

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

'04 JUL -5 P2 54

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SENATE  
S. No. 1318

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Introduced by Senator ALFREDO S. LIM

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S. No. \_\_\_\_\_  
H. No. \_\_\_\_\_

#### EXPLANATORY NOTE

Quite a number of criminal cases, including those involving grave penal offenses/felonies, have been dismissed, or the accused were unduly acquitted, due to the failure or deliberate refusal of the prosecution witnesses to appear or testify despite due notice.

In order to prevent such miscarriage of justice in dangerous drugs cases, Section 91 of R.A. 9165, otherwise known as "The New Comprehensive Dangerous Drugs Law", imposes heavy penalty and fine to "any member of law enforcement agencies or any other government official and employee who, after due notice, fails or refuses intentionally or negligently, to appear as a witness for the prosecution in any proceedings, involving violations of this Act xxx." The same law likewise penalizes with imprisonment and fine, including perpetual disqualification to hold public office, the immediate supervisor of the erring prosecution witness, if despite due notice to them and to the witness concerned, the former does not exert reasonable effort to present the latter to the court.

As explicitly provided in The New Comprehensive Dangerous Drugs Law, the sanctions imposable in said law against defiant prosecution witnesses, can be applied only in dangerous drugs related cases. As such, said punishment cannot be imposed upon erring prosecution witnesses in other criminal cases, regardless of its gravity.

We see no logic nor reason in limiting the protection from miscarriage of justice to dangerous drugs related cases. Proper disposition of other criminal cases deserves the same concern and protection.

Approval of this bill is, therefore, hereby earnestly requested.

  
**ALFREDO S. LIM**  
Senator

OFFICE OF THE SECRETARY

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S. No. \_\_\_\_\_  
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REPUBLIC ACT NO. \_\_\_\_\_

AN ACT  
PENALIZING MEMBERS OF A LAW  
ENFORCEMENT AGENCY, OTHER GOVERNMENT  
OFFICIALS OR EMPLOYEES WHO FAIL OR  
REFUSE TO TESTIFY AS PROSECUTION  
WITNESSES IN ANY CRIMINAL PROCEEDINGS  
AND FOR OTHER PURPOSES.

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

Section 1. *Failure or refusal to testify as prosecution witness in any  
criminal proceedings.* – Any member of a law enforcement agency or any other  
government official and employee who, after due notice, fails or refuses,  
deliberately or negligently, to appear and testify in any criminal proceedings  
without justifiable reason, shall be penalized with imprisonment of not less than  
twelve (12) years and one (1) day to twenty (20) years and a fine of not less than  
Five Hundred Thousand Pesos (P500,000.00), with perpetual disqualification to  
hold public office.

Section 2. *Liability of the immediate supervisor.* - The immediate supervisor of the erring prosecution witness shall be penalized with imprisonment of not less than two (2) months and one (1) day but not more than six (6) years and a fine of not less than Ten Thousand Pesos (P10,000.00) but not more than Fifty Thousand Pesos (P50,000.00) and, in addition, perpetual absolute disqualification to hold office, if despite due notice to them and to the witness concerned, the former did not exert reasonable effort to present the latter to the court, or fails to institute appropriate administrative action against such subordinate for the latter's failure or refusal to testify.

Section 3. *Limitation.* - The foregoing provisions shall not apply to prosecution witnesses who are called to testify for any violations of The New Comprehensive Dangerous Drugs Law since they are already covered by the said law.

Section 4. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the official gazette or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved, \_\_\_\_\_.

  
ALFREDO S. LIM  
Senator