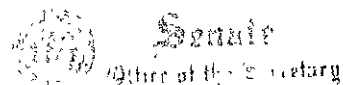


FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



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SENATE

S. B. No. **3078**

Prepared by the Committee on Justice and Human Rights with Senators
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 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), in
7 addition to the administrative liability he/she may be meted out by his/her immediate
8 supervisor or superior and/or appropriate body.

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

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

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

1 **SEC. 5. *Repealing Clause*** - Any law, presidential decree or issuance, executive
2 order, letter of instruction, administrative order, rule or regulation contrary to or
3 inconsistent with, the provisions of this Act is hereby repealed, modified or amended
4 accordingly.

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

8 Approved,