

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

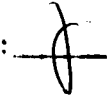


Senate
Office of the Secretary

'16 JUL 21 AIO :32

SENATE

S. B. No. 733

RECEIVED BY: 

Introduced by Senator FRANCIS G. ESCUDERO

AN ACT
AMENDING ARTICLE 359 OF ACT NO. 3815, AS AMENDED, OTHERWISE
KNOWN AS THE REVISED PENAL CODE

EXPLANATORY NOTE

To date, there are no means with which to protect public officials from individuals bringing malicious accusations at them, yet the Revised Penal Code provides aggravated criminal liability for any public officer found taking advantage of his position. There should be a counter-balance to this law, otherwise anyone can just falsely accuse a public official of a crime without fear of prosecution except for a counter-suit. Moreover and in such cases, the defendant, being a public officer, will have to suffer loss of integrity (which he may never regain regardless of the outcome of the case). More importantly, the public official may be hindered from doing his duties competently.

In the end it is the public who ultimately suffers. It is a waste of the government's time and money to investigate these false accusations only to dismiss them later on. This bill punishes false accusers of government officials so that it may serve as a deterrent to the former, who may use the complaint to disparage and embarrass the later.

Hence, the passage of this bill is immediately sought.

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

1 SECTION 1. Article 359 of Act No. 3815, as amended, is further amended to
2 read as follows:

3 "Art. 359. *Slander by Deed.* - The penalty of [*arresto mayor* in its maximum]
4 **PRISION MAYOR IN ITS MEDIUM** period to [*prision correccional* in its minimum] **ITS**
5 **MAXIMUM** period or a fine [ranging from 200 to 1,000 pesos] **OF 100,000 PESOS, OR**
6 **BOTH**, shall be imposed upon any person who shall perform any act not included and
7 punished in this title, which shall cast dishonor, discredit, or contempt upon another
8 person [.] , **SUCH AS, BUT NOT LIMITED TO, THE INTENTIONAL FILING OF A**
9 **FALSE COMPLAINT IN COURT OR IN ANY OTHER AGENCIES OF**
10 **GOVERNMENT EXERCISING QUASI-JUDICIAL OR ADMINISTRATIVE**
11 **POWERS.** If said act is not of a serious nature, the penalty shall be [*arresto menor*]
12 **PRISION MAYOR IN ITS MINIMUM PERIOD** or a fine [not exceeding 200 pesos] **OF**
13 **50,000 PESOS.**

14 **IF DURING THE COURSE OF ANY FORMAL INVESTIGATION OR TRIAL**
15 **OF THE CASE IT IS PROVEN THAT THE ABOVE FALSE COMPLAINT HAS BEEN**
16 **OR IS BEING USED BY THE COMPLAINANT AS A LEVERAGE AGAINST ANY**
17 **PERSON IN ORDER TO GAIN ADVANTAGE OR TO RECEIVE A FAVORABLE**
18 **DECISION, ACTION OR RESOLUTION ON ANY MATTER, THE MAXIMUM**
19 **PENALTY PROVIDED HEREIN SHALL BE IMPOSED."**

1 **SEC. 2. Separability Clause.** - If any provision of this Act is declared invalid by a
2 competent court, the remainder of this Act or any provision not otherwise affected by
3 such declaration of invalidity shall remain in force and effect.

4 **SEC. 3. Repealing Clause.** - All laws, presidential decrees, executive orders, other
5 executive issuances, rules and regulations or parts thereof which are contrary to or
6 inconsistent with the provisions of this Act are hereby repealed, modified or amended
7 accordingly.

8 **SEC. 4. Effectivity Clause.** - This Act shall take effect fifteen (15) days after its
9 publication in the Official Gazette or in at least two (2) newspapers of general
10 circulation.

Approved,