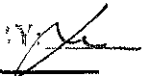


FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

OFFICE OF LEGISLATION

12 JAN 12 12:18

S E N A T E

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COMMITTEE REPORT NO. 96

Submitted jointly by the Committees on Justice and Human Rights and Constitutional Amendments, Revision of Codes and Laws on JAN 17 2012.

Re: Senate Bill No. 3093.

Recommending its approval in substitution of Senate Bill No. 2637.

Sponsor: Senator Escudero

MR. PRESIDENT:

The Committees on Justice and Human Rights and Constitutional Amendments, Revision of Codes and Laws to which was referred Senate Bill No. 2637, introduced by Senator Ramon "Bong" Revilla, Jr., entitled:


**"AN ACT
DECLARING THE FILING OF FALSE COMPLAINTS AGAINST PUBLIC
OFFICERS AS A CRIME AGAINST HONOR, PRESCRIBING PENALTIES
THEREFOR AND FOR OTHER PURPOSES"**

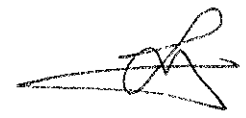
have considered the same and have the honor to report it back to the Senate with the recommendation that the attached Senate Bill No. 3093, prepared by the Committees, entitled:

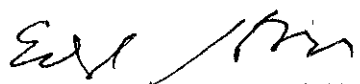
**"AN ACT
AMENDING ARTICLE 183 OF ACT NO. 3815, AS AMENDED, DECLARING
THE FILING OF FALSE COMPLAINTS AGAINST PUBLIC OFFICERS AS AN
AGGRAVATING CIRCUMSTANCE OF PERJURY"**


be approved in substitution of Senate Bill No. 2637 with Senators Revilla, Escudero and Defensor-Santiago as authors thereof.

Respectfully submitted:

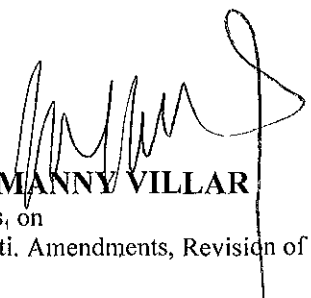

SEN. MIRIAM DEFENSOR-SANTIAGO
Chairman,
Committee on Constitutional Amendments,
Revision of Codes and Laws

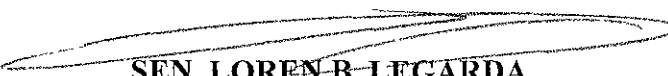

SEN. FRANCIS G. ESCUDERO
Chairman,
Committee on Justice and Human Rights


SEN. EDGARDO J. ANGARA
Vice Chairman,
Committee on Constitutional Amendments,
Revision of Codes and Laws


SEN. TEOFISTO GUINGONA III
Vice Chairman,
Committee on Justice and Human Rights


MEMBERS:

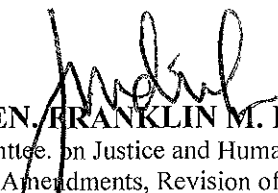

SEN. MANNY VILLAR
Cmttees, on
Consti. Amendments, Revision of Codes and Laws

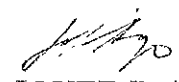

SEN. LOREN B. LEGARDA
Cmtte. on Justice and Human Rights

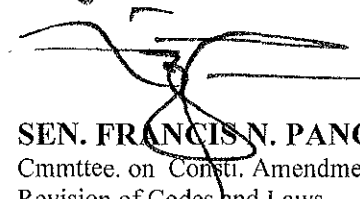

SEN. ANTONIO F. TRILLANES IV
Cmttees. on Justice and Human Rights
& Consti. Amendments, Revision of Codes and Laws


SEN. RAMON REVILLA, JR.
Cmttees. on Justice and Human Rights


SEN. SERGIO R. OSMEÑA III
Cmttee. on Justice and Human Rights


SEN. FRANKLIN M. DRILON
Cmttee. on Justice and Human Rights
& Consti. Amendments, Revision of Codes and Laws



SEN. JOKER P. ARROYO
Cmttee. on Justice and Human Rights


SEN. FRANCIS N. PANGILINAN
Cmtmtee. on Consti. Amendments,
Revision of Codes and Laws


A. Pimentel

SEN. AQUILINO "KOKO" PIMENTEL, III

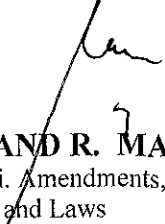
S.B. No. 2637



SEN. PANFILO M. LACSON
Cmmtee. on Consti. Amendments,
Revision of Codes and Laws



SEN. MANUEL M. LAPID
Cmmtee. on Consti. Amendments,
Revision of Codes and Laws



SEN. FERDINAND R. MARCOS, JR.
Cmmtte. on Consti. Amendments,
Revision of Codes and Laws

Ex-Officio Members:



SEN. ALAN PETER CAYETANO
Senate Minority Floor Leader



SEN. VICENTE C. SOTTO III
Senate Majority Floor Leader




SEN. JINGGOY EJERCITO-ESTRADA
Senate President Pro-Tempore

HON. JUAN PONCE ENRILE
Senate President

12 JAN 12 12:18

SENATE

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S. B. No. 3093

Prepared Jointly by the Committees on Justice and Human Rights *and*
Constitutional Amendments, Revision of Codes and Laws
with Senators Revilla, Escudero and Defensor-Santiago as authors thereof.

