S. No. 1391
H. No. 27761

Republic of the Philippines
Congress of the Philippines
Metro Manila

Second Special Session

Held in Metro Manila on Wednesday, the third day of January, nineteen hundred and ninety.

[REPUBLIC ACT No. 6832]

AN ACT CREATING A COMMISSION TO CONDUCT A THOROUGH FACT-FINDING INVESTIGATION OF THE FAILED *COUP D' ETAT* OF DECEMBER 1989, RECOMMEND MEASURES TO PREVENT THE OCCURRENCE OF SIMILAR ATTEMPTS AT A VIOLENT SEIZURE OF POWER, AND FOR OTHER PURPOSES

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

SECTION 1. *Creation, Objectives and Powers.*—There is hereby created an independent Commission which shall investigate all the facts and circumstances of the failed *coup d' etat* of December 1989, and recommend measures to prevent similar attempts at a violent seizure of power.

To attain these objectives, the Commission shall:

(a) Conduct a thorough fact-finding investigation of the said *coup d' etat* and the involvement therein of military personnel and civilian personalities including public

officials and employees, evaluate all the facts and circumstances of the same, and submit its findings and recommendations to the President, the Congress, and other appropriate authorities not later than one (1) year from the effectivity of this Act;

(b) Receive, review and evaluate the evidence adduced and to this end, summon witnesses, administer oaths, take testimony or receive evidence relevant to the investigation, and to issue *subpoena ad testificandum* or *subpoena duces tecum* to produce documents, books, records and other papers;

(c) Turn over to the appropriate prosecutorial authorities all evidence involving any person when in the course of its investigation, the Commission finds that there is reasonable ground to believe that he appears to be liable for any criminal offense in connection with said *coup d' etat;*

(d) Ask the Monetary Board to disclose information on and/or to grant authority to examine any bank deposits, trust or investment funds, or banking transactions in the name of and/or utilized by a person, natural or juridical, under investigation by the Commission, in any bank or banking institution in the Philippines, when the Commission has reasonable ground to believe that said deposits, trust or investment funds, or banking transactions have been used in support or furtherance of the objectives of the said *coup d' etat;* and

(e) Exercise such other acts incident to or are appropriate and necessary in connection with the objectives of this Act.

SEC. 2. *Bar Against Court Injunction; Exception, Supreme Court.*—No court, except the Supreme Court, shall issue any restraining order or preliminary injunction on any matter involving the official acts of the Commission pursuant to this Act and of the Monetary Board under paragraph (d) of Section 1 hereof.

SEC. 3. *Composition, Qualifications and Salary.*—The Commission shall be composed of a Chairman and four (4) members who shall be appointed by the President.

The Chairman and members shall be citizens of the Philippines, at least thirty-five (35) years of age, and have an established reputation for integrity, honesty, probity and professional competence. They shall receive the same salary as the Chairman and members, respectively, of the Constitutional Commissions.

SEC. 4. *Tenure and Turn Over of Records.*—The Commission is hereby given one (1) year from the effectivity of this Act to attain the objectives set forth herein. Two (2) months after the lapse of said period, the Commission shall be *functus officio,* and shall turn over all its records, assets and properties to the Department of Justice.

SEC. 5. *Orderly Conduct of Proceedings.*—The Commission shall adopt rules and procedures for the orderly conduct of its investigation, proceeding and hearing, including the presentation of evidence. The rules of evidence under the Revised Rules of Court shall have suppletory application.

SEC. 6. *Conduct of Hearings.*—Proceedings and hearings of the Commission, sitting *en banc,* shall be open to the public. The Commission may, *motu proprio* or upon request of the person testifying, hold an executive or closed-door hearing where matters of national security or public safety are involved or the personal safety of the witness warrants the holding of such executive or closed-door hearing. The Commission shall prescribe the rules to govern such executive or closed-door hearings.

Any person called to testify before the Commission shall have the right to counsel at any stage of the proceedings.

SEC. 7. *Right Against Self-Incrimination; Protection of Witness.*—No person shall be excused from attending and testifying or from producing documents, books, records, correspondence, or other evidence in obedience to a *subpoena* issued by the Commission on the ground that his testimony or the evidence required of him may tend to incriminate him or subject him to penalty or forfeiture. After having invoked his right against self-incrimination, his testimony or any evidence produced by him shall not

be used against him in any proceeding, except for perjury committed in so testifying.

