

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEETH CONGRESS
First Regular Session

HOUSE BILL NO. 5447



Introduced by Representative Florida P. Robes

EXPLANATORY NOTE

When one takes the witness stand to give his/her testimony for or against a person or an issue, that person swears to tell the truth and nothing but the truth, even imploring the guidance of Almighty God. But what happens if that same person recants his or her statements? Will his/her new testimony have a probative value?

A recantation is defined as "the renunciation or formal and public withdrawal of a prior statement of a witness which purports to be a mockery of the court and would place the investigation of truth at the mercy of unscrupulous witnesses." According to legal experts, a recantation obviously generates a suspicion in the mind of a judge or a decision maker as to the veracity of the testimony. Aside from mocking the wheels of justice, this person, because of his false testimony or lying under oath, mars the reputation of either the accused or the defendant. In other words, recantation may constitute falsehood or lying.

Although the Revised Penal Code provides a penalty for false testimony or perjury, there is a need to provide heavier sanctions in the light of recent cases, specifically in legislative proceedings, where people became so callous of issuing affidavits or statements, written or oral, without thinking of the repercussions for their actions. People nowadays can easily retract their statements especially in judicial and legislative

proceedings. Most do so as a form of vendetta or they may fallen to a trap of bribery.

Hence, this legislative proposal seeks the imposition of a higher penalty than that prescribed under the Revised Penal Code for falsely testifying or lying under oath or in solemn affirmation in judicial, legislative and other similar proceedings in order to deter anyone for maliciously providing information to thwart the truth and making a mockery of our justice system. As such, its passage into law is pivotal and immediate.



FLORIDA P. ROBES

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**AN ACT IMPOSING HIGHER PENALTY TO THE CRIME OF PERJURY,
AMENDING FOR THIS PURPOSE RELEVANT PROVISIONS OF THE
REVISED PENAL CODE**

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

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

"Art. 183. False Testimony and perjury in legislative inquiries and other cases. – The penalty of PRISION MAYOR IN ITS MINIMUM PERIOD TO PRISION MAYOR IN ITS MEDIUM PERIOD shall be imposed upon any person who, knowingly making 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 A FALSE TESTIMONY OR UNTRUTHFUL STATEMENTS UNDER OATH OR THROUGH AN AFFIDAVIT, ANY PERSON SHALL SUFFER THE SAME PENALTY SIMILAR 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 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, for any reason, any part or provision of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force and effect.

SEC. 5. Repealing Clause. - 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. Further, all other laws, presidential

decrees, executive orders, rules and regulations contrary to or 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 two (2) newspapers of general circulation.

Approved,