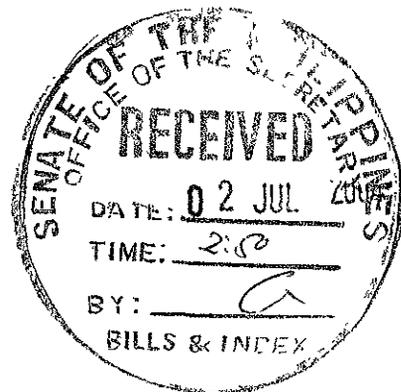


THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



S.B. BILL No. 1315

Introduced by Senator ALFREDO S. LIM

EXPLANATORY NOTE

WE have been hearing time and again of persons who had been charged with various offenses ranging from murder to violation of anti-drug laws but eventually acquitted because they were merely framed up.

One notable example is the Vizconde case where a group of suspects were arrested, detained and tried but cleared because they appeared to be mere fall guys. Of late is the case of People vs. Batocoy 401 SCRA 478 (2003) where the Supreme Court acquitted five (5) persons including a police officer who were sentenced to death by the lower court for drug-pushing, on a finding that the defense of frame up interposed by accused was tenable than the buy-bust theory of the prosecution. In the other case of People v. Sulit, 233 SCRA 117 (1994) an accused sentenced to life imprisonment for drug pushing was acquitted because the buy bust theory could not be sustained over the defense that the policeman demanded money after her arrest in order that they would not push through with the charge.

These are few of the many cases involving frame up of charges against innocent persons. It is time that we put a stop to this illegal practice of framing up of suspects of some crime they did not commit, otherwise our justice system is doomed to fail.

Hence, the bill seeks to punish unscrupulous peace officers who indulge in or take part in the nefarious practice of charging persons even if they know the persons charged to be innocent but so only for the purpose of milking money, prove themselves efficient or for some other monetary considerations or personal satisfaction.


ALFREDO S. LIM

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

RECEIVED BY: _____

SENATE
S. No. 1315

Introduced by Senator ALFREDO S. LIM

S. No. _____
H. No. _____

REPUBLIC ACT NO. _____

AN ACT
PUNISHING THE CRIME OF FRAMING UP,
FABRICATING CHARGES OR FALSELY
INDICTING ANOTHER WITH A CRIME WHICH THE
LATTER HAS NOT COMMITTED, AND FOR OTHER
PURPOSES.

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

Section 1. This Act shall be known as the Anti-Frame-Up Act of 2004.

Section 2. Any member of the Philippine National Police, the National Bureau of Investigation, the Investigating Agency of the Armed Forces of the Philippines, or any peace officer, including barangay officials, who shall, alone or in conspiracy with another, frame up, fabricate or concoct false or fabricated criminal charge against an innocent person shall, upon conviction, be sentenced to a penalty ranging from six years to eight years of imprisonment.

Section 3. Frame-up, fabrication or false or concocted charge exists whenever a person who appears not to have committed the act subject of the frame-up, fabrication or concocted accusation is indicted, prosecuted and tried in

court but is acquitted based on the finding that there was frame-up, fabrication or concoction; provided, however, that, in case the dismissal of the criminal charge against the innocent person is for a reason other than a finding that he was a victim of frame-up, fabrication or false or concocted charge, the penalty shall be two years to four years of imprisonment; and, provided, finally, that in the event the charge is dismissed by the prosecutor's office for whatever reason and the dismissal acquired finality, the penalty shall be one to two years of imprisonment.

Section 4. Any provision of the law to the contrary notwithstanding, any person convicted of this crime shall not be entitled to probation and shall suffer perpetual disqualification from office.

Section 5. This Act shall take effect upon its approval.

Approved, _____.


ALFREDO S. LIM
Senator