

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

'17 MAR -6 A11 :56

SENATE

RECEIVED BY: 

SENATE BILL NO. 1359

Introduced by **SENATOR LEILA M. DE LIMA**

AN ACT
AMENDING ARTICLES 180, 183, AND 184 OF ACT NO. 3815,
OTHERWISE KNOWN AS THE REVISED PENAL CODE, AS AMENDED,
INCREASING THE PENALTIES THEREOF, CRIMINALIZING
SUBORNATION OF PERJURY, AND FOR OTHER PURPOSES

Explanatory Note

“A lying witness can make as positive an identification as a truthful witness can. The lying witness can also say as forthrightly and unequivocally, He did it! without blinking an eye.”¹

Testimonies before official proceedings and sworn affidavits are made under a solemn oath of truthfulness. However, it is worrying that the sacredness of statements made before legislative, judicial, and quasi-judicial proceedings, and that of sworn affidavits are being disregarded, seemingly without fear of the consequences of such criminal act. The assertion of falsehood, under oath or affirmation, is becoming prevalent. Recently, false testimonies of convicted felons were used to support malicious complaints against an incumbent member of the Senate. This condemnable act could be employed, not only to harass and unjustly punish innocent persons, but also to silence dissent.

Under the law, perjury is punishable by *arresto mayor* in its maximum period to *prision correccional* in its minimum period, that is, imprisonment for six (6) months up to two (2) years and two (2) months. 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.

To deter the commission of this crime, it is high time that we increase the penalty for perjury by two (2) degrees, that is, to *prision mayor* in its minimum to medium periods, or an imprisonment of from six (6) years and one (1) day to ten (10)

¹ Lejano vs People of the Philippines, G.R. No. 176389, December 14, 2010

years. However, those persons who have been coerced to commit perjury is given the chance to be exempt from criminal liability by proving duress and other circumstances which forced them to lie under oath or retract a previous testimony.

The proposed bill also expressly penalizes, and increases the penalty of subornation of perjury.²

Likewise, public officials or employees who commit perjury and subornation of perjury shall be meted with a higher penalty and be perpetually disqualified from holding a public office or employment. This is but proper in light of recent instances when those entrusted with the duty to see that justice is done are the ones coercing and using government resources to manufacture falsehood.

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


LEILA M. DE LIMA

² People of the Philippines vs Pudol, G.R. No. L-45618, October 18, 1938



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

1 **Section 1.** *Short title.* – This Act shall be known as the “Anti-Perjury Act of 2017”.

2 **Sec. 2.** Section 180 of Act No. 3815, as amended, is hereby further amended to read
3 as follows:

4 “Art. 180. *False testimony against a defendant.* - Any person who shall
5 give false testimony against the defendant in any criminal case shall
6 suffer THE SAME PENALTY FOR THE FELONY THE DEFENDANT IS
7 BEING ACCUSED OF. *PROVIDED, THAT,* IF THE PERSON WHO
8 WILL INDUCE OR ORDER THE COMMISSION OF THIS FELONY IS
9 A PUBLIC OFFICER OR EMPLOYEE, THE PENALTY SHALL BE
10 IMPOSED IN ITS MAXIMUM PERIOD. *PROVIDED, FURTHER,*
11 *THAT,* THE OFFENDER SHALL SUFFER A FINE NOT TO EXCEED
12 ONE MILLION PESOS (Php 1,000,000.00) AND PERPETUAL
13 ABSOLUTE DISQUALIFICATION FROM HOLDING ANY

1 APPOINTIVE OR ELECTIVE POSITION IN THE GOVERNMENT OR
2 IN ANY AGENCY, ENTITY OR INSTRUMENTALITY THEREOF.”

3 **Sec. 3.** Section 183 of Act No. 3815, as amended, is hereby further amended to read
4 as follows:

5 “Art. 183. *False testimony in other cases and perjury in solemn*
6 *affirmation.* - The penalty of *PRISION MAYOR* in its MINIMUM period
7 to *PRISION MAYOR* in its MEDIUM period shall be imposed upon any
8 person, who knowingly makes untruthful statements and not being
9 included in the provisions of the next preceding articles, shall testify
10 under oath, or make an affidavit, upon any material matter before a
11 competent person authorized to administer an oath in cases in which the
12 law so requires.

