REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1571

Introduced by Hon. Marcelino C. Libanan

EXPLANATORY NOTE

Republic Act No. 6981, otherwise known as the Witness Protection Security and Benefit (WPSB) Act, was enacted with a vision to provide the framework for the protection of witnesses and to provide them with security protection, monetary and other benefits to ensure their appearance before investigative bodies and the courts. Within the six (6) years of its implementation, it has proven to be a major component in the fight against criminality and a valuable aid in the administration of criminal justice.

From its humble beginnings of only six (6) admissions in its maiden year in 1991, the Program has expanded remarkably through the years. , For the period covering September 1, 1991 to December 31, 2001, there has been recorded a total of 2,794 applications received by the Program. Out of this number, 1,615 were actually admitted. To date, the Program has actually 352 witnesses under its custody nationwide.

The success of the Program is manifested by quite an impressive conviction rate. Records show that since its inception, it has secured 416 convictions against 158 acquittals.

However, in the course of the implementation of the Program, there is a felt need for the amendment of certain provisions of the Act in order to improve its operations such as, but not limited to the following subjects:

a. Establishment of an organic security force for WPSBP.
b. Coverage of Law Enforcement Officers (Sec. 3(d) of R.A. 6981)
c. Separate criminal liability for substantial breach/violation of the Memorandum of Agreement (MOA) to be imposed on a witness;

d. Perpetuation of the testimony of a witness covered under the WPSB Program, (Rules 24 and 134 of the Revised Rules of Court in the Philippines);
e. Right/Benefit to be extended to a member of the family of a witness to be limited to relatives within the first civil degree of consanguinity (Sec. 8(a) of R.A. 6981)
f. Change of name/identity of witnesses covered under the Program. If duly certified by the Secretary of Justice, it shall be valid and binding on all courts, agencies and instrumentalities of the government without the necessity of judicial or administrative intervention.

This bill seeks to address more effectively the Program's basic security concerns and intensify its mandate of protecting and securing witnesses.

Towards this end, approval of this bill is earnestly recommended.



HON. MARCELINO C. LIBANAN
Representative
Lone District, Eastern Samar

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AN ACT
STRENGTHENING THE WITNESS PROTECTION, SECURITY AND BENEFIT PROGRAM, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 6981 OTHERWISE KNOWN AS THE "WITNESS PROTECTION, SECURITY AND BENEFIT ACT" AND PROVIDING ADDITIONAL FUNDS THEREFOR

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

SECTION 1. Section 2 of Republic Act No. 6981 is hereby amended to include an additional paragraph to read as follows:

"SEC. 2. ***Implementation of Program.*** - The Department of Justice, hereinafter referred to as the Department, through its Secretary, shall formulate and implement a "Witness Protection, Security and Benefit Program", hereinafter referred to as the Program, pursuant to and consistent with the provisions of this Act.

The Department may call upon any department, bureau, office or any other executive agency to assist in the implementation

of the Program and the latter offices shall be under legal duty and obligation to render such assistance.

TO PROVIDE SECURITY SERVICES, THERE SHALL BE ESTABLISHED AN ORGANIC WITNESS PROTECTION, SECURITY AND BENEFIT PROGRAM (WPSBP) INTELLIGENCE AND SECURITY FORCE, THE COMPOSITION AND SIZE OF THE PERSONNEL AND STAFF OF WHICH SHALL BE DETERMINED BY THE PROGRAM DIRECTOR."

SEC. 2. Section 3 of the same Act is hereby amended to read as follows:

"SEC. 3. ***Admission into the Program*** - Any person who has witnessed or has knowledge or information on the commission of a crime and has testified or is testifying or about to testify before any judicial or quasi-judicial body, or before any investigating authority, may be admitted into the Program:

a) x x x

b) x x x

c) x x x

[d) He is not a law enforcement officer, even if he would be testifying against other law enforcement officers. In such a case, only the immediate members of his family may avail themselves of the protection provided for under this Act.**]**

x x x

SEC. 3. Section 5 of the same Act is hereby amended to read as follows:

"SEC. 5. ***Memorandum of Agreement (MOA) With the Person to be Protected.*** - Before a person is provided protection under this Act, he shall first execute a memorandum of agreement which shall set forth his responsibilities including:

a) x x x

b) x x x

c) x x x

d) x x x

e) x x x

f) x x x

G) NOT TO ENTER INTO AN AMICABLE SETTLEMENT THROUGH THE EXECUTION OF AN AFFIDAVIT OF DESISTANCE. VIOLATION OF THIS PROVISION SHALL ENTITLE THE PROGRAM TO RECOVER WHATEVER AMOUNT HAS BEEN EXPENDED DURING HIS COVERAGE UNDER THE PROGRAM.

IN ADDITION TO THE ABOVE, THE EXECUTION OF AN AFFIDAVIT OF DESISTANCE BY THE COVERED WITNESS OR ANY INSTRUMENT IN CONTRAVENTION OF HIS ORIGINAL AFFIDAVI, NON APPEARANCE DURING SCHEDULED HEARINGS WITHOUT JUST CAUSE DESPITE NOTICE, OR ANY ACT WHICH TENDS TO SHOW HIS UNWILLINGNESS TO TESTIFY SHALL AUTOMATICALLY SUBJECT HIM TO CRIMINAL PROSECUTION.

THE PENALTY IMPOSED SHALL NOT BE LOWER THAN PRISION MAYOR; AND

H) TO COMPLY WITH SUCH OTHER CONDITIONS AS THE SECRETARY OF JUSTICE MAY DEEM PROPER TO IMPOSE FOR THE SUCCESSFUL PROSECUTION OF THE CASE."