AN ACT
AMENDING ARTICLE 183 OF ACT NO. 3815, AS AMENDED, DECLARING THE
FILING OF FALSE COMPLAINTS AGAINST PUBLIC OFFICERS AS AN
AGGRAVATING CIRCUMSTANCE OF PERJURY.

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

1 SECTION 1. Article 183 of Act No. 3815, as amended, is further amended to read
2 as follows:

3 "Art. 183. *False testimony in other cases and perjury in solemn affirmation.* The
4 penalty of *arresto mayor* in its maximum period to *prision correccional* in its minimum
5 period shall be imposed upon any person who, knowingly make untruthful statements
6 and not being included in the provisions of the next preceding articles, shall testify
7 under oath, or make an affidavit, upon any material matter before a competent person
8 authorized to administer an oath in cases in which the law so requires.

9 Any person who, in case of a solemn affirmation made in lieu of an oath, shall
10 commit any of the falsehoods mentioned made in this and the three preceding articles
11 of this section, shall suffer the respective penalties provided therein.

12 A PERSON WHO KNOWINGLY FILES A FALSE COMPLAINT AGAINST A
13 PUBLIC OFFICER OF A GOVERNMENT AGENCY OR ANY OF ITS
14 SUBSIDIARIES INCLUDING LOCAL GOVERNMENT UNITS SHALL SUFFER
15 THE PENALTY OF *PRISION MAYOR* IN ITS MINIMUM TO ITS MEDIUM

1 PERIOD AND PAY A FINE OF FIFTY THOUSAND PESOS (P50,000.00) OR BOTH
2 AT THE DISCRETION OF THE COURT.

3 IF DURING THE COURSE OF THE INVESTIGATION OR TRIAL IT IS
4 PROVEN THAT THE FALSE COMPLAINT WAS USED BY THE ACCUSER AS A
5 LEVERAGE AGAINST THE PUBLIC OFFICER IN ORDER TO GAIN
6 ADVANTAGE IN A GOVERNMENT CONTRACT OR TO RECEIVE A
7 FAVORABLE DECISION OR RESOLUTION IN AN ONGOING DISPUTE,
8 CONTROVERSY OR MATTER WHERE THE LATTER IS THE GOVERNING
9 AUTHORITY, THE FORMER SHALL SUFFER A PENALTY OF *PRISION MAYOR*
10 IN ITS MINIMUM TO ITS MAXIMUM PERIOD AND PAY A FINE OF ONE
11 HUNDRED THOUSAND PESOS (P100,000.00) OR BOTH AT THE DISCRETION
12 OF THE COURT.

13

14 SEC. 2. *Definition of Terms.* - As used in this Act:

15 (a) "Public Officer" refers to a person whose duties, not being of a clerical or
16 manual nature, involves the exercise of discretion in the performance of the
17 functions of the government. When used with reference to a person having
18 authority to do a particular act or perform a particular function in the
19 exercise of government power, "officers" includes any government
20 employee, agent or body having authority to do the act or exercise that
21 function.

22 (b) "Government" refers to the corporate governmental entity through which the
23 functions of the government are exercised throughout the Philippines,
24 including, save as the contrary appears from the context, the various arms
25 through which political authority is made effective in the Philippines,
26 whether pertaining to the autonomous regions, the provincial, city,
27 municipal or barangay subdivisions or other forms of local government.

1 (c) "Complaint" shall refer to a sworn statement in writing executed by any
2 person for the purpose of charging a public officer with a fabricated or
3 untruthful or false offense.
4

5 SEC. 3. *Separability Clause.* - If any portion or provision of this Act is declared
6 void or unconstitutional, the remaining portions or provisions hereof shall not be
7 affected by such declaration.
8

9 SEC. 4. *Repealing Clause.* - All laws, decrees, orders, rules and regulations, other
10 executive issuances, or parts thereof inconsistent with the provisions of this Act are
11 hereby repealed and modified accordingly.
12

13 SEC. 5. *Effectivity.* - This Act shall take effect fifteen (15) days after its complete
14 publication in the Official Gazette or at least two (2) newspapers of general circulation.
15

Approved,