

SENATE

P. S. RES. NO. 887

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Introduced by Senators Drilon, Aquino, Pangilinan, Hontiveros, and De Lima

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO LOOK INTO THE FRAUDULENT AND ERRONEOUS BASIS OF PROCLAMATION NO. 572 WHICH REVOKES THE AMNESTY GRANTED TO THEN LTSG AND NOW SENATOR ANTONIO F. TRILLANES IV FOR THE PURPOSE OF LOOKING INTO POSSIBLE REMEDIAL LEGISLATION TO PREVENT AND/OR AVERT POSSIBLE ABUSE OF PRESIDENTIAL POWERS IN THE FUTURE

WHEREAS, on 4 September 2018, the Manila Times published on its classified ads section a copy of Presidential Proclamation No. 572 signed by President Rodrigo Duterte on 31 August 2018 revoking of the amnesty granted to then Ltsg and now Senator Antonio F. Trillanes IV;¹

WHEREAS, said proclamation came a day after the Department of National Defense (DND) issued a certification stating that "there is no available copy" of the amnesty application of Senator Trillanes. This was done despite the fact that, according to DND spokesperson Arsenio Andolong, "[they] are still looking for it and have not yet exhausted efforts to finding the document"²

WHEREAS, said proclamation states that the amnesty granted to Senator Trillanes during the administration of former President Benigno Aquino III was "void ad initio" or invalid from the beginning. It claims that Senator Trillanes failed to fulfill two essential requirements for the amnesty grant: (1) application for amnesty and (2) admission of guilt;³

WHEREAS, in a series of press conferences, Senator Trillanes showed documents, as well as publicly available photos and videos, to clearly disproving the erroneous claims that

¹ Ranada, P. (4 September 2018). DOCUMENT: Proclamation No. 572 voiding Trillanes' amnesty. Retrieved from <https://www.rappler.com/newsbreak/iq/211100-document-duterte-proclamation-voiding-trillanes-amnesty>

² Talabong, R. (4 September 2018). Where is Trillanes' amnesty application? 'Hinahanap pa,' says DND. Retrieved from <https://www.rappler.com/nation/211104-dnd-statement-where-is-trillanes-amnesty-application>

³ Ranada, P. (4 September 2018). DOCUMENT: Proclamation No. 572 voiding Trillanes' amnesty. Retrieved from <https://www.rappler.com/newsbreak/iq/211100-document-duterte-proclamation-voiding-trillanes-amnesty>

Senator Trillanes did not file his application for amnesty and there was no admission of guilt by Senator Trillanes;

WHEREAS, on 24 November 2010, former President Aquino III issued Proclamation No. 75, series of 2010, which grants amnesty to all active and former personnel of AFP and PNP, 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 2003 Oakwood Mutiny, 2006 Marines Stand-Off and 2007 Peninsula Manila Hotel incident, who will apply therefore;⁴

WHEREAS, on 13 December and 14 December 2010, the House of Representatives and the Senate respectively adopted Concurrent Resolution No. 4 which expresses consent and/or concurrence to said proclamation.⁵

WHEREAS, on 05 January 2011, on the basis of Proclamation No. 75 and as concurred by the Congress, Senator Trillanes applied and submitted his amnesty application form before the DND Ad Hoc Committee in Quezon City, and swore to it before the administering officer.⁶

WHEREAS, video footages of said filing were recorded and aired by the media on the same day and the day after.⁷ A comprehensive account of the said event was also published by GMA online, entitled "*Trillanes avails of amnesty, admits 'breaking rules'*";⁸

WHEREAS, on 21 January 2011, DND Secretary Voltaire Gazmin, through the recommendation of the DND Ad Hoc Committee, approved Senator Trillanes' amnesty application. He was then issued a Certificate of Amnesty;⁹

WHEREAS, on 25 January 2011, in a letter addressed to former President Aquino III, DND Secretary Gazmin reported the grant of amnesty to the qualified applicants. Attached with the letter is DND Ad Hoc Committee Resolution No. 2 which lists the applicants for amnesty. Senator Trillanes' name was first on the list.¹⁰

