

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

Second Regular Session



COMMITTEE REPORT NO. 1693

Submitted by the Committee on Justice and the Committee on Appropriations on
19 JAN 2012

Re: House Bill No. 5714

Recommending its approval in substitution of House Bill Nos. 15, 608, 629 and 1979

Sponsors: Representatives Niel C. Tupas, Jr., Joseph Emilio A. Abaya, Roilo S. Golez, Juan Edgardo M. Angara, Simeon A. Datumanong, Rufus B. Rodriguez and Maximo B. Rodriguez

Mr. Speaker:

The Committee on Justice and the Committee on Appropriations, to which were referred House Bill No. 15, introduced by Representative Roilo S. Golez, entitled:

**"AN ACT
AMENDING REPUBLIC ACT NO. 6981 OTHERWISE KNOWN AS
THE "WITNESS PROTECTION, SECURITY AND BENEFIT ACT",
AND FOR OTHER PURPOSES"**

House Bill No. 608, introduced by Representative Juan Edgardo M. Angara, entitled:

**"AN ACT
AMENDING REPUBLIC ACT NO. 6981 OTHERWISE KNOWN AS
THE "WITNESS PROTECTION, SECURITY AND BENEFIT ACT"**

House Bill No. 629, introduced by Representative Simeon A. Datumanong, entitled:

**"AN ACT
AMENDING REPUBLIC ACT NO. 6981 OTHERWISE KNOWN AS
THE "WITNESS PROTECTION, SECURITY AND BENEFIT ACT",
AND FOR OTHER PURPOSES"**

and House Bill No. 1979, introduced by Representative Rufus B. Rodriguez,
entitled:

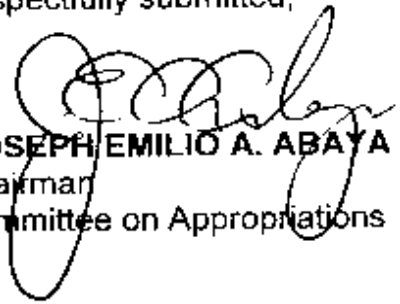
**"AN ACT
AMENDING REPUBLIC ACT NO. 6981 OTHERWISE KNOWN AS
THE "WITNESS PROTECTION, SECURITY AND BENEFIT ACT"**

have considered the same and recommend that the attached House Bill No.
5714, entitled:

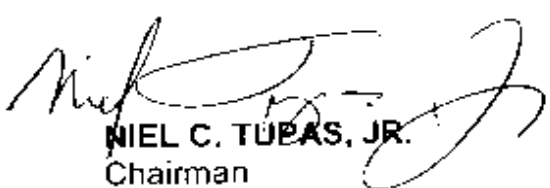
**"AN ACT
STRENGTHENING THE WITNESS PROTECTION, SECURITY
AND BENEFIT PROGRAM, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 6981 OTHERWISE KNOWN AS THE
"WITNESS PROTECTION, SECURITY AND BENEFIT ACT" AND
PROVIDING ADDITIONAL FUNDS THEREFOR"**

be approved in substitution of House Bill Nos. 15, 608, 629 and 1979 with
Representatives Roilo Golez, Juan Edgardo M. Angara, Simeon A. Datumanong,
Rufus B. Rodriguez, Maximo B. Rodriguez, Niel C. Tupas, Jr., Joseph Emilo A.
Abaya, Janette L. Garin, Mark A. Villar, Rachel Del Mar, Emi G. Calixto-Rubiano,
Linabelle Ruth Villarica, Ma. Amelita Calimbas-Villarosa, Sherwin N. Tugna,
Bernadette R. Herrera-Dy, Jose Carlos L. Cari, Roy M. Loyola and Ma. Evita R.
Arago as authors thereof.