SEC. 4. Section 6 of the same Act is hereby amended to read as follows:

"SEC. 6. ***Breach of the Memorandum of Agreement.*** - Substantial breach of the memorandum of agreement shall be a ground for the termination of the protection provided under this Act: *Provided, however*, That before terminating such protection, the Secretary of Justice shall send notice to the person involved of the termination of the protection provided him under this Act, stating therein the reasons for such termination.

SUBSTANTIAL BREACH OF THE MEMORANDUM OF AGREEMENT MAY BE A GROUND FOR A CRIMINAL ACTION IN ADDITION TO THOSE PROVIDED FOR IN SECTION 13 OF THE ACT. THE PENALTY TO BE IMPOSED SHALL NOT EXCEED SIX (6) YEARS OF IMPRISONMENT OR A FINE OF SIX THOUSAND PESOS (P6,000)."

SEC. 5. The first paragraph of Section 7 is hereby amended to read as follows:

"SEC. 7. ***Confidentiality of Proceedings.*** - All proceedings involving application for admission into the Program and the action

taken thereon shall be confidential in nature, INCLUDING EVERY ASPECT OF THE COVERAGE EVEN AFTER TERMINATION THEREOF. No information or documents given or submitted in support thereof shall be released except upon written order of the Secretary of Justice or the proper court.

x x x

SEC. 6. Section 8 of the same Act is hereby amended to read as follows:

"SEC. 8. ***Rights and Benefits.*** - The Witness shall have the following rights and benefits:

a) To have a secure housing facility until the threat, intimidation or harassment disappears or is reduced to a manageable or tolerable level. When the circumstances warrant, the witness shall be entitled to relocation and/or change of personal identity at the expense of the program. This right may be extended to any member of the family of the witness within the [second] FIRST civil degree of consanguinity.

THE BIRTH CERTIFICATE ISSUED BY THE NATIONAL STATISTICS OFFICE UPON REQUEST OF THE SECRETARY OF JUSTICE IN CONNECTION WITH THE IMPLEMENTATION OF THE PROGRAM SHALL BE VALID

AND BINDING UPON ALL GOVERNMENT AGENCIES, INSTRUMENTALITIES AND THE PUBLIC.

b) The Department shall, whenever practicable, assist the witness in obtaining a means of livelihood. The witness relocated pursuant to this Act shall be entitled to financial assistance from the program for his support and that of his family in such amount and for such duration as the Department shall determine.

IN EXTREMELY MERITORIOUS CASES, TO BE DETERMINED BY THE SECRETARY OF JUSTICE AND UPON REQUEST OF THE WITNESS, HE MAY BE RELOCATED ABROAD."

c) x x x

d) x x x

e) To be provided with free medical treatment hospitalization and medicines for any injury or illness incurred or suffered by him because of witness duty in any private or public hospital, clinic, or at such institution at the expense of the Program. THE BENEFITS GRANTED UNDER THIS PARAGRAPH DOES NOT INCLUDE THE MEMBERS OF THE FAMILY OF THE WITNESS.

WITNESS DUTY SHALL INCLUDE THE ATTENDANCE OF THE WITNESS IN COURT BODY OR AUTHORITY WHERE

THE TESTIMONY IS REQUIRED, AS WELL AS CONFERENCES AND INTERVIEWS WITH PROSECUTORS OR INVESTIGATING OFFICERS. A WITNESS WHO IS RELOCATED TO A WPSBP SAFEHOUSE/TEMPORARY SHELTER SHALL BE CONSIDERED TO BE UNDER WITNESS DUTY.

f) x x x

g) [In case of death or permanent incapacity, his] THE WITNESS' minor or dependent children shall be entitled to free education, from primary to college level in any state, or [private] school, college or university, as long as they have been qualified thereto."

SEC. 7. A new paragraph is hereby added to Section 9 of the same Act, to read as follows:

"SEC. 9. ***Speedy Hearing or Trial.*** - In any case where a Witness admitted into the Program shall testify, the judicial or quasi-judicial body, or investigating authority shall assure a speedy hearing or trial and shall endeavor to finish said proceeding within three (3) months from the filing of the case.

THE COVERAGE OF A WITNESS UNDER THE PROGRAM SHALL BE ONE OF THE CIRCUMSTANCES UNDER WHICH THE PERPETUATION OF THE TESTIMONY OF A WITNESS SHALL BE ALLOWED IN ADDITION TO THOSE PROVIDED FOR IN RULE 24

IN RELATION TO RULE 134 OF THE REVISED RULES OF THE COURT OF THE PHILIPPINES."

SEC. 8. A new paragraph is hereby added to Section 20 of the same Act, to read as follows:

"SEC. 20. ***Funding.*** - The amount of Ten million pesos (P10,000,000.00) is hereby authorized to be appropriated out of any funds in the National Treasury not otherwise appropriated to carry into effect the purpose of this Act.

THE AMOUNT OF ONE PERCENT (1%) FROM THE PROCEEDS OF THE LOTTO OPERATIONS OF THE PHILIPPINE CHARITY SWEEPSTAKES SHALL BE ALLOTTED TO AUGMENT THE EXISTING FUNDS OF THE PROGRAM."

x x x

SEC. 9. *Rules and Regulations*. - The Secretary of Justice shall issue the necessary rules and regulations for the effective implementation of the provisions of this Act.

SEC. 10. *Repealing Clause*. - All laws, decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 11. *Effectivity*. - This Act shall take effect after fifteen (15) days following its publication in two (2) newspapers of general circulation.

Approved,