

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS

First Regular Session

House Bill No. 2388

INTRODUCED BY HON. MIKEY MACAPAGAL ARROYO

AN ACT
ESTABLISHING A SYSTEM WHICH WILL ENCOURAGE THE
GENERAL PUBLIC TO PROVIDE RELEVANT INFORMATION AND
EVIDENCE AGAINST PUBLIC OFFICERS AND EMPLOYEES FOR
VIOLATIONS OF REPUBLIC ACT NO. 3019 (ANTI-GRAFT AND
CORRUPT PRACTICES ACT) AND THE COMMISSION OF OTHER
CRIMINAL OFFENSES WHICH ARE PUNISHABLE UNDER THE
REVISED PENAL CODE OR SPECIAL LAWS IN CONNECTION WITH
OR BY REASON OF THEIR PUBLIC OFFICE AND APPROPRIATING
FUNDS THEREFOR

EXPLANATORY NOTE

A public service is a public trust.

However, let us not try to convince ourselves that graft and corruption do not actually exist in government. Over the years, core values such as integrity and dedication to public service have been dramatically eroded to the detriment of the Filipino people and the country. Owing to these, basic government services have been denied to our citizens and our nation's reputation has been tarnished in the international front.

It is true that our system of laws has put in place the necessary mechanisms and has formed institutions to fight graft and corruption. We have the Sandiganbayan, the Ombudsman and the Presidential Anti-Graft Commission to name a few. But, the struggle against the evil of graft and corruption can only gain significant ground if the general public itself will take an active role in the disclosure of criminal acts and omissions and in the prosecution of erring public officers and employees.

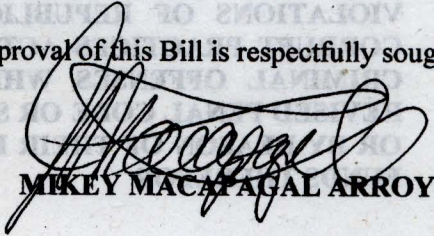
Putting oneself in the line of fire, so to speak, against wayward public officers and employees will not come easy for the Filipino people. The path towards what is right and just is straight and narrow and, often times, dangerous to life and limb.

Recognizing the inherent risks involved in providing information and evidence against these delinquent public officers and employees, this humble representation has put forward this Bill which declares that:

1. Qualified informants shall be given a cash reward by way of incentive;
2. Qualified informants shall be given immunity from retaliatory actions and suits which may be filed by errant public officers and employees;
3. Qualified informants may have a share in the proceeds of the offense recovered from the subject public officers and employees;
4. All information and evidence provided by qualified informants shall be classified; and
5. Qualified informants shall be placed under the Witness Protection Program of the Department of Justice.

The public must be encouraged to come out in the open and declare that certain government officers and employees are corrupt and thereafter earnestly provide evidence to sustain a conviction. It is hoped that this Bill will achieve this end with a view to an efficient and credible public service.

Premises considered, the immediate approval of this Bill is respectfully sought.


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

SECTION 1. *Short Title.* – This Act shall be known as “The Philippine Informant’s Act of 2004”.

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to encourage the general public to provide relevant information and evidence against public officers and employees who commit criminal offenses in connection with or by reason of their public office in violation of Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act), the Revised Penal Code, and other special laws for the purpose of promoting the efficiency, integrity, responsiveness, and courtesy of public officials and employees.

SECTION 3. *Definition of Terms.* – As used in this Act, the following terms shall mean:

a. “Public Officers and Employees” include elective and appointive government officials and employees regardless of whether they occupy:

1. Permanent or temporary positions
2. Classified or unclassified positions
3. Positions with or without compensation

b. “Qualified Informant” refers to any person who possesses personal knowledge of facts and/or is in possession of relevant evidence about the commission of an act or omission by a public officer or employee which constitutes a violation of Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act) and commission of any other criminal

offense which is punishable under the Revised Penal Code or special laws in connection with or by reason of their public office.

c. "Reward" includes any monetary consideration given by the government to the qualified informant as an incentive.

SECTION 4. *Requisites of a Qualified Informant.* – In order to be a qualified informant, the proposed informant must voluntarily:

1. Give any material and relevant facts or information;
2. Present evidence in his/her possession or identify the person who holds the evidence or the place where the same may be found; and
3. Testify as a witness in the proper court, forum, agency, body or tribunal

all for the purpose of actively prosecuting the public officer or employee concerned.