Respectfully submitted,


JOSEPH EMILIO A. ABAYA
Chairman
Committee on Appropriations

The Honorable Speaker
House of Representatives
Quezon City


NIEL C. TUPAS, JR.
Chairman
Committee on Justice

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

House Bill No. **5714**

Introduced by: Representatives Roilo S. Golez, Juan Edgardo "Sonny" M. Angara, Simcon A. Datumanong, Rufus B. Rodriguez, Maximo B. Rodriguez, Jr., Niel C. Tupas, Jr., Joseph Emilio A. Abaya, Janette L. Garin, Mark A. Villar, Rachel del Mar, Emi G. Calixto-Rubiano, Linabelle Ruth Villarica, Ma. Amelita Calimbas-Villarosa, Sherwin N. Tugna, Bernadette R. Herrera-Dy, Jose Carlos L. Cari, Roy M. Loyola and Ma. Evita R. Arago

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:

1 SECTION 1. Sections 3, 4, 5, 6, 7, and 8 of Republic Act No. 6981,
2 otherwise known as the "Witness Protection, Security and Benefit Act", are
3 hereby amended to read as follows:
4

5 "SEC. 3. *Admission into the Program* - Any person who has
6 witnessed or has knowledge or information on the commission of a
7 crime and has testified or is testifying or about to testify before any
8 judicial or quasi-judicial body, or before any investigating
9 authority, may be admitted into the Program: *Provided, That:*
10

11 a) the offense [in] FOR which [his] THE testimony will be
12 used is a grave felony as defined under the Revised Penal
13 Code, or its equivalent under special laws;
14

15 b) [his] THE testimony can be substantially corroborated in
16 its material points;
17

1 c) [he] THE WITNESS or any member of [his] THE
2 WITNESS' family within the second [civil] degree of
3 consanguinity or affinity is subjected to threats to [his]
4 life or bodily injury or there is a likelihood that [he] THE
5 WITNESS will be killed, forced, intimidated, harassed or
6 corrupted SO AS to BF [prevent] PREVENTED [him]
7 from testifying, or to testify falsely, or evasively, because
8 or on account of [his] THE testimony GIVEN; and
9

10 d) [he] THE WITNESS is not a law enforcement officer, [even
11 if he would be] UNLESS THE TESTIMONY TO BE GIVEN
12 WILL BE [testifying] against [the] other law enforcement
13 officers. [In such a case, only the immediate members of his
14 family may avail themselves of the protection provided for
15 under this Act.]
16

17 If the Department, after examination of said applicant and
18 other relevant facts, is convinced that the requirements of this Act
19 and its implementing rules and regulations have been complied
20 with, it shall admit said applicant to the Program, require said
21 witness to execute a sworn statement detailing his knowledge or
22 information on the commission of the crime, and thereafter issue
23 the proper certification. For purposes of this Act, any such person
24 admitted to the Program shall be known as the Witness."
25

26 "SEC. 4. *Witness in Legislative Investigation.* - In case of
27 legislative investigations in aid of legislation, [a witness] THE
28 SENATE OF THE PHILIPPINES OR THE HOUSE OF
29 REPRESENTATIVES, AS THE CASE MAY BE, MAY PROVIDE
30 FOR A SEPARATE "WITNESS PROTECTION, SECURITY AND
31 BENEFIT PROGRAM" FOR ITS RESOURCE PERSONS AND/OR
32 WITNESSES. THE WITNESS AND/OR RESOURCE PERSON,
33 [with his express consent,] may be admitted into the Program upon
34 THE WRITTEN APPLICATION AND the recommendation of the
35 legislative committee where [his] THE testimony is needed when in
36 its judgment there is a pressing necessity [therefor] FOR THE
37 WITNESS' TESTIMONY OR THE PRODUCTION OF
38 DOCUMENTS OR EVIDENCE IN POSSESSION OR CUSTODY OF
39 THE WITNESS: *Provided,* That such recommendation is approved
40 by the President of the Senate or the Speaker of the House of
41 Representatives, as the case may be.
42