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

17 ANY PERSON WHO SHALL INCRIMINATE OR IMPUTE,
18 THROUGH FALSE TESTIMONY OR UNTRUTHFUL STATEMENTS
19 UNDER OATH OR THROUGH AN AFFIDAVIT, ANY PERSON THE
20 COMMISSION OF A CRIME SHALL SUFFER THE SAME PENALTY AS
21 THAT BEING IMPOSED TO THE CRIME HE IS IMPUTING.
22 *PROVIDED, THAT,* IF THE PERSON RESPONSIBLE FOR THE
23 COMMISSION OF THIS FELONY IS A PUBLIC OFFICER OR
24 EMPLOYEE, THE PENALTY SHALL BE IMPOSED IN ITS MAXIMUM

1 PERIOD. *PROVIDED, FURTHER, THAT,* THE OFFENDER SHALL
2 ALSO SUFFER A FINE NOT TO EXCEED ONE MILLION PESOS (Php
3 1,000,000.00) AND PERPETUAL ABSOLUTE DISQUALIFICATION
4 FROM HOLDING ANY APPOINTIVE OR ELECTIVE POSITION IN
5 THE GOVERNMENT OR IN ANY AGENCY, ENTITY OR
6 INSTRUMENTALITY THEREOF.”

7 **Sec. 4.** Section 184 of Act No. 3815, as amended, is hereby further amended to read
8 as follows:

9 “Art. 184. *Offering false testimony in evidence.* - Any person who shall
10 knowingly offer in evidence a false witness or testimony in any judicial
11 or official proceeding, shall be punished as guilty of false testimony and
12 shall suffer the respective penalties provided in this section. IF THE
13 PERSON WHO OFFERED THE FALSE TESTIMONY AS EVIDENCE IS
14 A PUBLIC OFFICER OR EMPLOYEE, THE PENALTY SHALL BE
15 IMPOSED IN ITS MAXIMUM PERIOD. IN ADDITION THERETO, IF
16 THE OFFENDER IS A PUBLIC OFFICER OR EMPLOYEE, HE SHALL
17 ALSO SUFFER A FINE NOT TO EXCEED ONE MILLION PESOS (Php
18 1,000,000.00) AND PERPETUAL ABSOLUTE DISQUALIFICATION
19 FROM HOLDING ANY APPOINTIVE OR ELECTIVE POSITION IN
20 THE GOVERNMENT OR ANY AGENCY, ENTITY OR
21 INSTRUMENTALITY THEREOF.”

22 **Sec. 5.** *Subornation of perjury.* - Any person who procures or induces another to
23 swear falsely or execute a statement under oath for the purpose of charging or accusing
24 another person with a crime or offense and the person suborned testifies under the
25 circumstances rendering him guilty of perjury shall be liable for subornation of perjury

1 punishable with *prision mayor* in its maximum period to *reclusion temporal* in its
2 minimum period. *Provided, that*, if the person responsible for the commission of this
3 felony is a public officer or employee, the penalty imposed shall be *reclusion temporal*
4 in its medium period to *reclusion perpetua*. *Provided, further, that*, the offender shall
5 suffer a fine not to exceed one million pesos (Php 1,000,000.00) and perpetual
6 absolute disqualification from holding any appointive or elective position in the
7 government or in any agency, entity or instrumentality thereof.

8 **Sec. 6. Exempting circumstances.** – Any person who commits a violation of this Act
9 may claim the following as additional exempting circumstances:

- 10 (a) that another person has, by means of violence, threats, or intimidation,
11 compelled him to commit perjury; or
12 (b) that such other person threatened him with the infliction upon his person,
13 honor, or property, or that of his family, of any wrong amounting to a crime or
14 to an undue deprivation of his rights through grave abuse of authority.

15 **Sec. 7. Separability Clause.** - If any provision of this Act is declared invalid or
16 unconstitutional, the provisions not affected thereby shall continue to be in full force
17 and effect.

18 **Sec. 8. Repealing Clause.** - All laws, executive orders, presidential decrees,
19 presidential proclamations, letters of instruction, rules and regulations or parts
20 thereof inconsistent with the provisions of this Act are hereby repealed or modified
21 accordingly.

22 **Sec. 9. Effectivity.** - This Act shall take effect upon its approval fifteen (15) days
23 following its publication in the Official Gazette or in two (2) newspaper of general
24 circulation in the Philippines.