in me by Section 19, Article VII of the Philippine Constitution, do hereby **DECLARE** and **PROCLAIM**:

Section 1. The grant of amnesty to former LTSG Antonio Trillanes IV under Proclamation No. 75 is declared void ab initio because he did not comply with the minimum requirements to qualify under the Amnesty Proclamation.

Section 2. Effects.

1. As a consequence, the Department of Justice and Court Martial of the Armed Forces of the Philippines are ordered to pursue all criminal and administrative cases filed against former LTSG Antonio Trillanes in relation to the Oakwood Mutiny and the Manila Peninsula Incident.

2. The Armed Forces of the Philippines and the Philippine National Police are ordered to employ all lawful means to apprehend former LTSG Antonio Trillanes so that he can be recommitted to the detention facility where he had been incarcerated for him to stand trial for the crimes he is charged with.

Section 3. Effectivity. This Proclamation shall take effect immediately.

IN WITNESS WHEREOF, I have signed this Proclamation and caused the seal of the Republic of the Philippines to be affixed to it.

DONE in the City of Manila, this 31st day of August in the year of our Lord, Two Thousand and Eighteen.

By the President:



SALVADOR C. MEDIALDEA
Executive Secretary

