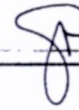


SENATE

'19 JUL 11 P2:39

S. No. **373**

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Introduced by **SENATOR LEILA M. DE LIMA**

AN ACT
AMENDING ARTICLES 180, 183, AND 184 OF ACT NO. 3815,
OTHERWISE KNOWN AS THE REVISED PENAL CODE, AS AMENDED,
INCREASING THE PENALTIES THEREOF, CRIMINALIZING
SUBORNATION OF PERJURY, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

"A lying witness can make as positive an identification as a truthful witness can. The lying witness can also say as forthrightly and unequivocally, He did it! without blinking an eye."¹

Testimonies before official proceedings and sworn affidavits are made under a solemn oath of truthfulness. However, it is worrying that the sacredness of statements made before legislative, judicial, and quasi-judicial proceedings, and that of sworn affidavits are being disregarded, seemingly without fear of the consequences of such criminal and immoral acts. The assertion of falsehood, under oath or affirmation, is employed, not only to harass and unjustly punish innocent persons, but also to persecute political dissenters and government critics.

In the Philippines, the Revised Penal Code (RPC) punishes the act of giving false testimonies in judicial proceedings (Articles 180-182), the act of offering false testimonies in judicial proceedings (Article 184) and the act of falsely testifying under oath in a proceeding other than a criminal or civil case and the making of a false affidavit under oath (Article 183).

Article 181 of the RPC states that persons who shall give false testimony against the defendant in a criminal case is punishable by penalty lower than that meted to the defendant. Article 183 of the RPC provides that perjury is punishable by *arresto*

¹ Lejano vs People of the Philippines, G.R. No. 176389, December 14, 2010

mayor in its maximum period to *prision correccional* in its minimum period, that is, imprisonment for six (6) months up to two (2) years and two (2) months.

With such light penalties, a would-be perjurer would not worry, thinking that, if convicted, the worst that he would get in jail term is two (2) years, which would even entitle him to avail of the benefits of the Probation Law.

To deter the commission of these crimes, it is high time that we increase the penalty for perjury by two (2) degrees, that is, to *prision mayor* in its minimum to medium periods, or an imprisonment of from six (6) years and one (1) day to ten (10) years. Under this proposal, persons who have been coerced to commit perjury are given the chance to be exempt from criminal liability by proving duress and other circumstances which forced them to lie under oath or retract a previous testimony. This measure also provides that a person giving false testimony against the defendant in a criminal case shall suffer the same penalty meted out by the defendant.

The bill also expressly penalizes and increases the penalty of subornation of perjury.² Likewise, public officials or employees who commit perjury and subornation of perjury shall be meted with a higher penalty and be perpetually disqualified from holding a public office or employment. This is but proper in light of recent instances when those entrusted with the duty to see that justice is done are the ones coercing and using government resources to manufacture falsehood.

In view of the foregoing, early approval of this measure is requested.


LEILA M. DE LIMA

² People of the Philippines vs Pudol, G.R. No. L-45618, October 18, 1938

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OTHERWISE KNOWN AS THE REVISED PENAL CODE, AS AMENDED,
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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 Section. 1. *Short title.* – This Act shall be known as the “Anti-Perjury Act of
2 2019”.

3 Sec. 2. Section 180 of Act No. 3815, as amended, is hereby further amended to
4 read as follows:

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

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

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

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

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

17 In cases provided in subdivisions 3 and 4 of this article, the offender
18 shall suffer a fine not to exceed Two hundred thousand pesos

1 (~~P200,000~~).] THE SAME PENALTY FOR THE FELONY THE
2 DEFENDANT IS BEING ACCUSED OF. *PROVIDED, THAT, IF*
3 THE PERSON WHO WILL INDUCE OR ORDER THE
4 COMMISSION OF THIS FELONY IS A PUBLIC OFFICER OR
5 EMPLOYEE, THE PENALTY SHALL BE IMPOSED IN ITS
6 MAXIMUM PERIOD. *PROVIDED, FURTHER, THAT, THE*
7 OFFENDER SHALL SUFFER A FINE NOT TO EXCEED ONE
8 MILLION PESOS (P 1,000,000.00) AND PERPETUAL
9 ABSOLUTE DISQUALIFICATION FROM HOLDING ANY
10 APPOINTIVE OR ELECTIVE POSITION IN THE
11 GOVERNMENT OR IN ANY AGENCY, ENTITY OR
12 INSTRUMENTALITY THEREOF.”

13 Sec. 3. Section 183 of Act No. 3815, as amended, is hereby further amended to
14 read as follows:

15 “Art. 183. *False testimony in other cases and perjury in solemn*
16 *affirmation.* - The penalty of ~~[arresto mayor in its maximum period to~~
17 ~~prision correccional in its minimum period]~~ **PRISION MAYOR IN**
18 **ITS MINIMUM PERIOD TO PRISION MAYOR IN ITS**
19 **MEDIUM PERIOD** shall be imposed upon any person, who knowingly
20 makes untruthful statements and not being included in the provisions of
21 the next preceding articles, shall testify under oath, or make an affidavit,
22 upon any material matter before a competent person authorized to
23 administer an oath in cases in which the law so requires.