1 THE SENATE OF THE PHILIPPINES OR THE HOUSE OF
2 REPRESENTATIVES, AS THE CASE MAY BE, SHALL HAVE
3 PRIMARY JURISDICTION IN THE ADMINISTRATION AND
4 IMPLEMENTATION OF THE LEGISLATIVE WITNESS
5 PROTECTION, SECURITY AND BENEFIT PROGRAM.
6 CONGRESS MAY REQUEST THE NECESSARY ASSISTANCE
7 FROM ANY DEPARTMENT, BUREAU, OFFICE OR ANY OTHER
8 EXECUTIVE AGENCY TO ASSIST IN THE IMPLEMENTATION
9 OF THE PROGRAM: PROVIDED, HOWEVER, THAT IN THE
10 EVENT THAT A CRIMINAL CASE HAS BEEN INSTITUTED, FOR
11 PRELIMINARY INVESTIGATION OR FILING OF A CASE IN
12 COURT, IN RELATION TO THE SUBJECT OF THE LEGISLATIVE
13 INQUIRY, ANY WITNESS TO THE CRIMINAL CASE COVERED
14 BY THE LEGISLATIVE WITNESS PROTECTION, SECURITY AND
15 BENEFIT PROGRAM SHALL BE TURNED OVER TO THE
16 WITNESS PROTECTION, SECURITY AND BENEFIT PROGRAM
17 ADMINISTERED BY THE DEPARTMENT OF JUSTICE:
18 PROVIDED, FURTHER, THAT ANY WITNESS TO A CRIMINAL
19 CASE WHO IS COVERED BY THE PROGRAM ADMINISTERED
20 BY THE DEPARTMENT OF JUSTICE SHALL CONTINUE TO BE
21 COVERED AND SHALL REMAIN UNDER SUCH PROGRAM
22 NOTWITHSTANDING ANY LEGISLATIVE INQUIRY THAT
23 MAY BE INITIALED THEREAFTER WHERE SUCH WITNESS
24 MAY BE CALLED UPON TO TESTIFY AS A RESOURCE PERSON.
25

26 ANY WITNESS COVERED BY THE LEGISLATIVE
27 WITNESS PROTECTION, SECURITY AND BENEFIT PROGRAM
28 SHALL ENJOY THE SAME RIGHTS AND BENEFITS, BEAR THE
29 SAME RESPONSIBILITIES AND SHALL BE SUBJECT TO THE
30 SAME CONDITIONS AS PROVIDED FOR IN THIS ACT.
31

32 TO EFFECTIVELY CARRY OUT THIS PROVISION,
33 CONGRESS SHALL PROVIDE FUNDING FOR THE
34 IMPLEMENTATION OF ITS OWN WITNESS PROTECTION AND
35 BENEFIT PROGRAM AND PROMULGATE ITS OWN RULES
36 AND REGULATIONS.”
37

38 “SEC. 5. *Memorandum of Agreement (MOA) With the*
39 *Person to be Protected.* - [Before a person is provided] AS A PRE-
40 REQUISITE TO THE AVAILMENT OF THE protection under this
41 Act, [he shall first execute] THE WITNESS SHALL ENTER INTO a
42 memorandum of agreement WITH THE DEPARTMENT, which
43 shall set forth [his] CERTAIN responsibilities including:

- 1
2 a) to testify before and provide information to all appropriate law
3 enforcement officials concerning all appropriate proceedings in
4 connection with or arising from the activities involved in the
5 offense charged;
6
7 b) to avoid the commission of the crime;
8
9 c) to take all necessary precautions to avoid detection by others of
10 the facts concerning the protection provided [him] under this
11 Act;
12
13 d) to comply with legal obligations and civil judgments against
14 [him] ONE'S PERSON;
15
16 e) to cooperate with respect to all reasonable requests of officers
17 and employees of the Government who are providing
18 protection under this Act; and
19
20 f) to regularly inform the appropriate program official of [his]
21 current activities and address;
22
23 G) NOT TO COMMUNICATE WITH ANY ADVERSE PARTY OR
24 NEGOTIATE FOR OR ENTER INTO, AN AMICABLE
25 SETTLEMENT ON THE CIVIL OR CRIMINAL ASPECT OF
26 THE OFFENSE SUBJECT OF THE CASE OR INVESTIGATION;
27
28 H) TO COMPLY WITH SUCH OTHER CONDITIONS AS THE
29 SECRETARY OF JUSTICE MAY DEEM PROPER TO IMPOSE
30 FOR THE SUCCESSFUL INVESTIGATION OR PROSECUTION
31 OF THE CASE OR TO PRESERVE THE INTEGRITY OF THE
32 PROGRAM."