⁴ Official Gazette. *Proclamation No. 75*. Retrieved from <http://www.officialgazette.gov.ph/2010/11/24/proclamation-no-75-s-2010/>

⁵ *Concurrent Resolution No. 4*. Retrieved from http://senate.gov.ph/lis/bill_res.aspx?congress=15&q=SCR-4

⁶ Bartolome, J. (4 September 2018). *Trillanes' application for amnesty in January 2011*. Retrieved from <http://www.gmanetwork.com/news/news/nation/666539/trillanes-application-for-amnesty-in-january-2011/story/>

⁷ See <https://www.youtube.com/watch?v=OwseQmeQSI0>

⁸ Merueñas, M. (5 January 2011). *Trillanes avails of amnesty, admits 'breaking rules'*. Retrieved from <http://www.gmanetwork.com/news/news/nation/209809/trillanes-avails-of-amnesty-admits-breaking-rules/story/>

⁹ ABS-CBN News. (5 September 2018). *LOOK: Amnesty documents of Trillanes*. Retrieved from <https://news.abs-cbn.com/news/09/05/18/look-amnesty-documents-of-trillanes>

¹⁰ Fonbuena, C. & Elemia, C. (6 September 2018). *DOCUMENTS: DND confirms Trillanes applied for amnesty*. Retrieved from <https://www.rappler.com/nation/211242-document-department-national-defense-confirms-trillanes-applied-for-amnesty>

WHEREAS, on 27 January 2011, Senator Trillanes, together with 94 other military men granted amnesty, took the Pledge of Allegiance before DND Secretary Gazmin;¹¹

WHEREAS, on 07 September 2011, after filing a Motion to Dismiss, Regional Trial Court of Makati – Branch 150 issued an Order in Criminal Case No. 07-3126 dismissing the rebellion case against Senator Trillanes. The Order was signed by Presiding Judge Elmo M. Alameda;¹²

WHEREAS, on 21 September 2011, Regional Trial Court of Makati – Branch 148 also issued an Order in Criminal Case No. 03-2784 dismissing the Coup d’etat case against Senator Trillanes. The Order was signed Presiding Judge Rita A. Bascos-Sarabia;¹³

WHEREAS, no motions for reconsideration were filed for both criminal cases. Thus, both Orders which dismissed the cases against Senator Trillanes already became executory seven (7) years ago;

WHEREAS, the administrative cases filed against him before the Military Tribunal in connection to the 2003 Oakwood Mutiny were dismissed as early as 2007 when it was deemed to be moot and academic when he filed his certificate of candidacy and subsequently won election as Senator in 2007, pursuant to Section 66 of the Omnibus Election Code (Batas Pambansa Blg. 881), as follows:

Section. 66. Candidates holding appointive office or positions. - Any person holding a public appointive office or position, including active members of the Armed Forces of the Philippines, and officers and employees in government-owned or controlled corporations, shall be considered ipso facto resigned from his office upon the filing of his certificate of candidacy.¹⁴

WHEREAS, to further prove that he is no longer part of the Armed Forces of the Philippines since 2007, Senator Trillanes showed a copy of his major service clearance, General Order No. 515, series of 2007 issued by the AFP approving his ipso facto resignation, and his certificate of last payment;¹⁵

WHEREAS, the abovementioned facts, supported by photos, videos, and documentary evidence, sufficiently prove the Senator Trillanes filed an amnesty application which was

¹¹ ABS-CBN News. (27 January 2011). *Trillanes, 94 others take oath after amnesty*. Retrieved from <https://news.abs-cbn.com/nation/01/27/11/trillanes-94-others-take-oath-after-amnesty>

¹² ABS-CBN News. (5 September 2018). *LOOK: Amnesty documents of Trillanes*. Retrieved from <https://news.abs-cbn.com/news/09/05/18/look-amnesty-documents-of-trillanes>

¹³ Ibid.

