

FIFTEENTH CONGRESS of the)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE

S.B. No. 2399



Introduced by HON. RAMON BONG REVILLA, JR.

EXPLANATORY NOTE

In a criminal case, conviction of the accused requires proof beyond reasonable doubt, this is so in order to overcome the cardinal rule that the accused must always be presumed innocent until the contrary is proven. This presumption applies regardless of the enormity of the crime for which he is charged and remains until a verdict is finally rendered.

However, in the judicial mill, many criminals go unpunished and are set free not because on the merits of their case but due to technicalities in the legal procedures, such as but not limited to the admissibility of the evidence presented.

One of the grounds of the inadmissibility of the evidence is that it is either altered, fictitious, tampered or destroyed primarily caused by the failure to secure the crime scene. In our society, if there is a crime committed, people come to the scene either to help or just to watch in order to satisfy their curiosity.

This proposed measure seeks to expand the coverage of Presidential Decree No. 1829, otherwise known as Penalizing Obstruction of Apprehension and Prosecution of Criminal Offenders, by penalizing unauthorized persons who go across the police cordon or line and those authorized persons who allow the commission of the said act. This is to preserve and protect the pieces of evidence that would lead to the successful apprehension and prosecution of criminals.

I therefore appeal for the immediate enactment of this measure.



RAMON BONG REVILLA, JR.

SENATE

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AN ACT
AMENDING PRESIDENTIAL DECREE NO. 1829, OTHERWISE KNOWN AS
PENALIZING OBSTRUCTION OF APPREHENSION AND PROSECUTION OF
CRIMINAL OFFENDERS

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

Section 1. Sections 1 and 2 of Presidential Decree No. 1829, otherwise known as Penalizing Obstruction of Apprehension and Prosecution of Criminal, is hereby amended to read as follows:

Section 1. The penalty of prision correccional in its maximum period, or a fine ranging from 1,000 to 6,000 pesos, or both, shall be imposed upon any person who knowingly or willfully obstructs, impedes, frustrates or delays the apprehension of suspects and the investigation and Prosecution of criminal cases by committing any of the following acts:

(a) preventing witnesses from testifying in any criminal proceeding or from reporting the commission of any offense or the identity of any offender/s by means of bribery, misrepresentation, deceit, intimidation, force or threats;

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(i) giving of false or fabricated information to mislead or prevent the law enforcement agencies from apprehending the offender or from protecting the life or Property of the victim; or fabricating information from the data gathered in confidence by investigating authorities for purposes of background information and not for Publication and publishing or disseminating the same to mislead the investigator or the court.

If any of the acts mentioned herein is penalized by any other law with a higher penalty, the higher penalty shall be imposed.

If any of the foregoing acts is committed by a public official or employee, he shall in addition to the penalties provided thereto, shall suffer perpetual disqualification from holding public office.

Section 2. THE PENALTY OF ARRESTO MAYOR OR A FINE RANGING FROM P500 TO P3,000.00, OR BOTH SHALL BE

IMPOSED UPON ANY PERSON WHO WITHOUT AUTHORITY KNOWINGLY OR WILLFULLY GO ACROSS THE POLICE CORDON OR LINE. THIS IS TO PRESERVE AND PROTECT THE PIECES OF EVIDENCE THAT WOULD LEAD TO THE SUCCESSFUL APPREHENSION AND PROSECUTION OF CRIMINALS.

IF THE ACT IS COMMITTED BY A PUBLIC OFFICIAL OR EMPLOYEE, HE SHALL ALSO BE SUBJECT TO ADMINISTRATIVE SANCTIONS.

PROVIDED FURTHER, THAT ANY AUTHORIZED PERSON WHO ALLOWS THE COMMISSION OF THE SAID ACT SHALL ALSO BE SUBJECT TO ADMINISTRATIVE SANCTIONS.

SEC. 2. *Separability Clause* – If for any reason any section or provision of this Act is declared unconstitutional, other provisions hereof which are not effected thereby shall continue to be in full force and effect.

SEC. 3. *Repealing Clause*. – Any laws, decrees, or rules and regulations which are inconsistent with or contrary to the provisions of this Act are hereby amended or repealed.

SEC. 4. *Effectivity Clause*. – This Act shall take effect upon its publication in at least two (2) national newspapers of general circulation.

Approved,