

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2771

INTRODUCED BY: HON. MARCELINO "MARCY" R. TEODORO

EXPLANATORY NOTE

The Philippine President once said that there is an urgent need to amend the law on witness protection. He underscored its importance in our country's drive against the culture of sowing fear to those who want to expose ills in government, as well as, to those who want to shed light on unresolved and sensational crimes.

It is very common during a trial or hearing related to a criminal prosecution that the court require the residence address and telephone number and the place of business name, address and telephone number of any victim of or witness to the crime. However, doing such revelations would entail dangerous repercussions on the security and ultimately on the life of victims and witnesses. This should not be the case since allowing fear to set in is very ideal for offenders. In most instances their criminal cases would not prosper thereby allowing them to be released much later with no strong deterrents like imprisonment hindering them from committing crimes.

This bill seeks to prohibit the disclosure in open court of the abovementioned information and other sensitive data that would reveal the location and whereabouts of victims and witnesses. Further, the proposed measure shall mandate that such victim or witness shall not be required to provide the residence or place of business name, address or telephone number and the place of business name, address and telephone number of any victim or witness to the crime in response to defense or prosecution questioning, unless the court determines that there is a clear need for such disclosure because the information is necessary and the fact of the case or to the credibility of the witness.

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



MARCELINO "MARCY" R. TEODORO
Representative, 1st District
City of Marikina

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2771

INTRODUCED BY: HON. MARCELINO "MARCY" R. TEODORO

AN ACT
PROTECTING THE CONFIDENTIALITY OF VICTIM'S AND WITNESS' ADDRESS
AND TELEPHONE NUMBER DURING A TRIAL OR HEARING RELATED TO A
CRIMINAL PROSECUTION.

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

SECTION 1. Short Title. This Act may be known as the "The Witness Confidentiality Act of 2010"

SECTION. 2. Confidentiality of Information in Open Court. - During a trial or hearing related to a criminal prosecution, the court shall require that the residence address and telephone number and the place of business name, address and telephone number of any victim of or witness to the crime shall not be disclosed in open court, and that such victim or witness shall not be required to provide the residence or place of business name, address or telephone number and the place of business name, address and telephone number of any victim or witness to the crime in response to defense or prosecution questioning, unless the court determines that there is a clear need for such disclosure because the information is necessary and the fact of the case or to the credibility of the witness.

The burden to establish the need and relevance for disclosure shall be on the defense or the party seeking disclosure.

SECTION 3. Separability Clause. - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain and valid subsisting.

SECTION 4. Repealing Clause. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 5. Repealing Clause. - Any law, president decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this ACT is hereby repealed, modified or amended accordingly.

SECTION 6. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,