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

28 **ANY PERSON WHO SHALL INCRIMINATE OR IMPUTE**
29 **TO ANY PERSON THE COMMISSION OF A CRIME,**
30 **THROUGH FALSE TESTIMONY, UNTRUTHFUL**
31 **STATEMENTS UNDER OATH OR THROUGH AN AFFIDAVIT,**
32 **OR ANY OTHER FORM OF MANUFACTURED EVIDENCE,**
33 **SHALL SUFFER THE SAME PENALTY AS THAT BEING**

1 IMPOSED TO THE CRIME HE IS IMPUTING. *PROVIDED,*
2 *THAT,* IF THE PERSON RESPONSIBLE FOR THE
3 COMMISSION OF THIS FELONY IS A PUBLIC OFFICER OR
4 EMPLOYEE, THE PENALTY SHALL BE IMPOSED IN ITS
5 MAXIMUM PERIOD. *PROVIDED, FURTHER, THAT,* THE
6 OFFENDER SHALL ALSO SUFFER A FINE NOT TO EXCEED
7 ONE MILLION PESOS (P1,000,000.00) AND PERPETUAL
8 ABSOLUTE DISQUALIFICATION FROM HOLDING ANY
9 APPOINTIVE OR ELECTIVE POSITION IN THE
10 GOVERNMENT OR IN ANY AGENCY, ENTITY OR
11 INSTRUMENTALITY THEREOF.”

12 Sec. 4. Section 184 of Act No. 3815, as amended, is hereby further amended to
13 read as follows:

14 “Art. 184. *Offering false testimony in evidence.* - Any person who shall
15 knowingly offer in evidence a false witness or testimony in any judicial
16 or official proceeding, shall be punished as guilty of false testimony and
17 shall suffer the respective penalties provided in this Section. **IF THE**
18 **PERSON WHO OFFERED THE FALSE TESTIMONY AS**
19 **EVIDENCE IS A PUBLIC OFFICER OR EMPLOYEE, THE**
20 **PENALTY SHALL BE IMPOSED IN ITS MAXIMUM PERIOD.**
21 **IN ADDITION THERETO, IF THE OFFENDER IS A PUBLIC**
22 **OFFICER OR EMPLOYEE, HE SHALL ALSO SUFFER A FINE**
23 **NOT TO EXCEED ONE MILLION PESOS (P 1,000,000.00)**
24 **AND PERPETUAL ABSOLUTE DISQUALIFICATION FROM**
25 **HOLDING ANY APPOINTIVE OR ELECTIVE POSITION IN**
26 **THE GOVERNMENT OR ANY AGENCY, ENTITY OR**
27 **INSTRUMENTALITY THEREOF.”**

28 Sec. 5. *Subornation of perjury.* - Any person who procures or induces another
29 to swear falsely or execute a statement under oath for the purpose of charging or
30 accusing another person with a crime or offense and the person suborned testifies
31 under the circumstances rendering him guilty of perjury shall be liable for subornation
32 of perjury punishable with *prision mayor* in its maximum period to *reclusion*
33 *temporal* in its minimum period. *Provided, that,* if the person responsible for the

1 commission of this felony is a public officer or employee, the penalty imposed shall be
2 *reclusion temporal* in its medium period to *reclusion perpetua*. *Provided, further,*
3 *that,* the offender shall suffer a fine not to exceed One million pesos (P 1,000,000.00)
4 and perpetual absolute disqualification from holding any appointive or elective
5 position in the government or in any agency, entity or instrumentality thereof.

6 Sec. 6. *Exempting circumstances.* – Any person who commits a violation of this
7 Act may claim the following as additional exempting circumstances:

8 (a) that another person has, by means of violence, threats, or intimidation,
9 compelled him to commit perjury; or

10 (b) that such other person threatened him with the infliction upon his person,
11 honor, or property, or that of his family, of any wrong amounting to a crime or
12 to an undue deprivation of his rights through grave abuse of authority.

13 Sec. 7. *Separability Clause.* - If any provision of this Act is declared invalid or
14 unconstitutional, the provisions not affected thereby shall continue to be in full force
15 and effect.

16 Sec. 8. *Repealing Clause.* - All laws, executive orders, presidential decrees,
17 presidential proclamations, letters of instruction, rules and regulations or parts
18 thereof inconsistent with the provisions of this Act are hereby repealed, modified, or
19 amended accordingly.

20 Sec. 9. *Effectivity.* - This Act shall take effect fifteen (15) days following its
21 publication in the Official Gazette or in two (2) newspapers of general circulation in
22 the Philippines.

Approved,