

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 6825



Introduced By:
HON. CHERYL P. DELOSO-MONTALLA
Representative, 2nd District, Zambales

**AN ACT AMENDING ARTICLES 183 AND 184 OF ACT NO. 3815, AS AMENDED,
OTHERWISE KNOWN AS THE REVISED PENAL CODE**

EXPLANATORY NOTE

This bill seeks to increase the penalty for perjury by amending Articles 183 and 184 of Act No. 3815, as amended.

Perjury is one of the vilest crimes that one can commit. With the stroke of a pen or slip of the tongue, it can ruin a man's reputation, or worse, send him to a detention cell or prison. It is a fatal weapon—devious, cheap and easily accessible. Like poison, it leaves its victim in shambles, a shadow of his former self; while the perpetrator is scot-free to roam around.¹

Under the Revised Penal Code, perjury does not refer to testimonies in court. It refers to either of two acts done out of court: (1) falsely testifying under oath in a proceeding other than a criminal or civil case; and (2) making a false affidavit before a person authorized to administer an oath on any material matter where the law requires an oath (Article 183). Examples include false statements contained in affidavits executed before the police, National Bureau of Investigation, Drug Enforcement Agency and Department of Justice and testimonies before the Senate and House of Representatives.²

With such low penalty, a would-be perjurer would not worry thinking that, even if convicted for such lies, the worst that he would get in jail term is two (2) years, which would even entitle him to avail of the benefits of the Probation Law.³

It is vital to increase the penalty for subornation of false testimonies, particularly, by amending Article 183, Book II, Title Four of Act 3815 entitled "False testimony in other cases and perjury in solemn affirmation" 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.

Immediate passage of this bill is earnestly sought.


CHERYL DELOSO MONTALLA
Representative
2nd District, Zambales

¹ <https://business.inquirer.net/248605/making-light-perjury>

² Ibid.

³ <https://www.senate.gov.ph/lisdata/2546921991!.pdf>

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

SECTION 1. Article 183 of Act No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby amended to read as follows:

"Article 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]~~ PRISION MAYOR IN ITS MINIMUM PERIOD TO PRISION MAYOR IN ITS MEDIUM PERIOD shall be imposed upon any person who, knowingly make 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 IMPUTED.

PROVIDED, FURTHER, THAT, IF WHAT IS BEING INCRIMINATED OR IMPUTED TO A PERSON PROVIDES FOR A LESSER PENALTY THAN WHAT IS PROVIDED FOR IN THE FIRST PARAGRAPH OF THIS ARTICLE, THAT PERSON SHALL SUFFER THE SAME PENALTY AS PROVIDED THEREOF.

PROVIDED, FURTHER, 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, FINALLY, THAT, THE OFFENDER SHALL ALSO SUFFER A FINE NOT TO EXCEED ONE MILLION (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."

Section 2. 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 WILLFULLY AND 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.

Section 3. *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.

Section 4. *Repealing Clause.* All laws, rules and regulations that may be inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

Section 5. *Effectivity.* This Act shall take effect after fifteen (15) days following the completion of its publication either in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved,