

13 JUL -8 AM 11:56

SENATE
S. No. 578

RECEIVED BY: *ji*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Article 180 of the Penal Code provides that:

Art. 180. *False testimony against a defendant.* - Any person who shall give false testimony against the defendant in any criminal case shall suffer:

1. The penalty of *reclusion temporal*, if the defendant in said case shall have been sentenced to death;

2. The penalty of *prision mayor*, if the defendant shall have been sentenced to *reclusion temporal* or *reclusion perpetua*;

3. The penalty of *prision correccional*, if the defendant shall have been sentenced to any other afflictive penalty; and

4. The penalty of *arresto mayor*, if the defendant shall have been sentenced to a correctional penalty or a fine, or shall have been acquitted.

In cases provided in subdivisions 3 and 4 of this article the offender shall further suffer a fine not to exceed 1,000 pesos.

On the other hand, Article 25 of the same Code provides:

Art. 25. *Penalties which may be imposed.* -The penalties which may be imposed according to this Code, and their different classes, are those included in the following:


Scale	PRINCIPAL PENALTIES
Capital punishment:	Death.
Afflictive penalties:	<i>Reclusion perpetua</i> , <i>Reclusion temporal</i> , Perpetual or temporary absolute disqualification, Perpetual or temporary special disqualification, <i>Prision mayor</i> .
Correctional penalties:	<i>Prision correccional</i> , <i>Arresto mayor</i> , Suspension, <i>Destierro</i> .

Light penalties:

Arresto menor,
Public censure.

The basis for the penalties of Article 180 of the Penal Code is the penalty to be meted out against the accused who is implicated by the false testimony of the violator of Article 180. However, Article 180 covers the penalties of death, *reclusion temporal*, *reclusion perpetua*, any other afflictive penalty, correctional penalty, fine or acquittal; it fails to cover a situation wherein an accused, implicated by the false testimony of the violator of Article 180, is meted out a light penalty, *i.e. arresto menor* and public censure, pursuant to the classification of penalties in Article 25 of the same code.

The law abhors a vacuum. Hence, this bill aims to remedy that vacuum by amending Article 180 of the Penal Code in order to provide a penalty for the cases discussed above.¹

mir

MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed during the Thirteenth Congress, First Regular Session.



13 JUL -8 A11 56

SENATE
S. No. **578**

RECEIVED BY: *Ju*

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 AMENDING ARTICLE 180 OF ACT NO. 3815, ALSO KNOWN AS THE PENAL CODE, TO
3 PROVIDE FOR SITUATIONS WHERE THE ACCUSED, IMPLICATED BY THE FALSE
4 TESTIMONY OF THE VIOLATOR OF ARTICLE 180, IS METED OUT A LIGHT
5 PENALTY PURSUANT TO THE CLASSIFICATION OF PENALTES IN ARTICLE 25 OF
6 THE SAME CODE

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

7 SECTION 1. Article 180 of Act No. 3815, also known as the Peñal Code, is hereby
8 amended to read as follows:

9 Art. 180. *False testimony against a defendant.* - Any person who shall
10 give false testimony against the defendant in any criminal case shall suffer:

11 1. The penalty of *reclusion temporal*, if the defendant in said case shall
12 have been sentenced to death;

13 2. The penalty of *prision mayor*, if the defendant shall have been
14 sentenced to *reclusion temporal* or *reclusion perpetua*;

15 3. The penalty of *prision correccional*, if the defendant shall have been
16 sentenced to any other afflictive penalty; and

17 4. The penalty of *arresto mayor*, if the defendant shall have been
18 sentenced to a correctional penalty, LIGHT PENALTY, [or a] fine, or shall have
19 been acquitted.

20 In cases provided in subdivisions 3 and 4 of this article the offender shall
21 further suffer a fine not to exceed 1,000 pesos

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

4 SECTION 3. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
5 publication in at least two (2) newspapers of general circulation.

Approved,