

AGREEMENT ON THE CESSATION OF HOSTILITIES

between the

Government of the Republic of the Philippines (GRP)

and

Rebolusyonaryong Partidong Manggagawa ng Mindanao (RPM-M)

Whereas, the GRP and RPM-M are committed to uphold and respect the Joint Commitment to Pursue Peace and Development signed on 23 September 2003;

Whereas, the ongoing peace talks between the GRP and RPM-M are characterized by a spirit of understanding, sincerity and goodwill;

Whereas, the GRP and RPM-M are currently observing an informal ceasefire while jointly undertaking consultation in the formulation of the local peace and development agenda in the communities identified by the RPM-M as priority development areas;

Whereas, in view of the above, it is essential for the GRP and RPM-M to enter into an agreement on the cessation of hostilities;

NOW, THEREFORE, the GRP and RPM-M, through its authorized representatives, agree as they hereby agree to the following:

Commit towards conserving and developing human and natural resources, and ecological balance.

Finalize the list of identified development areas in order to facilitate the implementation of priority projects in the said areas under the framework of sustainable development.

Commit its respective forces to a cessation of hostilities (COH) nationwide by not committing any hostile and/or provocative act.

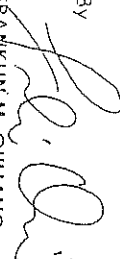
Direct its respective Secretariats and/or GRP Technical Working Group/RPMM Peace Committee to formulate and finalize the guidelines and ground rules for the implementation and monitoring of the COH including the structural and coordinative mechanisms within a period of one month after the signing of this Agreement.

Proceed with the conduct of formal peace talks towards the signing of a Final Peace Agreement.

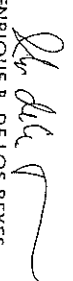
This Agreement shall take effect on the 28th day of October 2005.
SO AGREED.

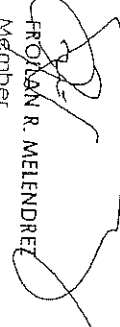
DONE at the Baloy Mindanaw Peace Center in the City of Cagayan de Oro, Philippines, this 28th day of October 2005.

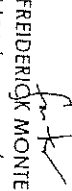
For the Government of the Republic of the Philippines

By 
FRANKLIN M. QUIJANO
Chairperson
GRP Panel

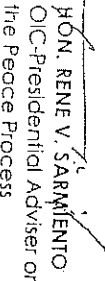
For the Rebolusyonaryong Partido ng Manggagawang Mindanaw

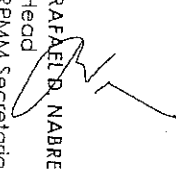
By 
ENRIQUE B. DE LOS REYES
Political Consultant
(For the Chairperson
RPM-M Panel)

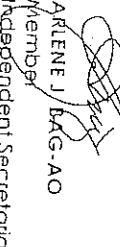

FROILAN R. MELENDREZ
Member

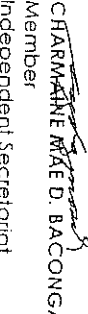

FREDERICK MONTES
Member
ARMANDO ORBIS
Member

Witnesses:


HON. RENE V. SARMENTO
OIC-Presidential Adviser on
the Peace Process


RAFAEL D. NABRE
Head
RPM-M Secretariat


ARLENE J. BAG-AO
Member
Independent Secretariat


CHARMAINE WADE D. BACONGA
Member
Independent Secretariat

Agreement on the Cessation of Hostilities between GRP and RPM-M

GUIDELINES AND GROUND RULES FOR THE IMPLEMENTATION AND MONITORING OF THE AGREEMENT ON THE CESSATION OF HOSTILITIES

between the
Government of the Republic of the Philippines,
herein referred to as "GRP",
and
Rebolusyonaryong Partido ng Manggagawa ng Mindanao,
herein referred to as "RPM-M",

and shall singularly be known as the "Party" and jointly known as the "Parties"

WHEREAS, the Parties have signed the Agreement on the Cessation of Hostilities on 28th of October 2005 which directed the formulation and finalization of the guidelines and ground rules for the implementation and monitoring of the cessation of hostilities including the structural and coordinative mechanisms;

WHEREAS, both Parties agreed to finalize the list of identified development areas in order to facilitate the implementation of priority projects in the said areas under the framework of sustainable development;

WHEREAS, the Parties mutually recognize, through the Joint Commitment to Pursue Peace and Development, that a peaceful environment is conducive to sustainable development especially for the peoples of Mindanao;

NOW, THEREFORE, for and in consideration of the foregoing premises and of the mutual covenants herein set forth, the Parties do hereby mutually agree on the following:

ARTICLE I SCOPE

1. The GRP and RPM-M commit their respective armed forces to the general cessation of hostilities by not committing any hostile and/or provocative acts.
2. The Agreement on Cessation of Hostilities shall be observed nationwide.

