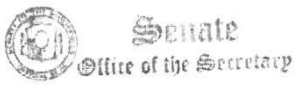
EIGHTEENTH CONGRESS OF THE REPUBLIC }
OF THE PHILIPPINES }
First Regular Session }



SENATE
Senate Bill No. 28

'19 JUL -1 A10 :53

Introduced by **SENATOR LACSON**

RECEIVED BY:

AN ACT TO AMEND ARTICLES 180, 183 AND 184 OF SECTION TWO, CHAPTER TWO, TITLE FOUR OF ACT NO. 3815, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AS AMENDED.

EXPLANATORY NOTE

"A lying witness can make as positive an identification as a truthful witness can. The lying witness can also say as forthrightly and unequivocally, 'He did it!' without blinking an eye."[1]

In our criminal justice system, the testimony of a witness, especially that of an eyewitness, is crucial. The direct and positive identification by a witness is given considerable weight by our courts. In the same vein, prosecutors often rely on testimonies under oath or sworn affidavits in finding probable cause for the purpose of filing information before the courts. It is therefore a fundamental rule that sworn testimonies should be honest and should not leave any room for inconsistency and untruthfulness.

Testimonies before the court and sworn affidavits are made under the sacred oath of truth. However, it is worrying that the sacredness of statements made before the courts and that of sworn affidavits are being disregarded. The assertion of falsehood, under oath or affirmation, is becoming prevalent. False testimonies and sworn statements are sometimes being used to support malicious complaints with the intent of harassing and persecuting innocent persons. This pernicious practice is aimed not only to harass innocent persons but also to put them behind bars and make their families suffer. It is noteworthy that because of these untruthful and inconsistent statements, we have witnessed how some men were robbed of their youth and freedom for a long period of time only to be freed later on account that the reason for their incarceration was based on a "polluted source".

The prevalence of untruthful testimonies and statements may be deterred if public officials and employees are responsible and prudent. They shall exercise vigilance in their quest for the truth, and uphold the rule of law and not their thirst for victory at the expense of others. However, it is appalling that public officials and employees, themselves, encourage, induce or even force a person to assert falsehood under oath.

[1] LEJANO *vs.* PEOPLE OF THE PHILIPPINES, G.R. No. 176389. December 14, 2010.

Some public prosecutors, in violation of the code of their profession[2], suppress facts and conceal witnesses capable of establishing the innocence of the accused instead of making sure that justice is observed. Sometimes, they even offer false testimonies and perjured witnesses to support their unfounded charges. Thus, the duty to uphold the truth is discounted in order to further their evil designs or that of their superiors or sometimes just to have a closure on a case.

This Bill seeks to deter the commission of the crimes of false testimony and perjury in solemn affirmation and uphold the sacredness of oath in testimonies and sworn statements by increasing the penalty for their commission, amending for the purpose Articles 180, 183 and 184 of the Revised Penal Code, as amended. Likewise, public official or employees who facilitate or induce another person to commit the said crimes shall be likewise be held liable and perpetually disqualified from holding a public office or employment.

In view of the foregoing, early passage of this measure is earnestly requested.

PANFILO M. LACSON
Senator

[2] Rule 6.01, Canon 6 of the Code of Professional Responsibility

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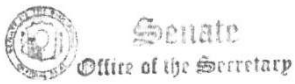

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Introduced by **SENATOR LACSON**

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AN ACT TO AMEND ARTICLES 180, 183 AND 184 OF SECTION TWO, CHAPTER TWO, TITLE FOUR OF ACT NO. 3815, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AS AMENDED.

