

Republic of the Philippines
REGIONAL TRIAL COURT
National Capital Judicial Region
Branch 148, Makati City

PEOPLE OF THE PHILIPPINES,

-versus-

CRIM CASE No. 03-2784

For: Coup d'etat

CAPT. MILO MAESTRECAMPO,
ET. AL.,

Accused.

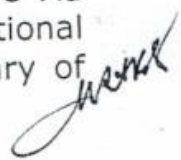
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ORDER

Acting on the "Motion to Dismiss" and finding merit on the grounds stated therein, that pursuant to Proclamation No. 75 issued on November 24, 2010. President Benigno S. Aquino III granted amnesty, 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 OR OTHER LAWS IN CONNECTION WITH THE OAKWOOD MUTINY, THE MARINES STANDOFF AND THE MANILA PEN INCIDENT"

Further, the accused-movants to wit: SEN. ANTONIO F. TRILLANES IV, GARY C. ALEJANO and JAMES A. LAYUG; submitted their Certificate of Amnesty issued by the Ad Hoc Amnesty Committee of the Department of National Defense signed by Hon. Voltaire T. Gazmin, Secretary of National Defense.

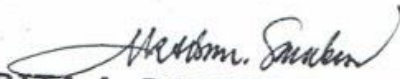


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OF THE ORIGINAL

ATTY MARIA RHODORA A. MALABAG
BRANCH CLERK OF COURT


WHEREFORE, this instant case against herein accused, namely **SEN. ANTONIO F. TRILLANES IV, GARY C. ALEJANO** and **JAMES A. LAYUG** is hereby **DISMISSED** pursuant to the grant of amnesty to them in Proclamation No. 75 dated November 24, 2010 by President Benigno S. Aquino III.

SO ORDERED.
City of Makati, Philippines. September 21, 2011.


MA. RITA A. BASCOS SARABIA
Acting Presiding Judge

1/2011

**CERTIFIED TRUE COPY
OF THE ORIGINAL**


ATTY. MARIA RHODORA A. MALABAG
BRANCH CLERK OF COURT
DISTRICT OFFICE 112 MAKATI CITY

REGIONAL TRIAL COURT
CITY OF MAKATI
BRANCH 150

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- Versus -

CRIM. CASE NO. 07-3126

SEN. ANTONIO F. TRILLANES, IV,
ET AL.,

Accused.

x-----x

ORDER

Submitted to this court for resolution are two (2) identical Motions to Dismiss both dated August 18, 2011 but separately filed by accused-movant Sen. Antonio F. Trillanes IV and accused-movants Gary C. Alejano, Segundino P. Orfiano Jr., Manuel DG. Cabochan, James A. Layug, Arturo S. Pascua Jr., Eugene Loieue P. Gonzalez, Andy G. Torrato, Billy S. Pascua, Jonnell P. Sangalang, Armand G. Pontejos, Julius J. Mesa, Cezari Yassir T. Gonzalez, Clecarte D. DAhan, Juanito S. Jilbury Jr., Emmanuel C. Tirador, German M. Linde, Arvin P. Celestino, Elmer D. Colon, Monchito O. Lusterio, Jocil B. Regulacion and Francisco N. Bosi, Jr.

In support of their motions, the accused-movants aver that:

1. As they previously manifested, His Excellency, President Benigno S. Aquino III, issued Proclamation No. 75 dated November 24, 2010, granting them Amnesty which was concurred by majority of all the members of Congress pursuant to Section 19, Article VII of the 1987 Philippine Constitution;
2. The fact of issuance of Presidential Proclamation No. 75 and the concurrence by Congress of said Presidential Proclamation may be taken judicial cognizance by this court pursuant to the ruling of the Supreme Court in Barrioquinto vs. Fernandez, GR No. L-1728 promulgated on January 29, 1949;
3. They applied for and have been granted Amnesty under and pursuant to Proclamation No. 75 series of 2010, evidenced

- by the attached certified true copies of Certificates of Amnesty issued by the Ad Hoc Amnesty Committee of the Department of National Defense signed by the Honorable Voltaire T. Gazmin, Secretary of National Defense; and
4. The dismissal of the instant case is in order in the light of the fact that any possible criminal liability on their part resulting from the incidents subject of the instant case have already been fully and completely extinguished by the grant of Amnesty to them.

DISPOSITION

The Revised Penal Code provides:

"Art. 89. How criminal liability is totally extinguished - Criminal liability is totally extinguished:

1. xxx
2. xxx
3. By Amnesty, which completely extinguishes the penalty and all its effects". xxx xxx

Applying the above-quoted provision of the Revised Penal Code vis a vis the motions filed by the accused, there is no more legal impediment for this court to dismiss the instant case it appearing that the criminal liability of the accused-movants for the crime of Rebellion had already been extinguished.

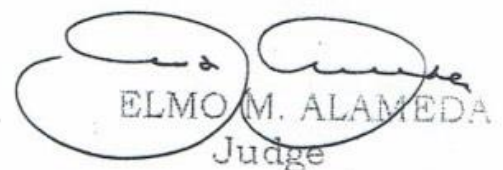
In view of the foregoing and finding the ground raised to be well-taken, the motions are Granted.

Accordingly, the above-captioned case, docketed as Crim. Case No. 07-3126 for Rebellion, is ordered **DISMISSED** against the accused-movants.

As a consequence of its dismissal, the bail bonds posted by the accused for their provisional liberty are deemed cancelled.

SO ORDERED.

City of Makati, 7 September 2011.


ELMO M. ALAMEDA
Judge

EMA/maryflor
P vs. Trillanes

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