Provided further, that the information and evidence offered:

1. Can be corroborated by other evidence obtained from other sources;
2. Are substantial and relevant; and
3. Are not yet in the possession of the State

SECTION 5. *Determination of Qualified Informant.* – The Office of the Ombudsman shall be charged with the responsibility of evaluating the information and evidence which may be submitted by an informant and thereafter determining if the same is sufficient to warrant a prosecution of the public officer or employee concerned and declaring that said informant is a qualified informant as defined under this Act.

SECTION 6. *Amount of Qualified Informant's Reward.* – The amount of the reward to be given to a qualified informant shall be based on the salary grade of the subject public officer or employee thus:

SALARY GRADE OF PUBLIC OFFICIAL OR EMPLOYEE	AMOUNT OF REWARD IN PESOS
33	10,000,000
32	7,000,000
31	6,000,000
30	5,000,000
29	4,000,000
28	3,000,000
27	2,000,000
26	1,000,000
25	900,000
24	800,000
23	700,000
22	600,000
21	500,000
20	400,000
19	300,000
18	200,000
17	100,000
16	90,000
15	80,000

14	70,000
13	60,000
12	50,000
11	40,000
10	30,000
9	20,000
8 TO 1	10,000

SECTION 7. *Malicious Prosecution.* – Any person who, actuated by malice or bad faith, provides false information or evidence in order to comply with the requirements under Section 4 hereof or files an unwarranted or false complaint against any public officer or employee shall be punished by imprisonment with a minimum period of six years and one day to a maximum of twelve years and one day without any eligibility for probation and/or pay a fine of not less than Two Hundred Thousand Pesos (Php 200,000.00) but not more than One Million Pesos (Php 1,000,000.00).

SECTION 8. *Rights and Privileges of the Qualified Informant.* – No civil, criminal and/or administrative case or complaint shall be allowed to be filed or instituted against a qualified informant by a public officer or employee on account or by reason of the information or evidence that may have been provided by the former against the latter, as and by way of leverage or retaliation, regardless if the public officer or employee was convicted or acquitted on the basis of such information and evidence. Any such action may be dismissed by the court or proper agency *motu proprio* or upon motion of the qualified informant.

SECTION 9. *Payment of Reward.* – After the declaration by the Office of the Ombudsman that a person is a qualified informant and upon filing of a criminal case against a particular public officer or employee on the basis of the information and evidence which were provided by said qualified informant, the latter shall be entitled to the payment of fifty percent (50%) of the reward due him as provided for under Section 6 hereof. The balance shall be paid upon the conclusion of his testimony and presentation of documentary and other evidence in court.

SECTION 10. *Share in the Recovered Proceeds of the Offense.* – In addition to the reward provided for under Section 6 hereof, the qualified informant may be entitled to receive fifteen percent (15%) to twenty-five percent (25%) of the proceeds of the offense which are actually recovered by the government from the subject public officer or employee, with or without government assistance or intervention.

SECTION 11. *Classified Information.* – All information and evidence provided by a qualified informant shall be treated as classified information and shall not be disclosed by the Office of the Ombudsman, the courts, the prosecution or any government agency to the public until the case shall have been filed against the public officer or employee concerned.

SECTION 12. *Protection of Qualified Informant.* – Upon filing of the proper criminal case in court against the subject public officer or employee, the qualified informant shall be placed under the Witness Protection Program of the Department of Justice.

SECTION 13. *Implementing Rules and Regulations.* – The Office of the Ombudsman shall, within six (6) months from the effectivity of this Act, issue the necessary rules and regulations to carry out the objectives of this Act.

SECTION 14. *Appropriations.* – The initial amount One Hundred Million Pesos (Php 100,000,000.00) is hereby appropriated for the effective implementation of this Act.

Thereafter, such amount as may be necessary for the continued implementation of this Act shall be included in the General Appropriations Act.

SECTION 15. Effectivity. — This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved,

SECTION 7. Malicious Prosecution. — Any person who, actuated by malice or bad faith, provides false information or evidence in order to comply with the requirements under Section 4 hereof or files an unwarranted or false complaint against any public officer or employee shall be punished by imprisonment with a minimum period of six years and one day to a maximum of twelve years and one day without any eligibility for probation and/or pay a fine of not less than Two Hundred Thousand Pesos (P200,000.00) but not more than One Million Pesos (P1,000,000.00).

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