

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

13th Congress
First Regular Session

HOUSE BILL NO. 3780



Introduced by Representative Harlin Cast. Abayon

EXPLANATORY NOTE

The courts because of errors dismissed a considerable number of cases against drug pushers and bungling made by law enforcement agencies. This lamentable fact underscores the urgent need to reeducate police investigators on how to properly handle drug-related cases to ensure its successful prosecution in court.

Impressive statistics on arrest and quantity of drugs recovered do not mean anything unless the police build up cases which are strong enough to guarantee the conviction of the accused. It is not enough that the police file the case with the prosecutor's office, they must make themselves available to testify during trial. To this end, a stricter policy should be adopted to compel arresting officers to appear in court to testify against the suspected drug-pushers under pain of administrative and penal sanctions.

The police officers who fail to appear and testify during the trial are administratively liable for neglect of duty under the Code of Conduct and Ethical Standards for Public officials and Employees (R.A. 6713). This bill, on the other hand, seeks to amend Article 208 of the Revised Penal Code, to impose stiff penalties against police officers, who, in dereliction of their duties, fail to testify in court resulting to the dismissal of cases. In addition to the jail term, the penalty of perpetual or temporary special disqualification, which will disqualify the offender for public office, either perpetually or during the term of the sentence, shall likewise be imposed.

In view of the foregoing, the early passage of this bill is earnestly sought.


HARLIN CAST. ABAYON

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AN ACT

IMPOSING STIFFER PENALTIES AGAINST POLICE OFFICERS, WHO, MALICIOUSLY REFRAIN FROM INSTITUTING PROSECUTION FOR THE PUNISHMENT OF VIOLATORS OF THE LAW OR FOR FAILURE TO TESTIFY IN COURT RESULTING TO THE DISMISSAL OF CASES, AMENDING FOR THE PURPOSE ARTICLE 208 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE OF THE PHILIPPINES

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

SECTION 1. Article 208 of Act no. 3815, as amended, otherwise known as the Revised Penal Code is hereby amended to read as follows:

“ARTICLE 208. – Prosecution of offenses; negligence and tolerance. – The penalty of prison correccional in its MAXIMUM [minimum] period and suspension shall be imposed upon any public officer or officer of the law, who, in dereliction of the duties of his office, shall maliciously refrain from instituting prosecution for the punishment of violators of the law, or shall tolerate the commission of offenses.

“THE PENALTY OF PRISON CORRECCIONAL IN ITS MAXIMUM PERIOD AND PERPETUAL OR TEMPORARY SPECIAL DISQUALIFICATION SHALL BE IMPOSED UPON ANY PUBLIC OFFICER OR OFFICER OF THE LAW, WHO, IN DERELICTION OF THE DUTIES OF HIS OFFICE, SHALL MALICIOUSLY OR NEGLIGENTLY FAIL TO TESTIFY IN COURT, AFTER HAVING BEEN DULY SERVED WITH A SUBPOENA, THEREBY RESULTING TO THE DISMISSAL OF THE CASE.”

SEC. 2. All laws, presidential decrees, executive orders, rules and regulations or parts thereof inconsistent with any provision of this Act are hereby repealed, amended or modified accordingly.

SEC. 3. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,