3. The definition of hostilities shall include, but not limited to the following:

a) Hostile acts

Aggressive actions against respective forces such as attacks, raids, ambushes, utilization of landmines, reconnoitering, deployment and movement of forces without appropriate coordination, offensive military action except in hot pursuit against threat groups.

Criminal acts such as kidnapping, hijacking, piracy, arson, bombings, grenade-throwing, robberies, liquidations, assassinations, and summary executions.

b) Provocative acts

Surveillance, harassment and intimidation against respective forces, extortion, arrest without warrant on the part of the GRP and not in nature of citizen's arrest, illegal detention, torture, unreasonable search and seizure, blatant display of firearms, providing sanctuary/assistance to criminal elements or members of either Party who have committed hostile or criminal acts.

Other acts that endanger the safety and security of the people and their properties, and contribute to the deterioration of peace and order in any given area.

All hostile propaganda amongst parties, including defamatory, untruthful or derogatory statements.

**ARTICLE II
ACTIONS EXEMPTED**

1. The cessation of hostilities between the GRP and the RPM-M shall be pursued without prejudice to the conduct of regular PNP and AFP functions as defined under existing laws and administrative/logistical activities.

By virtue thereof, situations that tend to compromise the prevailing ceasefire between the GRP and RPM-M forces should, therefore, be avoided at all times by way of effective and appropriate coordination.

2. The following acts do not constitute a violation of the provision of the Agreement on Cessation of Hostilities:

a) Peacekeeping and law enforcement functions such as investigations, preventive patrols (including the legitimate mobilization of GRP forces for tactical operations and defensive movement of RPM-M forces with appropriate coordination, which may arise during the conduct of the day to day activities in the identified development areas, arrests (including arrests effected by virtue of orders issued by competent authorities against criminal elements), and searches and seizures undertaken by the GRP against criminality.

b) Defensive or protective actions of the GRP and RPM-M to ensure security of their respective forces, as well as safety and tranquility of the civil government and the general population, the areas serviced by impact development projects as determined by both Parties through their respective Peace Panels, and communities where the RPM-M leaders and members are located.

**ARTICLE III
COORDINATIVE AND MONITORING ARRANGEMENTS**

1. The GRP and RPM-M shall desist from committing any act which qualifies under the definition of hostilities as described in this Guidelines and Ground Rules for the Implementation and Monitoring of the Agreement on the Cessation of Hostilities.

2. In general, it shall be incumbent upon the GRP and RPM-M to take immediate and necessary actions to prevent any violation to this Guidelines and Ground Rules, and apply appropriate sanction to their respective forces that violate the same.

3. The GRP and RPM-M shall ensure that the Agreement on the Cessation of Hostilities and its Guidelines and Ground Rules are properly disseminated to their respective forces. Lateral coordination between and among GRP and RPM-M ground troops on matters pertaining to the implementation and enforcement of the Guidelines and Ground Rules shall be observed.

For effective coordination and monitoring mechanism between and among GRP and RPM-M ground forces to ensure strict observance of cessation of hostilities, interim Local Coordinating and Monitoring Teams (LCMTs) shall be established in areas mutually-identified by both Parties through their respective Peace Panels. These teams shall be tasked to coordinate and monitor the observance of the Agreement at the local level. In consideration of the familiarity and proximity of the LCMTs to the ground, they shall

where possible, endeavor to reach amicable settlement/ resolution of reports/complaints on alleged commission of hostility by either Party.

5. Each LCMT shall act as a tripartite provincial monitoring team composed of representatives from GRP, RPM-M and mutually acceptable independent non-government organization/ people's organization (NGO/PO). Each of the three parties shall have one vote each regardless of the number of each party's representatives to the LCMT. Representatives must be mutually acceptable to both parties thru their respective Peace Panels. The LCMT shall be chaired by the NGO/PO member. The GRP and RPM-M representatives to the LCMT may propose the discharge of the NGO/PO from the LCMT, subject to approval of the Peace Panels.

6. LCMTs shall provide monthly reports to the Peace Panels on matters pertaining to the observance of the cessation of hostilities coordinated and monitored at the local level, further enhance existing coordinative and monitoring mechanisms, and resolve problem areas or gaps in the coordination and monitoring processes. In terms of the regularity of its conference, the LCMT shall meet once a month or as the need arises.

7. Should the LCMT be unable to resolve a report/complaint brought to its attention, the LCMT shall transmit the same to the National Committee on Cessation of Hostilities (NCCCH) for appropriate action.

