


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

'04 JUL 27 P4:59

SENATE
S. B. No. **1520**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article II, Section 14, subparagraph 2, provides:

(2) In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and TO HAVE COMPULSORY PROCESS TO SECURE THE ATTENDANCE OF WITNESSES and the production of evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustifiable. (emphasis supplied)

This constitutional provision guarantees the attendance of witnesses in the prosecution of criminal cases. The attendance of witnesses are vital to a speedy disposition of cases. For instance, the prosecution of dangerous drugs cases is usually slow due to lack of interest of law enforcement officers to appear and testify in court. This is actually true not only in dangerous drugs cases but also in all other cases.


This bill seeks to address this perennial prosecution problem by penalizing by fine or imprisonment or both, any public employee who fails or refuses, intentionally or negligently, to appear as a witness for the prosecution or defense in any criminal proceeding. This bill also punishes the head of office or agency for failure to exert reasonable effort to present his subordinate.


MIRIAM DEFENSOR SANTIAGO

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AN ACT
ORDAINING INSTITUTIONAL RESPONSIBILITY IN GIVING TESTIMONY
IN CRIMINAL CASES AND PROVIDING PENALTIES FOR VIOLATIONS

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

SECTION 1. - Any law enforcement officer or public employee working for any law enforcement or related agency, who, after due notice, fails or refuses, intentionally or negligently, to appear either as a prosecution or defense witness in any criminal proceeding, without any valid reason, shall be liable to pay a fine of not less than TEN THOUSAND PESOS (P10,000.00) but not more than TWENTY THOUSAND PESOS (P20,000.00) or imprisonment of not less than one (1) year nor more than two (2) years, or both, at the discretion of the court.

SECTION 2. - The head of office or agency and the immediate superior of the law enforcement officer or public employee mentioned in Section 1 hereof shall be penalized with a fine of not less than ONE THOUSAND PESOS (P1,000.00) but not more than TEN THOUSAND PESOS (P10,000.00) or imprisonment of not less than one (1) month but not more than six (6) months or both, if despite due notice to them and to the public employee-witness, the former does not exert reasonable effort to present the public employee-witness to the court.

The same penalty shall be imposed upon any public officer, who, in dereliction of duty, shall cause the failure of said witness to testify.

SECTION 3. - Prosecution and punishment under this Act shall be without prejudice to any liability for violation of any provision of the Revised Penal Code or any other statute.

SECTION 4. *Separability Clause.* – If any of this Act is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and effective.

SECTION 5. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rules or regulations contrary to or inconsistent with, the provisions of this Act are hereby repealed, modified, or amended accordingly.

SECTION 6. *Effectivity.* – This Act shall take effect after fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.

FN: 1040