The Commission shall protect any person called to testify by providing the necessary and reasonable security arrangements with the assistance and cooperation of the Armed Forces of the Philippines and other appropriate government agencies.

SEC. 8. *Immunity from Criminal Prosecution.*—The Commission is authorized to grant immunity from criminal prosecution to any person who provides information or testifies in any investigation conducted by it where, upon its evaluation, such information or testimony is necessary and vital to the investigation. The immunity thereby granted shall continue to protect the witness who repeats such testimony before the appropriate court when required to do so by the latter. Should he refuse to repeat such testimony, the immunity granted him shall cease.

SEC. 9. *Direct or Indirect Contempt.*—The Commission may hold any person in direct or indirect contempt, and impose appropriate penalties therefor.

A person guilty of misbehavior in the presence of or so near the Commission as to obstruct or interrupt the proceedings before the same, including disrespect towards its officials, offensive personalities towards others, or refusal to be sworn or to answer as a witness or to subscribe to an affidavit or deposition when lawfully required to do so, may be summarily adjudged in direct contempt by the Commission and punished with a fine not exceeding five thousand pesos (₱5,000.00) or imprisonment not exceeding thirty (30) days or both. The judgment of the Commission on direct contempt shall be final and not appealable.

Indirect contempt shall be dealt with by the Commission in the manner prescribed under Rule 71 of the Revised Rules of Court.

SEC. 10. *Personnel of the Commission.*—The Chairman shall have the power to engage the services of such persons or personnel including a Commission Counsel, Deputy Commission Counsel(s) or such other officials as may be

required for the effective performance of its functions and responsibilities, to fix their duties and compensation, to organize the structure and staffing pattern of the Commission; and to authorize the payment of honoraria and/or allowances for deputized officers and officials subject to the pertinent accounting and auditing rules and procedures. The persons appointed, designated, deputized or contracted by the Commission shall not be subject to the Civil Service Law, rules and regulations.

SEC. 11. *Promulgation of Rules and Regulations; Publication of Rules and Reports.*—The Commission shall have the power to promulgate its rules and regulations, enter into contracts, and perform any and all other acts necessary or incidental to the attainment of the objectives of this Act.

Commission rules and regulations shall be published in at least two (2) national newspapers of general circulation and shall take effect two (2) days after its publication. The final report to the President and to Congress shall be published.

SEC. 12. *Role of Other Government Agencies.*—The Commission may call upon any government investigative and prosecutorial agency, including the National Bureau of Investigation and the Philippine Constabulary/Integrated National Police, to make available their offices, personnel and facilities to attain the objectives of this Act.

SEC. 13. *Appropriations.*—The sum of Ten Million Pesos (₱10,000,000.00) is hereby provided to the Commission, chargeable against the Contingent Fund. The said amount shall automatically be released to the Commission for disbursement by it in accordance with the auditing rules and regulations.

SEC. 14. *Transfer of Records and Facilities to the Commission.*—The records, facilities, equipment, property, rights and such other things incidental to the creation of the Presidential Commission under Administrative Order No. 146, Series of 1989, are hereby transferred to the Commission created by this Act: *Provided,* That, employees of the said Presidential Commission, particularly the rank

and file, shall be absorbed by the Commission to the extent that it is administratively feasible.

SEC. 15. *Applicable Law in Case of Conflict.*—The provisions of this Act shall prevail over other laws, acts, executive orders, administrative orders, issuances, rules and regulations, or parts thereof, or the Revised Rules of Court as regards the subject matter of this Act.

SEC. 16. *Separability Clause.*—If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

SEC. 17. *Effectivity.*—This Act shall take effect two (2) days following its publication in at least two (2) national newspapers of general circulation.

Approved,

RAMON V. MITRA
Speaker of the House of Representatives

JOVITO R. SALONGA
President of the Senate

This Act which is a consolidation of Senate Bill No. 1391 and House Bill No. 27761 was finally passed by the Senate and the House of Representatives on January 3, 1990.

RINO D. ABAD SANTOS, JR.
Secretary of the House of Representatives

EDWIN P. ACOBA
Secretary of the Senate

Approved: January 5, 1990

CORAZON C. AQUINO
President of the Philippines