

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



'19 JUL 15 A10 :00

SENATE

S. No. 455

RECEIVED

Introduced by SENATOR RAMON BONG REVILLA, JR.

AN ACT
TO FURTHER STRENGTHEN THE APPREHENSION AGAINST THE
OBSTRUCTION OF JUSTICE, AMENDING FOR THE PURPOSE SECTION 1 OF
PRESIDENTIAL DECREE NO. 1829, OTHERWISE KNOWN AS PENALIZING
OBSTRUCTION OF APPREHENSION AND PROSECUTION OF CRIMINAL
OFFENDERS

EXPLANATORY NOTE

The proper administration of justice is essential in maintaining the peace and order in any country. It entails the observance of due process in the investigation, prosecution, as well as in the apprehension of suspects in criminal cases. Thus, justice is deemed served when a criminal receives punishment fit for the criminal act that he committed – such is retributive justice in favor of the victim as well as the victim's family. In other words, justice is attained with the help of the unrestricted stewardship of the government.

The purpose of PD 1829, otherwise known as Penalizing Obstruction of Apprehension and Prosecution of Criminal Offenders or Obstruction of Justice, is to discourage public indifference or apathy towards the apprehension and prosecution of criminal offenders. In *People vs. Pacalna* (SB-17-CRM-0049), Justice Pahimna says:

“The general meaning of “obstruction of justice” denotes an interference with the orderly administration of law, impeding or obstructing those who seek justice in court or those who have duties or power of administering justice therein.”

The current form of Section 1 of PD 1829 is as follows:

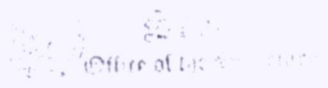
"Section 1. The penalty of *prision correccional* in its maximum period, or a fine ranging from 1,000 to 6,000 pesos, or both, shall be imposed upon any person who knowingly or willfully obstructs, impedes, frustrates or delays the apprehension of suspects and the investigation and prosecution of criminal cases by committing any of the following acts:

X x x"

An increase in the amount of the fine imperative given that PD 1829 was enacted in 1981. Moreover, PD 1829 can be the last resort of the prosecution if the factual allegations in the information or the evidence presented fails to depict the accused as an accessory to a crime. An accessory suffers a penalty two (2) degrees less than that suffered by an accomplice. Further, PD 1829 is also the remedy if Chapter 4 of RA 10175 otherwise known as the Cybercrime Prevention Act of 2012 is not followed. Therefore, a stiffer penalty is essential to give the pertinent law a backbone.

Given the foregoing, the immediate passage of this measure is sought.

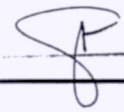

RAMON BONG REVILLA, JR.



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

1 Section 1. Section 1 of PD1829 is hereby amended to read as follows:
2 "Section 1. The penalty of *prision correccional* in its maximum
3 period, or a fine ranging from **THIRTY THOUSAND PESOS**
4 **(P30,000.00) TO ONE HUNDRED THOUSAND PESOS**
5 **(100,000.00)** [~~1,000 to 6,000 pesos,~~] or both, shall be
6 imposed upon any person who knowingly or willfully obstructs,
7 impedes, frustrates or delays the apprehension of suspects and
8 the investigation and prosecution of criminal cases by
9 committing any of the following acts:

10 X x x"

11 Sec. 3. This Act shall take effect after fifteen (15) days following its
12 publication in at least two (2) newspapers of general circulation.

13
14 Approved,