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

SEC. 1. Section 180 of Act No. 3815, as amended, is hereby further amended to read as follows:

"Art. 180. *False testimony against a defendant.* — Any person who shall give false testimony against the defendant in any criminal case shall suffer [:

1. The penalty of reclusion temporal, if the defendant in said case shall have been sentenced to death;

2. The penalty of prision mayor, if the defendant shall have been sentenced to reclusion temporal or reclusion perpetua;

3. The penalty of prision correccional, if the defendant shall have been sentenced to any other afflictive penalty; and

4. The penalty of arresto mayor, if the defendant shall have been sentenced to a correctional penalty or a fine, or shall have been acquitted.] **THE SAME PENALTY FOR THE FELONY THE DEFENDANT IS BEING ACCUSED OF. *PROVIDED, THAT,* IF THE PERSON WHO WILL**

INDUCE OR ORDER THE COMMISSION OF THIS FELONY IS A PUBLIC OFFICER OR EMPLOYEE, THE PENALTY SHALL BE IMPOSED IN ITS MAXIMUM PERIOD. *PROVIDED, FURTHER, THAT*, THE OFFENDER SHALL SUFFER A FINE NOT TO EXCEED ONE MILLION PESOS (Php 1,000,000.00) AND PERPETUAL ABSOLUTE DISQUALIFICATION FROM HOLDING ANY APPOINTIVE OR ELECTIVE POSITION IN THE GOVERNMENT OR IN ANY AGENCY, ENTITY OR INSTRUMENTALITY THEREOF.

[In cases provided in subdivisions 3 and 4 of this article the offender shall further suffer a fine not to exceed 1,000 pesos."]

SEC. 2. Section 183 of the same Act, as amended, is hereby further amended to read as follows:

"Art. 183. *False testimony in other cases and perjury in solemn affirmation.* — The penalty of arresto mayor in its maximum period to prision correccional in its minimum period shall be imposed upon any person, who knowingly makes untruthful statements and not being included in the provisions of the next preceding articles, shall testify under oath, or make an affidavit, upon any material matter before a competent person authorized to administer an oath in cases in which the law so requires.

Any person who, in case of a solemn affirmation made in lieu of an oath, shall commit any of the falsehoods mentioned in this and the three preceding articles of this section, shall suffer the respective penalties provided therein.

ANY PERSON WHO SHALL INCRIMINATE OR IMPUTE, THROUGH FALSE TESTIMONY OR UNTRUTHFUL STATEMENTS UNDER OATH OR

THROUGH AN AFFIDAVIT, ANY PERSON THE COMMISSION OF A CRIME SHALL SUFFER THE SAME PENALTY AS THAT BEING IMPOSED TO THE CRIME HE IS IMPUTING. *PROVIDED, THAT,* IF THE PERSON RESPONSIBLE FOR THE COMMISSION OF THIS FELONY IS A PUBLIC OFFICER OR EMPLOYEE, THE PENALTY SHALL BE IMPOSED IN ITS MAXIMUM PERIOD. *PROVIDED, FURTHER, THAT*, THE OFFENDER SHALL ALSO SUFFER A FINE NOT TO EXCEED ONE MILLION PESOS (Php 1,000,000.00) AND PERPETUAL ABSOLUTE DISQUALIFICATION FROM HOLDING ANY APPOINTIVE OR ELECTIVE POSITION IN THE GOVERNMENT OR IN ANY AGENCY, ENTITY OR INSTRUMENTALITY THEREOF.

SEC. 3. Section 184 of the same Act, as amended, is hereby further amended to read as follows:

"Art. 184. *Offering false testimony in evidence.* — Any person who shall knowingly offer in evidence a false witness or testimony in any judicial or official proceeding, shall be punished as guilty of false testimony and shall suffer the respective penalties provided in this section. **IF THE PERSON WHO OFFERED THE FALSE TESTIMONY AS EVIDENCE IS A PUBLIC OFFICER OR EMPLOYEE, THE PENALTY SHALL BE IMPOSED IN ITS MAXIMUM PERIOD. IN ADDITION THERETO, IF THE OFFENDER IS A PUBLIC OFFICER OR EMPLOYEE, HE SHALL ALSO SUFFER A FINE NOT TO EXCEED ONE MILLION PESOS (Php 1,000,000.00) AND PERPETUAL ABSOLUTE DISQUALIFICATION FROM HOLDING ANY APPOINTIVE OR ELECTIVE POSITION IN THE GOVERNMENT OR ANY AGENCY, ENTITY OR INSTRUMENTALITY THEREOF.**

SEC. 4. ***Separability Clause.*** – If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions thereof.

SEC. 5. ***Repealing Clause.*** – All laws, decrees, orders and issuances or portion thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 6. ***Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,