¹⁴ *Omnibus Election Code*. Retrieved from

<https://www.comelec.gov.ph/?r=References/RelatedLaws/OmnibusElectionCode/OECArt9>

¹⁵ Legaspi, A. (5 September 2018). *Trillanes presents proof he left AFP in 2007*. Retrieved from

<http://www.gmanetwork.com/news/news/nation/666724/trillanes-presents-proof-he-left-afp-in-2007/story/>

processed and approved by the DND, and later on led to the dismissal of his pending rebellion and Coup d'etat cases before the Makati Regional Trial Court;

WHEREAS, moreover, the claim that Senator Trillanes never expressed his guilt for the crimes that were committed in reference to the 2003 Oakwood Mutiny and the 2007 Peninsula Manila Hotel Siege is erroneous because it is impossible to apply for amnesty without expressing guilt because the application form for amnesty specifically requires such admission. The text contained in said application states that:

"I hereby acknowledge that my involvement/participation in the subject incident constitutes a violation of the 1987 Constitution, criminal laws and the Articles of War. I hereby recant my previous statements that are contrary, if any, to this express admission of involvement/participation and guilt."

WHEREAS, on 8 September 2018, President Duterte confirmed that it was Solicitor General Calida who did the research behind the revocation of Senator Trillanes' amnesty.¹⁶ The Armed Forces of the Philippines Spokesperson Colonel Edgard Arevalo also previously stated that it was Solicitor General who triggered the search for Senator Trillanes' amnesty papers¹⁷;

WHEREAS, coincidentally, on 04 September 2018, when Proclamation No. 572 was publicized, it was also when Senator Trillanes was presiding over a committee hearing which tackled the conflict of interest case against Solicitor General Calida with regard to his security agency's multi-million contract with government agencies;

WHEREAS, all the foregoing clearly show that the basis for the issuance of Proclamation No. 572 is not only fraudulent and erroneous, Proclamation No. 572 is apparently being used to silence Senator Trillanes, being one of the strongest critic of President Duterte and his administration;

WHEREAS, due to the issuance of said proclamation, Senator Trillanes is effectively deprived of his liberty and is under constant threat of being arrested when in truth and in fact there is no basis for an arrest, as there is no arrest warrant and there are no cases filed against him justifying his arrest.

WHEREAS, in the light of all the foregoing, there is an imperative need to immediately look into this matter to ensure that the Administration is not using and/or abusing the awesome powers of the Presidency and its control over the military and the police to instill fear among the critics of the administration, and that all persons, regardless of their position in the society, are afforded of their basic human and legal rights, as enshrined in the 1987

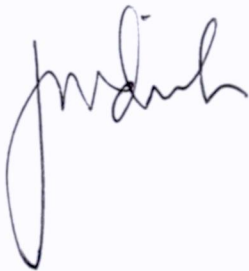
¹⁶ Rey, A. (8 September 2018). *Duterte says 'bright' Calida researched Trillanes amnesty issues*. Retrieved from <https://www.rappler.com/nation/211487-duterte-defends-calida-research-trillanes-amnesty>

¹⁷ Talabong, R. (4 September 2018). *Calida behind search for Trillanes' amnesty papers*. Retrieved from <https://www.rappler.com/nation/211126-calida-behind-search-trillanes-amnesty-papers>

Philippine Constitution and other pertinent laws of the Philippines and for the purpose of looking into possible remedial legislation to prevent and/or avert possible abuse of Presidential powers in the future.

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED by the Senate of the Philippines to direct the appropriate Senate Committee to look into the fraudulent and erroneous basis of Proclamation No. 572 which revokes the amnesty granted to then Ltsg and now Senator Antonio F. Trillanes IV to ensure that the Administration is not using and/or abusing the awesome powers of the Presidency and its control over the military and the police to instill fear among the critics of the administration, and that all persons, regardless of their position in the society, are afforded of their basic human and legal rights, as enshrined in the 1987 Philippine Constitution and other pertinent laws of the Philippines and for the purpose of looking into possible remedial legislation to prevent and/or avert possible abuse of Presidential powers in the future.

Adopted,



Bam Aquino



Esteban Carapal