

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

5 SEP 22 21:55

SENATE
S.B. No. 2129

RECEIVED BY: [Signature]

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Penal Code, Article 180 provides:

Art. 180. *False testimony against a defendant.* – Any person who shall give false testimony against the defendant in any criminal case shall suffer:

1. The penalty of *reclusion temporal*, if the defendant in said case shall have been sentenced to death;
2. The penalty of *prision mayor*, if the defendant shall have been sentenced to *reclusion temporal* or *reclusion perpetua*;
3. The penalty of *prision correccional*, if the defendant shall have been sentenced to any other afflictive penalty; and
4. The penalty of *arresto mayor*, if the defendant shall have been sentenced to a correctional penalty or a fine, or shall have been acquitted.

In cases provided in subdivisions 3 and 4 of this article the offender shall further suffer a fine not to exceed 1,000 pesos.


On the other hand, the same Code, Article 25 provides:

Art. 25. *Penalties which may be imposed.* – The penalties which may be imposed according to this Code, and their different classes, are those included in the following:

Scale	PRINCIPAL PENALTIES
Capital punishment:	Death.
Afflictive penalties:	<i>Reclusion perpetua</i> , <i>Reclusion temporal</i> , Perpetual or temporary absolute disqualification, Perpetual or temporary special disqualification, <i>Prision mayor</i> .
Correctional penalties:	<i>Prision correccional</i> , <i>Arresto mayor</i> , Suspension, <i>Destierro</i> .
Light penalties:	<i>Arresto menor</i> , Public censure.

It is noticeable that the basis for the penalties of Article 180 of the Penal Code is the penalty to be meted out against the accused who is implicated by the false testimony of the violator of Article 180. However, Article 180 covers the penalties of death, *reclusion temporal*, *reclusion perpetua*, any other afflictive penalty, correctional penalty, fine or acquittal; it fails to cover a situation where an accused, implicated by the false testimony of the violator of Article 180, is meted out a light penalty, *i.e. arresto menor* and public censure, pursuant to the classification of penalties in Article 25 of the same code.


The law abhors a vacuum. Hence, this bill aims to remedy that vacuum by amending Article 180 of the Penal Code in order to provide a penalty for the cases discussed above.


MIRIAM DEFENSOR SANTIAGO

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AN ACT
AMENDING ARTICLE 180 OF ACT NO. 3815, ALSO KNOWN AS
THE REVISED PENAL CODE, AS AMENDED

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

SECTION 1. Article 180 of Act No. 3815, also known as the Revised Penal Code is hereby amended to read as follows:

Art. 180. *False testimony against a defendant.* – Any person who shall give false testimony against the defendant in any criminal case shall suffer:

1. The penalty of *reclusion temporal*, if the defendant in said case shall have been sentenced to death;
2. The penalty of *prision mayor*, if the defendant shall have been sentenced to *reclusion temporal* or *reclusion perpetua*;
3. The penalty of *prision correccional*, if the defendant shall have been sentenced to any other afflictive penalty; and
4. The penalty of *arresto mayor*, if the defendant shall have been sentenced to a correctional penalty, **LIGHT PENALTY**, fine, or shall have been acquitted.

In cases provided in subdivisions 3 and 4 of this article the offender shall further suffer a fine not to exceed 1,000 pesos.

SECTION 2. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 3. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,