

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Nineteenth Congress
First Regular Session

HOUSE BILL NO. 1492



Introduced by Honorable Danilo Ramon S. Fernandez

EXPLANATORY NOTE

Presidential Decree No. 1829, Penalizing Obstruction of Apprehension and Prosecution of Criminal Offenders, was enacted in 1981. It was enacted "to discourage public indifference or apathy towards the apprehension and prosecution of criminal offenders" by penalizing "acts which obstruct or frustrate or tend to obstruct or frustrate the successful apprehension and prosecution of criminal offenders".

However, 40 years after its enactment, the penalties in PD 1829 are no longer apt in current times. The penalties are too low which can be considered as negligible already. And the coverage of the law has to be expanded to address existing situations.

In view of the foregoing, immediate approval of this measure is earnestly requested.

A handwritten signature in black ink, appearing to be "Danilo Ramon S. Fernandez". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

DANILO RAMON S. FERNANDEZ
Lone District of Santa Rosa City

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AN ACT
AMENDING PRESIDENTIAL DECREE 1829, "PENALIZING OBSTRUCTION
OF APPREHENSION AND PROSECUTION OF CRIMINAL OFFENDERS" BY
INCREASING THE PENALTY AND EXPANDING THE COVERAGE FOR
VIOLATIONS THEREOF, AND FOR OTHER PURPOSES

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

Section 1. Section 1 of Presidential Decree 1829 is hereby amended to read as follows:

Section 1. The penalty of prision correccional in its maximum period **UNDER THE REVISED PENAL CODE**, or a fine ranging from [1,000 to 6,000 pesos] **FIFTY THOUSAND PESOS (PHP50,000) TO TWO HUNDRED THOUSAND PESOS (PHP 200,000)**, or both, shall be imposed upon any person who knowingly or willfully obstructs, impedes, frustrates or delays the apprehension of suspects and the investigation and prosecution of criminal cases by committing any of the following acts:

- (a) preventing witnesses from testifying in any criminal proceeding or from reporting the commission of any offense or the identity of any offender/s by means of bribery, misrepresentation, deceit, intimidation, force or threats;
- (b) altering, destroying, suppressing or concealing any paper, record, document, or object, with intent to impair its verity, authenticity, legibility, availability, or admissibility as evidence in any investigation of or official proceedings in, criminal cases, or to be used in the investigation of, or official proceedings in, criminal cases;
- (c) harboring or concealing, or facilitating the escape of, any person he knows, or has reasonable ground to believe or suspect, has committed any offense under existing penal laws in order to prevent his arrest prosecution and conviction;
- (d) publicly using a fictitious name for the purpose of concealing a crime, evading prosecution or the execution of a judgment, or

concealing his true name and other personal circumstances for the same purpose or purposes;

- (e) delaying the prosecution of criminal cases by obstructing the service of process or court orders or disturbing proceedings in the fiscal's offices, in Tanodbayan, or in the courts;
- (f) making, presenting or using any record, document, paper or object with knowledge of its falsity and with intent to affect the course or outcome of the investigation of, or official proceedings in, criminal cases;
- (g) soliciting, accepting, or agreeing to accept any benefit in consideration of abstaining from, discounting, or impeding the prosecution of a criminal offender;
- (h) threatening directly or indirectly another with the infliction of any wrong upon his person, honor or property or that of any immediate member or members of his family in order to prevent such person from appearing in the investigation of, or official proceedings in, criminal cases, or imposing a condition, whether lawful or unlawful, in order to prevent a person from appearing in the investigation of or in official proceedings in, criminal cases;
- (i) giving of false or fabricated information to mislead or prevent the law enforcement agencies from apprehending the offender or from protecting the life or property of the victim; or fabricating information from the data gathered in confidence by investigating authorities for purposes of background information and not for publication and publishing or disseminating the same to mislead the investigator or to the court.
- (j) **DELAYING OR PREVENTING RESPONDING LAW ENFORCEMENT AUTHORITIES FROM ENTERING AN ESTABLISHMENT TO INVESTIGATE A CRIME IN PROGRESS OR A CRIME THAT HAS BEEN COMMITTED;**

If any of the acts mentioned herein is penalized by any other law with a higher penalty, the higher penalty shall be imposed.

IF ANY OF THE FOREGOING ACTS IS COMMITTED BY A PUBLIC OFFICIAL OR EMPLOYEE, HE SHALL IN ADDITION TO THE PENALTIES PROVIDED THEREUNDER, SUFFER PERPETUAL DISQUALIFICATION FROM HOLDING PUBLIC OFFICE.

Section 2. Section 2 of Presidential Decree 1829 is hereby amended to read as follows:

Section 2. [If any of the foregoing acts is committed by a public official or employee, he shall in addition to the penalties provided thereunder, suffer perpetual disqualification from holding public office.] **THE PENALTY OF ARRESTO MAYOR OR A FINE RANGING FROM TEN THOUSAND PESOS (PHP 10,000.00) TO ONE HUNDRED THOUSAND PESOS (PHP 100,000.00) SHALL BE IMPOSED UPON ANY PERSON WHO WITHOUT AUTHORITY KNOWINGLY OR WILLFULLY GO ACROSS THE POLICE CORDON OR LINE. THIS IS TO PRESERVE AND PROTECT THE PIECES OF EVIDENCE THAT WOULD LEAD TO THE SUCCESSFUL APPREHENSION AND PROSECUTION OF CRIMINALS.**

IF THE ACT IS COMMITTED BY A PUBLIC OFFICIAL
OR EMPLOYEE, HE SHALL ALSO BE SUBJECT TO
ADMINISTRATIVE SANCTIONS,

PROVIDED, THAT ANY AUTHORIZED PERSON WHO
ALLOWS THE COMMISSION OF THE SAID ACT SHALL
ALSO BE SUBJECT TO ADMINISTRATIVE SANCTIONS.

Section 3. *Separability Clause.* - If for any reason any section or provision of this Act is declared unconstitutional, other provisions hereof which are not affected thereby shall continue to be in force and effect.

Section 4. *Repealing Clause.* - Any laws, decrees or rules and regulations which are inconsistent with or contrary to the provisions of this Act are hereby amended or repealed.

Section 5. *Effectivity Clause.*- This Act shall take effect fifteen (15) days after its complete publication in the official gazette in at least two (2) national newspapers of general circulation, whichever comes first.

Approved.