

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

15TH CONGRESS
First Regular Session

HOUSE BILL NO. 3048

Introduced by REP. SALVADOR H. ESCUDERO III

EXPLANATORY NOTE

The Constitution, Article 11, Section 14, subparagraph 2, provides:

(2) In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and TO HAVE COMPULSORY PROCESS TO SECURE THE ATTENDANCE OF WITNESSES and the production of evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustifiable.

This constitutional provision guarantees the attendance of witnesses in the prosecution of criminal cases. The attendance of witnesses is vital to a speedy disposition of cases. For instance, the prosecution of dangerous drugs cases is usually slow due to lack of interest of law enforcement officers to appear and testify in court. This is actually true not only in dangerous drug cases but also in all other cases.

This bill seeks to address this perennial prosecution problem by penalizing by fine or imprisonment or both, any public employee who fails or refuses, intentionally or negligently, to appear as a witness for the prosecution or defense in any criminal proceeding. This bill also punishes the head of office or agency for failure to exert reasonable effort to present his subordinate.


SALVADOR H. ESCUDERO III
Representative
1st District, Sorsogon

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AN ACT
PENALIZING ANY MEMBER OF LAW ENFORCEMENT AGENCIES, OR ANY
OTHER GOVERNMENT OFFICIAL OR EMPLOYEE WHO FAILS OR REFUSES
TO TESTIFY AS WITNESS IN ANY CRIMINAL PROCEEDINGS

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

SECTION 1. *Failure or Refusal to Testify as Witness in Any Criminal Proceedings* - Any member of law enforcement agencies or any other government official or employee who, after due notice, fails or refuses deliberately or negligently, to appear and testify as a witness in any criminal proceedings without justifiable reason, shall be penalized with imprisonment of not less than twelve (12) years and one (1) day to twenty (20) years and a fine of not less than Five Hundred Thousand Pesos (P500,000.00) with perpetual disqualification to hold public office.

SEC. 2. *Liability of the Immediate Supervisor* - The immediate supervisor of the erring witness as provided for in Section 1 hereof shall be penalized with imprisonment of not less than two (2) months and one (1) day but not more than six (6) years and a fine of not less than Ten Thousand Pesos (P10,000.00) but not more than Fifty Thousand Pesos (P50,000.00) and, in addition, perpetual absolute disqualification to hold public office if, despite due notice, the former did not exert reasonable effort to present the latter to the court, or fails to institute appropriate administrative action against such subordinate for the latter's failure or refusal to testify.

SEC. 3. *Scope/Limitation* - Prosecution and punishment under this Act shall be without prejudice to any liability for violation of any existing law except Section 91 of Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act of 2002.

SEC. 4. *Separability Clause* - If any part hereof is held invalid or unconstitutional, the remaining provisions not otherwise affected shall remain valid and subsisting.

SEC. 5. *Repealing Clause* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 6. *Effectivity* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved,