

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



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SENATE

Senate Bill No. 1292

RECEIVED BY: *Ji*

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The freedom of our people to express their criticisms against the government and file administrative and criminal complaints against erring public officials is a testament that democracy truly flourishes in our country. On one hand, this empowers our people in ensuring that the authority given to our officials are not abused; on the other hand, it opens a Pandora's box of irresponsible, whimsical or ill-intended complaints.

There is an unfortunate portrayal of our public officials as corrupt, immoral and/or incompetent individuals; but what escapes the public eye is the inauspicious cases where public officials are victims of false complaints. Such complaints are products of either careless pin-pointing, or much worse, intentional and malicious demolition jobs. Regardless of the outcome of the case, it is often difficult for these officials to regain the image and respect that they used to enjoy.

To rightfully protect the rights of our public servants, this measure penalizes false accusers of public officials. Further, it provides stiffer penalties if it is proven that the intention of the false complaint is to gain leverage against a public officer to be able to gain advantage in a government contract or to receive a favorable decision or resolution in an ongoing dispute, controversy or matter where the said official is the governing authority.

This measure was submitted jointly by the Committees on Justice and Human Rights, and Constitutional Amendments, Revision of Codes and Laws in the Fifteenth Congress. However, it was overtaken by events and was not passed into law.

The immediate passage of this bill is earnestly sought.

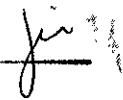

JINGGOY EJERCITO ESTRADA
Senator



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AN ACT
AMENDING ARTICLE 183 OF ACT NO. 3815, AS AMENDED, DECLARING
THE FILING OF FALSE COMPLAINTS AGAINST PUBLIC OFFICERS AS AN
AGGRAVATING CIRCUMSTANCE OF PERJURY

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

1 **SECTION 1.** Article 183 of Act No. 3815, as amended, is further amended to
2 read as follows:

3
4 "ART. 183. *False testimony in other cases and perjury in solemn*
5 *affirmation.* The penalty of *arresto mayor* in its maximum period to
6 *prision correccional* in its minimum period shall be imposed upon
7 any person who, knowingly make untruthful statements and not
8 being included in the provisions of the next preceding articles, shall
9 testify under oath, or make an affidavit, upon any material matter
10 before a competent person authorized to administer an oath in
11 cases in which the law so requires.

12
13 "Any person who, in case of a solemn affirmation made in lieu of an
14 oath, shall commit any of the falsehoods mentioned made in this
15 and the three preceding articles of this section, shall suffer the
16 respective penalties provided therein.

17
18 "A PERSON WHO KNOWINGLY FILES A FALSE COMPLAINT
19 AGAINST A PUBLIC OFFICER OF A GOVERNMENT AGENCY
20 OR ANY OF ITS SUBSIDIARIES INCLUDING LOCAL
21 GOVERNMENT UNITS SHALL SUFFER THE PENALTY OF
22 *PRISION MAYOR* IN ITS MINIMUM TO ITS MEDIUM PERIOD
23 AND PAY A FINE OF FIFTY THOUSAND PESOS (P50,000.00)
24 OR BOTH AT THE DISCRETION OF THE COURT.

25
26 "IF DURING THE COURSE OF THE INVESTIGATION OR TRIAL
27 IT IS PROVEN THAT THE FALSE COMPLAINT WAS USED BY
28 THE ACCUSER AS A LEVERAGE AGAINST THE PUBLIC
29 OFFICER IN ORDER TO GAIN ADVANTAGE IN A
30 GOVERNMENT CONTRACT OR TO RECEIVE A FAVORABLE
31 DECISION OR RESOLUTION IN AN ONGOING DISPUTE,
32 CONTROVERSY OR MATTER WHERE THE LATTER IS THE

1 GOVERNING AUTHORITY, THE FORMER SHALL SUFFER A
2 PENALTY OF PRISION MAYOR IN ITS MINIMUM TO ITS
3 MAXIMUM PERIOD AND PAY A FINE OF ONE HUNDRED
4 THOUSAND PESOS (P100,000.00) OR BOTH AT THE
5 DISCRETION OF THE COURT."
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8 **SEC. 2. Definition of Terms.** – As used in this Act:
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- 10 (a) "Public Officer" refers to a person whose duties, not being of a clerical or
11 manual nature, involves the exercise of discretion in the performance of
12 the functions of the government. When used with reference to a person
13 having authority to do a particular act or perform a particular function in
14 the exercise of government power, "officers" includes any government
15 employee, agent or body having authority to do the act or exercise that
16 function;
17
18 (b) "Government" refers to the corporate governmental entity through which
19 the functions of the government are exercised throughout the Philippines,
20 including, save as the contrary appears from the context, the various arms
21 through which political authority is made effective in the Philippines,
22 whether pertaining to the autonomous regions, the provincial, city,
23 municipal or barangay subdivisions or other forms of local government;
24
25 (c) "Complaint" shall refer to a sworn statement in writing executed by any
26 person for the purpose of charging a public officer with a fabricated or
27 untruthful or false offense.
28
29

30 **SEC. 3. Separability Clause.** – If any portion or provision of this Act is declared
31 void or unconstitutional, the remaining portions or provisions hereof shall not be
32 affected by such declaration.
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35 **SEC. 4. Repealing Clause.** – All laws, decrees, orders, rules and regulations,
36 other executive issuances, or parts thereof inconsistent with the provisions of this
37 Act are hereby repealed and modified accordingly.
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40 **SEC. 5. Effectivity.** – This Act shall take effect fifteen (15) days after its complete
41 publication in the Official Gazette or at least two (2) newspapers of general
42 circulation.
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48 *Approved,*