By definition, the NCCCH shall seek resolution to unresolved report/complaint emanating from the LCMTs. The NCCCH may receive reports/complaints on alleged commission of hostility by and between Parties, which as it sees fit may be transmitted to the LCMTs for appropriate action. Furthermore, the NCCCH shall particularly handle policy issues concerning the implementation of the cessation of hostilities by crafting recommendation on the same subject to approval of the Panels.

The NCCCH shall act as a tripartite national body composed of representatives from GRP, RPM-M, and mutually acceptable independent NGO/PO. It shall be chaired by the NGO/PO representative. Representatives to the NCCCH must be mutually acceptable to both parties thru their respective Peace Panels. The NCCCH shall meet quarterly or as the need arises.

**ARTICLE IV
REPORTING OF VIOLATIONS AND
DISPOSITION OF COMPLAINTS**

The following steps shall be observed in the reporting of alleged violations to the cessation of hostilities:

a) All reports and complaints shall be submitted to the Peace Panels, either directly or through the LCMTs or NCCCH, for resolution and appropriate action.

b) In order to avoid further complications from arising on the ground, the Peace Panels, concerned LCMT, and/or the NCCCH shall immediately notify the commanders of GRP and/or RPM-M forces whose units or members are allegedly in violation of the cessation of hostilities.

c) Where the complaint is received by the LCMT, the following steps shall be undertaken:

i) The concerned LCMT shall immediately commence the gathering of documentary evidence, joint inquiry or fact-finding for the purpose of verifying the report/complaint.

ii) Subsequent to verification of the report/complaint, the LCMT shall make an effort to arrive at an amicable resolution or settlement between conflicting parties involved in the reported incident.

iii) LCMTs shall resolve all pending issues and concerns by consensus. In the absence of a consensus however, LCMT members may file separate reports and submit these to the NCCCH.

d) Where the complaint is received by the NCCCH, the following steps shall be undertaken:

i) Upon receipt of a complaint, the NCCCH may commence the conduct of joint fact-finding or coordinate with duly-established LCMTs in order to verify the complaint and/or cause the gathering of additional data/information needed in the conduct of fact-finding.

ii) Once all relevant data are gathered, the NCCCH shall evaluate the reports/complaints, and deliberate on the merits of the same, either based on their collective or individual inquiry/fact-finding, or the formal reports submitted by concerned LCMT.

iii) With information gathered from inquiry/fact-finding, the NCCCH shall endeavor to arrive at amicable settlement of the report/complaint

iv) GRP agencies and instrumentalities performing law enforcement and peacekeeping functions in accordance with the mandate of the law shall respect and uphold the process of fact-finding and/or evaluation of alleged violations to the cessation of hostilities.

v) The NCCH shall make a Joint Report, which includes amicable settlement efforts, on the received complaint for adoption of their respective Panels. Unresolved report/complaint emanating from NCCH shall be subject to the immediate resolution by the Panels.

2. Following the determination of a violation by either or both Parties to this Agreement, remedial measures shall be undertaken to ensure compliance to its provisions.

3. Nothing in this Agreement shall be construed to deprive GRP agencies and instrumentalities from carrying out their functions and responsibilities under existing laws.

ARTICLE V COVENANTS

1. The activities and arrangements in this Guidelines and Ground Rules shall be accomplished and undertaken with utmost expediency by the Parties herein.

2. The Parties agree to do and perform all further acts as shall be necessary or convenient to implement the provision of this Guidelines and Ground Rules.

3. The parties jointly affirm and recognize the need to promote and strengthen environment and natural resource protection under the framework of sustainable development.

4. The implementation of this Guidelines shall pave the way for the :

- a) fulfillment of the pre-confidence and confidence-building measures;
- b) continued pursuit of the implementation of development projects; and
- c) signing of the final peace agreement.

This Guidelines shall take effect 15 days after its signing by the representatives of both parties.

ARTICLE VI EFFECTIVITY

Signed on this ___ day of _____ in Cagayan de Oro City.

For the Government
of the Republic of the
Philippines

For the Rebolusyonaryong
Partido ng Manggagawa ng
Mindanao

By:

Hon. Franklin M. Quijano
Chairperson
GRP Peace Panel

Hon. Moniva D. Pascual
Chairperson
RPM-M Peace Panel

Hon. Holiian R. Melendres
Member
GRP Peace Panel

Hon. Freiderick T. Montes
Member
RPM-M Peace Panel

Hon. Armando F. Orbis
Member
RPM-M Peace Panel

Hon. Enrique G. delos Reyes
Political Consultant

Witnessed by:

Chadlito Z. Mandapig
Independent Secretariat

Ariel C. Hernandez
Executive Director
Balay Mandanaw Foundation, Inc.