

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

15TH CONGRESS
First Regular Session

HOUSE BILL NO. 4079

Introduced by **REP. SALVADOR H. ESCUDERO III**

EXPLANATORY NOTE

The protection of victims and witnesses is an essential part of the fight against crime. The increased risk of witnesses and victims being subjected to intimidation results in the failure of the criminal justice system to bring offenders to trial and obtain judgments because witnesses are effectively discouraged from testifying freely and truthfully.

The protection of victims and witnesses giving evidence in criminal cases, is crucial in order to achieve successful results in the fight against crime.

It is of utmost importance for the state to protect witnesses against such interference by providing them with specific measures of protection that effectively ensure their safety. Hence, a Law protecting the confidentiality of victim's and witness' address and telephone number during a trial or hearing related to a criminal prosecution is necessary in fostering the safety of witnesses and victims.


SALVADOR H. ESCUDERO III
Representative
1st District, Sorsogon

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AN ACT
PROTECTING THE CONFIDENTIALITY OF VICTIMS' AND WITNESSES'
ADDRESS AND TELEPHONE NUMBERS 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 shall be known as the *Witness Confidentiality Act of 2010*.

SEC. 2. *Confidentiality of Information in Open Court.* – During a trial or hearing related to a criminal prosecution, [the court shall require that the] any victim or any witness testifying in such proceedings shall be excused from disclosing in open court his or her residential address, place of business, business name and relevant telephone numbers, or the address, place of business, business name and relevant telephone numbers of any victim and/or witness to the crime subject of such proceedings 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 relevant to the facts of the case or to the credibility of the witness.

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

SEC. 3. The Court hearing the criminal proceeding mentioned in the immediately preceding paragraph shall ensure compliance with the provisions of this law through a judicious use of their contempt powers provided for in Rule 71 of the Revised Rules of Court.

SEC. 4. *Separability Clause.* – If any part hereof, is held invalid or unconstitutional, the remainder of the provision not otherwise affected shall remain valid and subsisting.

SEC. 5. *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.

SEC. 6. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after publication in the Official Gazette or at least two (2) newspapers of general circulation.

Approved,