

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session



House Resolution No. 2155

Introduced by Reps. Edcel C. Lagman, Raul A. Daza, Tomasito S. Villarin, Emmanuel A. Billones, Gary C. Alejano, and Teddy Brawner Baguilat, Jr.

RESOLUTION EXPRESSING THE COLLECTIVE SENTIMENT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES DENOUNCING THE BASELESS, UNLAWFUL, AND IMPROVIDENT REVOCATION OF THE GRANT OF AMNESTY TO SENATOR ANTONIO TRILLANES IV UNDER PROCLAMATION NO. 572 ISSUED BY PRESIDENT RODRIGO DUTERTE, ENTITLED "REVOCATION 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" AND URGING THE IMMEDIATE RECALL OF THE SAID PROCLAMATION

WHEREAS, on 24 November 2010, former President Benigno Aquino III issued Proclamation No. 75, entitled "GRANTING AMNESTY TO ACTIVE AND FORMER PERSONNEL OF THE ARMED FORCES OF THE PHILIPPINES, PHILIPPINE NATIONAL POLICE AND THEIR SUPPORTERS WHO MAY HAVE COMMITTED CRIMES PUNISHABLE UNDER THE REVISED PENAL CODE, THE ARTICLES OF WAR AND OTHER LAWS IN CONNECTION WITH THE OAKWOOD MUTINY, THE MARINES STAND-OFF AND THE MANILA PENINSULA INCIDENT";

WHEREAS, Section 19 of Article VII of the Constitution provides that the President "shall also have the power to grant amnesty with the concurrence of a majority of all the Members of the Congress";

WHEREAS, pursuant to the aforementioned constitutional provision, the House of Representatives and the Senate of the Philippines adopted Concurrent Resolution No. 4, entitled "CONCURRENT RESOLUTION CONCURRING WITH PROCLAMATION NO. 75 OF THE PRESIDENT OF THE REPUBLIC OF THE

PHILIPPINES DATED 24 NOVEMBER 2010 ENTITLED: 'GRANTING AMNESTY TO ACTIVE AND FORMER PERSONNEL OF THE ARMED FORCES OF THE PHILIPPINES, PHILIPPINE NATIONAL POLICE AND THEIR SUPPORTERS WHO MAY HAVE COMMITTED CRIMES PUNISHABLE UNDER THE REVISED PENAL CODE, THE ARTICLES OF WAR AND OTHER LAWS IN CONNECTION WITH THE OAKWOOD MUTINY, THE MARINES STAND-OFF AND THE MANILA PENINSULA INCIDENT;

WHEREAS, on January 31, 2011 the Department of National Defense under Ad Hoc Committee Resolution No. 2 (#1) granted amnesty to then LTSG Antonio Trillanes IV of the Philippine Navy pursuant to Proclamation 75 as concurred in by the Congress in Concurrent Resolution No. 4;

WHEREAS, the settled jurisprudence is that a grant of amnesty "abolishes and puts into oblivion the offense itself, it so overlooks and obliterates the offense with which he is charged that the person released by amnesty stands before the law as though he had committed no offense (*Barrioquinto vs. Fernandez*, 82 Phil 642 [1949]);

WHEREAS, after the aforesaid grant of amnesty to then LTSG Antonio Trillanes IV, all of the pending criminal cases with the regular courts as well as the cases with the military tribunals against him had been dismissed and obliterated;

WHEREAS, there is no more basis for causing the arrest of Sen. Antonio Trillanes IV because there are no pending criminal cases against him arising from the Oakwood Mutiny, the Marines Stand-Off and the Manila Peninsula Incident;

WHEREAS, Proclamation No. 572 of President Rodrigo Duterte revoking the amnesty grant to Sen. Antonio Trillanes IV is not by itself a warrant of arrest because only a competent court can issue an arrest warrant on the basis of a pending criminal case;

WHEREAS, the purported reason for the revocation of the amnesty granted to Sen. Trillanes is that "there is no available copy of his (Trillanes) application for amnesty in the records";

WHEREAS, this alleged reason does not evince that he did not apply for amnesty because in the first place, he was granted amnesty more than seven years ago;

WHEREAS, while the "missing application" could have been maliciously concealed or deliberately destroyed, there is a presumption of regularity and

compliance with the conditions and prerequisites for the grant of amnesty to Sen. Trillanes;

WHEREAS, there are other concrete evidence documenting that he applied for amnesty like relevant photographs and video footages;

WHEREAS, the revocation of Sen. Trillanes' amnesty grant is unwarranted and unlawful because an amnesty is final, absolute and irrevocable;

WHEREAS, since under Section 19 of Article VII of the Constitution, a Presidential amnesty proclamation needs the prior concurrence of majority of all Members of the House of Representatives and the Senate, then any revocation, if ever allowable, must also have the concurrence of the Congress.

ACCORDINGLY, it is hereby resolved that: (a) Members of the House of Representatives express their collective sentiment denouncing the baseless, unlawful, and improvident revocation of the grant of amnesty to then LTSG Antonio Trillanes IV, now Sen. Antonio Trillanes IV; and (b) urging the recall of the Proclamation No. 572 unilaterally revoking the grant of amnesty to Sen. Antonio Trillanes IV.

Adopted,


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EMMANUEL A. BILLONES


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