

8 JUN -2 P2:24

SENATE

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COMMITTEE REPORT NO. 64

Submitted by the Committee on Justice and Human Rights on JUN 02 2008

Re: Senate Bill No. 2356.

Recommending its approval in substitution of Senate Bill Nos. 1358 and 1555.

Sponsors: Senators Escudero, Defensor Santiago and Ejercito Estrada.

MR. PRESIDENT:

The Committee on Justice and Human Rights to which were referred Senate Bill No. 1358, introduced by Senator Defensor Santiago, entitled:

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

Senate Bill No. 1555, introduced by Senator Ejercito Estrada, entitled:

**"AN ACT
PENALIZING MEMBERS OF A LAW ENFORCEMENT AGENCY, OTHER
GOVERNMENT OFFICIALS OR EMPLOYEES WHO FAIL OR REFUSE TO
TESTIFY AS PROSECUTION WITNESSES IN ANY CRIMINAL
PROCEEDINGS AND FOR OTHER PURPOSES"**

has considered the same and has the honor to report them back to the Senate with the recommendation that the attached bill, Senate Bill No. 2356, prepared by the Committee, entitled:


**"AN ACT
PENALIZING ANY MEMBER OF LAW ENFORCEMENT AGENCIES, OR ANY
OTHER GOVERNMENT OFFICIAL OR EMPLOYEE WHO FAILS OR
REFUSES TO TESTIFY AS A WITNESS IN ANY CRIMINAL PROCEEDINGS."**

be approved in substitution of Senate Bill Nos. 1358 and 1555 with Senators Defensor Santiago, Ejercito Estrada and Escudero as authors thereof.

Respectfully submitted:



FRANCIS "CHIZ" G. ESCUDERO
Chairman

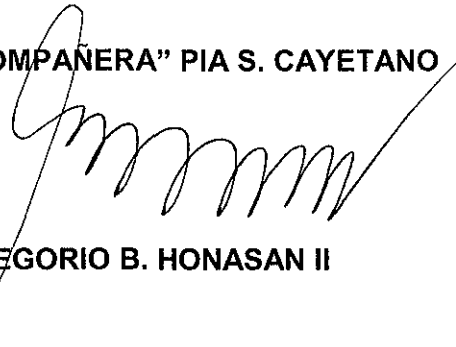


BENIGNO SIMEON "NOYNOY" AQUINO III
Vice-Chairman

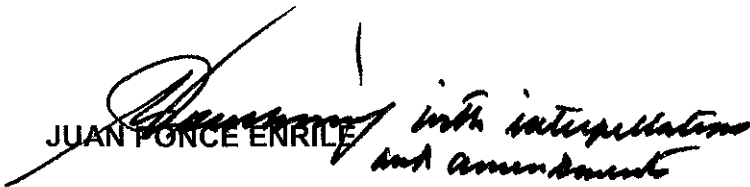
Members:



ALAN PETER "COMPAÑERO" S. CAYETANO



"COMPAÑERA" PIA S. CAYETANO



JUAN PONCE ENRILE
Chairman with interpellations and amendments

GREGORIO B. HONASAN II



RAMON BONG REVILLA JR.



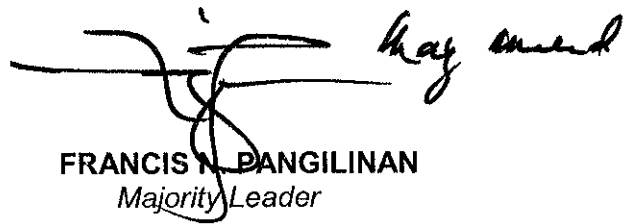
RODOLFO G. BIAZON

M. A. MADRIGAL

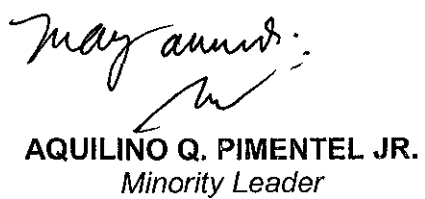
Ex-Officio Members



JINGGOY EJERCITO ESTRADA
President Pro-Tempore



FRANCIS PANGILINAN
Majority Leader
may amend



AQUILINO Q. PIMENTEL JR.
Minority Leader
may amend

Hon. MANNY VILLAR
Senate President
Senate of the Philippines
Pasay City

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

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SENATE

S. No. 2356

Prepared by the Committee on Justice and Human Rights with Senators Defensor Santiago, Ejercito Estrada and Escudero as authors thereof

AN ACT
PENALIZING ANY MEMBER OF LAW ENFORCEMENT AGENCIES, OR ANY
OTHER GOVERNMENT OFFICIAL OR EMPLOYEE WHO FAILS OR REFUSES TO
TESTIFY AS A WITNESS IN ANY CRIMINAL
PROCEEDINGS

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

1 **SECTION 1, *Failure or Refusal to Testify as Witness in Any Criminal Proceedings* -**
2 Any member of law enforcement agencies or any other government official or employee
3 who, after due notice, fails or refuses deliberately or negligently, to appear and testify
4 as a witness in any criminal proceedings without justifiable reason, shall be penalized
5 with imprisonment of not less than twelve (12) years and one (1) day to twenty (20)
6 years and a fine of not less than Five Hundred Thousand Pesos (P500,000.00) with
7 perpetual disqualification to hold public office.

8 **SEC. 2. *Liability of the Immediate Supervisor* -** The immediate supervisor of the
9 erring witness as provided for in Section 1 hereof shall be penalized with imprisonment
10 of not less than two (2) months and one (1) day but not more than six (6) years and a
11 fine of not less than Ten Thousand Pesos (P10,000.00) but not more than Fifty Thousand
12 Pesos (P50,000.00) and, in addition, perpetual absolute disqualification to hold public
13 office if, despite due notice, the former did not exert reasonable effort to present the
14 latter to the court, or fails to institute appropriate administrative action against such
15 subordinate for the latter's failure or refusal to testify.

16 **SEC. 3. *Scope/Limitation* -** Prosecution and punishment under this Act shall be
17 without prejudice to any liability for violation of any existing law except Section 91 of
18 Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act of 2002.

19 **SEC. 4. *Separability Clause* -** If any part hereof is held invalid or unconstitutional,
20 the remaining provisions not otherwise affected shall remain valid and subsisting.

21 **SEC. 5. *Repealing Clause* -** Any law, presidential decree or issuance, executive
22 order, letter of instruction, administrative order, rule or regulation contrary to or

1 inconsistent with, the provisions of this Act is hereby repealed, modified or amended
2 accordingly.

3 **SEC. 6. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication
4 in the Official Gazette or in at least two (2) national newspapers of general circulation,
5 whichever comes earlier.

6 Approved,