

SENATE

Senate Bill No. 2385

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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EXPLANATORY NOTE

A number of criminal cases, including dangerous drugs cases, have been dismissed due to the failure or deliberate refusal of the prosecution witnesses to appear or testify despite due notice. The attendance and participation in court proceedings of witnesses is critical in the speedy disposition of cases.

This bill seeks to address this perennial prosecution problem by penalizing by fine or imprisonment or both, any public official or employee who fails or refuses, deliberately or negligently, to appear as a witness for the prosecution or defense in any criminal proceeding. Any member who fails or refuses shall be penalized with imprisonment of not less than twelve (12) years and one (1) day to twenty (20) years and a fine of not less than P500,000.00 with perpetual disqualification to hold public office.

This bill also penalizes the immediate supervisor of the erring witness with imprisonment of not less than two (2) months and one (1) day but not more than six (6) years and a fine of not less than P10,000.00 but not more than P50,000.00. He shall have perpetual absolute disqualification to hold office, if despite due notice, he did not exert reasonable effort to present the witness in court or fails to institute appropriate administrative action against his subordinate.

This measure is a consolidated/substituted bill drafted by the Committee on Justice and Human Rights during the 14<sup>th</sup> Congress.

In view of the foregoing, passage of this bill is earnestly sought.

  
JINGGOY EJERCITO ESTRADA  
Senator

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**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 House of Representatives of the Philippines in Congress assembled:*

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

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

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

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

**SEC. 5. *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.

**SEC. 6. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication.

*Approved,*