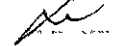


FOURTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

SENATE  
S. B. No. 1358

RECEIVED 1977 

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Introduced by Senator Miriam Defensor Santiago

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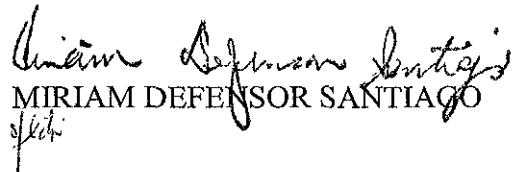
EXPLANATORY NOTE

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 is 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 drug 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  
*def*


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\* This bill was originally filed during the Thirteenth Congress, First Regular Session.

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

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SENATE  
S. B. No. 1358

RECEIVED BY 

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Introduced by Senator Miriam Defensor Santiago

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

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

6 SECTION 1. *Penalty of Law Enforcement Officer or Public Employee Who Fails or*  
7 *Refuses to Appear at a Criminal Proceeding.* – Any law enforcement officer or public employee  
8 working for any law enforcement or related agency, who, after due notice, fails or refuses,  
9 intentionally or negligently, to appear either as a prosecution or defense witness in any criminal  
10 proceeding, without any valid reason, shall be liable to pay a fine of not less than Ten Thousand  
11 Pesos (P10,000.00) but not more than Twenty Thousand Pesos (P20,000.00) or imprisonment of  
12 not less than one (1) year nor more than two (2) years, or both, at the discretion of the court.

13 SECTION 2. *Penalty of Head of Office or Agency or Immediate Superior of Law*  
14 *Enforcement Officer or Public Employee Who Fails or Refuses to Appear at a Criminal*  
15 *Proceeding.* – The head of office or agency and the immediate superior of the law enforcement  
16 officer or public employee mentioned in Section 1 hereof shall be penalized with a fine of not  
17 less than One Thousand Pesos (P1,000.00) but not more than Ten Thousand Pesos (P10,000.00)  
18 or imprisonment of not less than one (1) month but not more than six (6) months or both, if  
19 despite due notice to them and to the public employee-witness, the former does not exert  
20 reasonable effort to present the public officer, who, in dereliction of duty, shall cause the failure  
21 of said witness to testify.

1           SECTION 3. *Liability under Penal Code or Other Statute.* – Prosecution and punishment  
2 under this Act shall be without prejudice to any liability for violation of any provision of the  
3 Revised Penal Code or any other statute.

4           SECTION 4. *Separability Clause.* – If any part hereof, is held invalid or unconstitutional,  
5 the remainder of the provision not otherwise affected shall remain valid and subsisting.

6           SECTION 5. *Repealing Clause.* – Any law, presidential decree or issuance, executive  
7 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent  
8 with, the provisions of this Act is hereby repealed, modified or amended accordingly.

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

11           Approved,