

NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Third Regular Session* )

24 DEC -4 P 3 :34

**SENATE**  
**S. B. No. 2890**

RECEIVED BY: 

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Introduced by Senator Robinhood Padilla

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**AN ACT**  
**PENALIZING THE DELIBERATE USE OF FALSE ADDRESSES IN THE**  
**ISSUANCE OF SUBPOENA, PROVIDING PENALTIES THEREFOR**

The right to due process is enshrined in no less than the supreme law of the land – the 1987 Constitution. It guarantees the right of all persons to due process before they are deprived of life, liberty, or property. Furthermore, it ensures that no individual shall be made to answer for a criminal offense without the safeguards of due process.

It has been held in various cases that criminal due process requires that the procedure established by law or the rules be followed to ensure that only the guilty is deprived of life or liberty.


A preliminary investigation is an inquiry or proceeding that aims to determine whether there is sufficient ground to engender a well-founded belief that a crime has been committed and that the respondent is probably guilty thereof, and should be held for trial.

As a procedure that is only preparatory to a trial, due process required in preliminary investigations has been deemed a statutory privilege that is different from the constitutional right to due process. As such, its protection is subject to the provisions of the law by which such right is secured.

While a preliminary investigation is not properly a trial but merely precursory thereto, it already subjects an accused to an open and public accusation of a crime, with the trouble, expense, anxiety, and moral suffering which a criminal prosecution and risk of incarceration always entails.

In order to reinforce the protection of the right of an accused against malicious and oppressive prosecution, and to protect the state from the possibility of initiating

a misguided prosecution that may result to a waste of valuable time, effort, and resources, the passage of this measure is earnestly sought.



**ROBINHOOD PADILLA**  
Senator

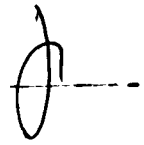
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Office of the Secretary

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

1       Section 1. *Prohibition.* – Any person who shall deliberately provide a false  
2 address in the issuance of a subpoena for the purpose of allowing the preliminary  
3 investigation to be conducted ex-parte shall suffer a penalty of imprisonment from six  
4 (6) months to two (2) years and a fine not less than one hundred thousand pesos  
5 (P100,000.00) but not more than three hundred thousand pesos (P300,000.00).

6       Sec. 2. *Separability Clause.* — If any provision of this Act shall be held  
7 unconstitutional or invalid, the other provisions not otherwise affected shall remain in  
8 full force and effect.

9       Sec. 3. *Repealing Clause.* — All laws, decrees, orders, issuances, and rules and  
10 regulations or parts thereof inconsistent with the provisions of this Act are hereby  
11 repealed or modified accordingly.

12       Sec. 4. *Effectivity Clause.* — This Act shall take effect fifteen (15) days after its  
13 publication in the Official Gazette or in at least two (2) newspapers of general  
14 circulation.

Approved,