

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
Second Regular Session

HOUSE BILL No. 5462



Introduced by Reprs. NERI J. COLMENARES, CARLOS ISAGANI T. ZARATE,
LUZVIMINDA C. ILAGAN, EMMI A. DE JESUS, ANTONIO L. TINIO,
FERNANDO HICAP and TERRY RIDON

**AN ACT CREATING A FACT-FINDING COMMISSION, TO BE CALLED THE
“MAMASAPANO TRUTH COMMISSION”, WITH PLENARY POWERS TO
INVESTIGATE AND REPORT UPON THE BLOODY PNP-SAF (PHILIPPINE
NATIONAL POLICE-SPECIAL ACTION FORCE) IN MAMASAPANO,
MAGUINDANAO ON JANUARY 25, 2015**

EXPLANATORY NOTE

This bill intends to create a fact-finding commission, to be called the “Mamasapano Truth Commission”, whose objective is to thoroughly investigate, report and evaluate all facts and circumstances on the January 25, 2015 incident in Mamasapano Maguindanao which resulted to the death of forty-four (44) members of the Philippine National Police - Special Action Force (SAF), eighteen (18) members of the Moro Islamic Liberation Front (MILF), at least seven (7) civilians.¹

The January 25 Mamasapano incident has far-reaching consequences and implications, raising issues of national importance such as the reported role of the US in instigating and directing the bloody Mamasapano operation, President Aquino’s direct and command responsibility of the worst police fiasco, the transgression of the PNP’s chain of command or line of authority, the imperiling of the peace process between Philippine government and the MILF, and violations of human rights and international humanitarian law.

The multilayered and simultaneous probes being conducted by the House of Representatives, the Senate, the PNP Board of Inquiry, the MILF, the Armed Forces of the Philippines, the Department of Justice are necessary and timely. Therefore, an independent and impartial Commission that will ferret out all facts and consider all angles and seek the truth, the whole truth and nothing but the truth is necessary.

In view of the foregoing, early passage of this measure is urgently sought.

¹ Wikipedia http://en.wikipedia.org/wiki/2015_Mamasapano_clash

Approved,



Rep. NERI J. COLMENARES
Bayan Muna Party-list



Rep. LUVIMINDA C. ILAGAN
Gabriela Women's Party



Rep. CARLOS ISAGANI T. ZARATE
Bayan Muna Party-list



Rep. EMMI A. DE JESUS
Gabriela Women's Party



Rep. ANTONIO L. TINIO
ACT Teachers Party-list



Rep. FERNANDO HICAP
Anakpawis Party-list



Rep. TERRY RIDON
Kabataan Party-list

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NATIONAL POLICE-SPECIAL ACTION FORCE) IN MAMASAPANO,
MAGUINDANAO ON JANUARY 25, 2015**

Be it enacted in the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Creation of a Fact-Finding Commission – There is hereby created an independent ad hoc fact-finding Commission, to be called the “Mamasapano Truth Commission,” to determine all the facts and circumstances of the January 25, 2015 incident in Mamasapano Maguindanao which resulted to the death of forty-four (44) members of the Philippine National Police Special Action Force (SAF), eighteen (18) members of the Moro Islamic Liberation Front (MILF), at least seven (7) civilians.²

The Commission shall be composed of a Chairperson and two (2) Commissioners, who together will act as an independent collegial body. They shall be appointed by the President of the Philippines.

Notwithstanding any vacancy, the Commission shall continue to function and a new Commissioner shall be immediately appointed.

SECTION 2. Qualifications of the Chairperson and Commissioners – No person shall be appointed Chairperson or Commissioner of the “Mamasapano Truth Commission” unless:

- a) he/she is a natural-born Filipino Citizen;
- b) he/she is of good moral character, unquestionable integrity, probity and patriotism; and
- c) he/she is of recognized competence in his/her profession

The Chairperson, in addition to the aforementioned, should be a member of the Philippine Bar, who has been engaged in the practice of law for at least ten (10) years.

² Wikipedia http://en.wikipedia.org/wiki/2015_Mamasapano_clash

SECTION 3. Powers and Functions. – The Commission is primarily tasked to conduct a thorough and objective investigation and evaluation of the facts and circumstances surrounding the “Mamasapano incident”. In particular, it shall:

- a) Collect, receive, review and evaluate evidence related to the incident;
- b) Issue subpoena ad testificandum or subpoena duces tecum, and other compulsory processes requiring the attendance and testimony of witnesses and the production of any evidence relative to any matter under investigation by the Commission;
- c) Administer oaths and affirmations and examine witnesses;
- d) Cite in contempt, and impose appropriate penalties as a result thereof, any person who refuse, without lawful excuse, to obey a subpoena, take an oath, or give testimony or produce documents for inspection as required by the Commission;
- e) Write a report, with its findings, conclusions and recommendations, based on its independent investigation;
- f) Recommend, in cases where there is a need to utilize any person as a state witness to ensure that the ends of justice be fully served, that such person, who qualifies as a state witness, under the Revised Rules of Court of the Philippines, be admitted for that purpose;
- g) Call upon the departments, bureaus, offices, agencies or instrumentalities of the Government, including government-owned and controlled corporations, to extend such assistance and cooperation as the Commission may need in the exercise of its powers, execution of its functions, and discharge of its duties and responsibilities, with the end in view of accomplishing its mandate;
- h) Engage or contract the services of resource persons, consultants, professionals, and other personnel determined by it as necessary to carry out its mandate;
- i) Promulgate its rules and regulations or rules of procedure it deems necessary to effectively and efficiently carry out the objectives of this law, and to ensure the orderly conduct of its investigations, proceedings and hearings, including the presentation of evidence, and
- j) Exercise such other acts incident to or are appropriate and necessary in connection with the objectives and purposes of this Order.

SECTION 4. Conduct of Proceedings. – The proceedings of the Commission shall be in accordance with the rules promulgated by the Commission. Hearings or proceedings of the Commission shall be open to the public. However, the Commission may, motu proprio, or upon the request of the person testifying, hold an executive or closed-door hearing, where matters of national security or public safety are involved, or when the personal safety of the witness warrants the holding of such executive or closed-door hearing. The Commission shall provide the rules for such hearing.

SECTION 5. Constitutional Rights of Witnesses/Resource Persons. – The Constitutional rights of any person called to testify before the Commission shall be respected.

SECTION 6. Report of the Commission. – Within a reasonable time, the Commission shall endeavor to complete the investigation and submit its comprehensive final report with its findings, conclusions and recommendations.

Prior thereto, the Commission, in its sole discretion, may publish such special interim reports from time to time.

Reports of the Commission shall be sent to the Office of the President, copies of which shall be provided to Congress.

All of the Commission's reports shall also be made public.

Once the Commission has completed and published its report, the Commission shall become *functus officio*, and all its assets and properties shall revert to the National Treasury.

SECTION 7. Accountability of the Commission. – The “Mamasapano Truth Commission”, as an entity created to serve justice, must at all times be accountable to the sovereign Filipino People, by conducting investigations and issuing reports in an objective, thorough and efficient manner.

SECTION 8. Budget of the Commission. – The sum of Fifty Million Pesos (P50,000,000.00) is hereby appropriated out of available funds in the National Treasury for the operational expenses of the Commission.

SECTION 9. Separability Clause. – If for any reason, any section or provision of this Act is declared to be unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 10. Repealing Clause. All laws, decrees, orders or rules and regulations, and other issuances which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 11. Effectivity. – This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Approved,