

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

7 JUL -3 AM 12:28

SENATE
S.B. No. 729

RECEIVED BY: _____

Introduced by Senator Ramon Bong Revilla, Jr.

EXPLANATORY NOTE

Since the fall of the Marcos' dictatorship, and our consequent reacquaintance with democracy, our country has slowly begun abusing its new-found freedom. It seems we are now quick to point the accusing finger at public officers, sometimes intentionally accusing them of false criminal and administrative charges, indifferent to the repercussions such an act could create.

It is great that our country's public officials now are no longer deemed as "untouchables" in the eye of the public. Their constituents now have the right and the power to blow the whistle on public officers who abuse their powers and are involved in illegal acts. This keeps these officials in check and on their toes. What the people should learn to realize though, is that just as the public servants must be responsible in using their powers, they too must be careful of their freedom.

To date, there are no means with which to protect public officials from individuals bringing malicious accusations at them, yet the Revised Penal Code provides aggravated criminal liability for any public officer found taking advantage of his position. There should be a counter-balance to this law, otherwise anyone can just falsely accuse a public official of a crime without fear of prosecution except for a counter-suit. And in such cases, the defendant, being a public officer, will have to suffer loss of integrity (which he may never regain regardless of the outcome of the case). More importantly, the public official may be hindered from doing his duties competently.

In the end it is the public who ultimately suffers. It is a waste of the government's time and money to investigate these false accusations only to dismiss them later on. This bill punishes false accusers of government officials so that it may serve as a deterrent to the former, who may use the complaint to disparage and embarrass the later.

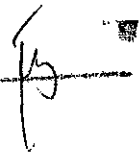
Hence, the passage of this bill is immediately sought.


RAMON BONG REVILLA, JR.

FOURTEENTH CONGRESS OF THE REPUBLIC)
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7 JUL -3 AM 11:28

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**AN ACT DECLARING THE FILING OF FALSE COMPLAINTS AGAINST
PUBLIC OFFICERS AS A CRIME AGAINST HONOR, PRESCRIBING
PENALTIES THEREFOR AND FOR OTHER PURPOSES**

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

SECTION 1. Declaration of State Policy and Principles. - It shall be the policy of the State to preserve the honor and integrity of its public servants. The State therefore declares the deliberate filing of false complaints against a public officer inimical to public interest and hinders public service. To this end, the State shall institute measures to ensure that anyone found guilty of filing a false complaint against a public officer shall be contained and penalized.

SEC. 2. Definition of Terms. - Under this Act:

- (a) "Public Officer" refers to a person whose duties, not being of a clerical or manual nature, involves the exercise of discretion in the performance of the functions of the government. When used with reference to a person having authority to do a particular act or perform a particular function in the exercise of government power, "officer" includes any government employee, agent or body having authority to do the act or exercise that function.
- (b) "Government" refers to the corporate governmental entity through which the functions of the government are exercised throughout the Philippines, including, save as the contrary appears from the context, the various arms through which political authority is made effective in the Philippines, whether pertaining to the autonomous regions, the

provincial, city, municipal or barangay subdivisions or other forms of local government.

- (c) “Honor” a person of superior standing, used especially as a title for a holder of high office.
- (d) “Complaint” shall refer to a sworn written statement charging a person with an offense, subscribed by the offended party, any peace officer or the public officer charged with the enforcement of the law violated.

SEC. 3. Punishment. – A person who knowingly files a false complaint against a public officer of a government agency or any of its subsidiaries including local government units shall suffer the penalty of *prision mayor* in its minimum to its medium period and pay a fine of fifty thousand pesos (P 50,000.00) or both at the discretion of the court.

If during the course of the investigation or trial it is proven that the false complaint was used by the accuser as a leverage against the public officer in order to gain advantage in a government contract or to receive a favourable decision or resolution in an ongoing dispute, controversy or matter where the latter is the governing authority, the former shall suffer a penalty of *prision mayor* in its minimum to its maximum period and pay a fine of one hundred thousand pesos or both at the discretion of the court.

SEC. 4. Separability Clause. – If any provision of this Act is declared invalid by a competent court, the remainder of this Act or any provision not affected by such declaration of invalidity shall remain in force and effect.

SEC. 5. Repealing Clause. – All laws, presidential decrees, executive orders, other executive issuances, rules and regulations or parts thereof are hereby repealed amended or modified accordingly.

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

Approved,