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SENATE

Senate Bill No. 448

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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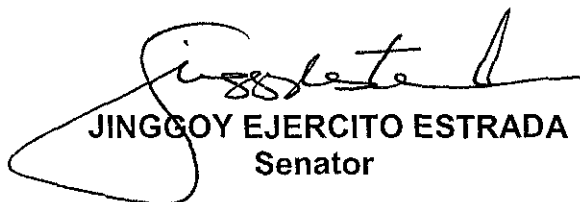
EXPLANATORY NOTE

Article 180 of the Revised Penal Code (Act No. 3815, as amended) provides for the penalty against any person who shall give false testimony against the defendant in any criminal case. It may be noted that the present penalty for false testimony against the defendant in criminal case depends upon the sentence imposed on the person against the false testimony was given. For instance, if a witness testifies falsely against the accused charged with homicide, and such accused is convicted and sentenced to reclusion temporal and the witness was later found to be lying and was in turn prosecuted and convicted, the penalty imposable to such "false" or lying witness is only *prision mayor*.

This is grossly unfair to the accused falsely convicted as a result of a witness false testimony.

The author submits that such witness should suffer also the same penalty suffered or imposed upon the dependant provided that if the defendant has been sentenced to death, the penalty or *reclusion perpetua* shall be imposed upon such lying witness. If the defendant is acquitted, he should suffer the penalty imposable upon the defendant if the latter is convicted. This bill seeks to amend Article 180 of the Revised Penal Code (Act No. 3815, as amended) by specifically providing for aforementioned increase in penalty.

In the light of the foregoing considerations, passage of this bill is earnestly sought.



JINGGOY EJERCITO ESTRADA  
Senator

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Senate Bill No. 448

1955-VI-111



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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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**AN ACT**  
**AMENDING ARTICLE 180 OF THE REVISED PENAL CODE (ACT NO. 3815),**  
**AS AMENDED) BY INCREASING THE PENALTY PROVIDED THEREFOR**  
**AND FOR OTHER PURPOSES**

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

**SECTION 1.** Article 180 of the Revised Penal Code (Act No. 3815, as amended) is hereby amended to read as follows:

“ART. 180. False testimony against a defendant. Any person who shall give false testimony against the defendant in any criminal case shall suffer THE SAME PENALTY SUFFERED OR IMPOSED UPON THE DEFENDANT; PROVIDED, THAT THE PENALTY OF RECLUSION PERPETUA SHALL BE IMPOSED IF THE DEFENDANT HAS BEEN SENTENCED TO DEATH. IF THE DEFENDANT IS ACQUITTED, HE SHALL SUFFER THE PENALTY IMPOSABLE UPON THE DEFENDANT IF THE LATTER IS CONVICTED.[:

1. The penalty of reclusion temporal, if the defendant in said case shall have been sentence to death;
2. The penalty of prision mayor, if the defendant shall have been sentenced to reclusion temporal or 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 subdivision 3 and 4 of this article the offender shall further suffer a fine, not to exceed 1,000 pesos.]

**SEC. 2. *Repealing Clause.*** All laws, decrees, ordinances, rules and regulations, executive, or administrative orders, and other presidential issuance inconsistent with this Act, are hereby repealed, amended or modified accordingly.

**SEC. 3. *Effectivity.*** This Act shall take effect after (15) days following its publication in at least (2) newspapers of general circulation.

*Approved,*