33
34 "SEC. 6. *Breach of the Memorandum of Agreement.* -
35 Substantial breach of the memorandum of agreement shall be a
36 ground for the IMMEDIATE termination of the BENEFITS AND
37 protection provided under this Act. [; *Provided, however, That*
38 *before terminating such protection,*] [t]The Secretary of Justice shall
39 send notice to the person involved of the termination of the
40 BENEFITS AND protection provided him under this Act, stating
41 therein the reasons for such termination."
42

1 "SEC. 7. Confidentiality [of Proceedings]. - All [proceedings]
2 MATTERS involving [application for] admission AND
3 COVERAGE [into] UNDER the Program [and the action taken
4 thereon] shall be confidential in nature[.] AND [N]no information
5 or documents RELATIVE THERETO [given or submitted in
6 support thereof] shall be released except upon written order of the
7 Department or the proper court.
8

9 Any person who violates the confidentiality of said
10 proceedings shall upon conviction be punished with imprisonment
11 of not less than [one (1) year] FOUR YEARS but not more than six
12 (6) years and deprivation of the right to hold a public office or
13 employment for a period of five (5) years.
14

15 NO INJUNCTION OR TEMPORARY RESTRAINING
16 ORDER SHALL BE ISSUED BY ANY COURT ENJOINING THE
17 ADMISSION OF THE WITNESS IN THE PROGRAM BY THE
18 DEPARTMENT."
19

20 "SEC. 8. *Rights and Benefits.* - The witness shall have the
21 RIGHT TO SECURITY AND PROTECTION AS WELL AS THE
22 following [rights and] benefits:
23

- 24 a) To have a secure housing facility until he has testified or
25 until the threat, intimidation or harassment disappears or
26 is reduced to a manageable or tolerable level. When the
27 circumstances warrant, the Witness shall be entitled to
28 relocation and/or change of personal identity at the
29 expense of the Program. This right TO A SECURE
30 HOUSING FACILITY AND RELOCATION may be
31 extended to any member of the family of the Witness
32 within the second [civil] degree of consanguinity.
33

34 A CHANGE OF PERSONAL IDENTITY MAY INCLUDE
35 A CHANGE IN PHYSIOLOGICAL APPEARANCE OR
36 CHANGE OF NAME. THE SECRETARY OF JUSTICE,
37 UPON APPLICATION OF THE WITNESS COVERED
38 UNDER THE PROGRAM AND IN ACCORDANCE WITH
39 THE RULES WHICH THE DEPARTMENT SHALL
40 HEREAFTER PROMULGATE, MAY ORDER A CHANGE
41 OF THE FIRST NAME, MIDDLE NAME AND/OR FAMILY
42 NAME OF THE WITNESS COVERED, WITHOUT NEED
43 OF A SEPARATE JUDICIAL ORDER OR

1 ADMINISTRATIVE PROCEEDINGS. PURSUANT TO
2 SUCH ORDER, THE SECRETARY OF JUSTICE MAY
3 DIRECT ALL CONCERNED AGENCIES OF THE
4 GOVERNMENT TO MAKE THE NECESSARY ENTRIES IN
5 THEIR RESPECTIVE REGISTRIES IN SUCH A MANNER
6 THAT ENSURES THE CONFIDENTIALITY OF THE
7 PROCEEDINGS AND AVOID A DISCLOSURE OF THE
8 IDENTITY OF THE WITNESS.
9

10 b) The Department shall, whenever practicable, assist the
11 Witness in obtaining a means of livelihood. The Witness
12 relocated pursuant to this Act shall be entitled to
13 financial assistance from the Program [for his support
14 and that of his family] in such amount and for such
15 duration as the Department shall determine.
16

17 c) In no case shall the Witness be removed from or demoted
18 in work because or on account of [his] ONE'S absences
19 due to [his] attendance before any judicial or quasi-
20 judicial body or investigating authority, including
21 legislative investigations in aid of legislation, in going
22 thereto and in coming therefrom: *Provided*, That his
23 employer is notified through a certification issued by the
24 Department, within a period of thirty (30) days from the
25 date when the Witness last reported for work: *Provided*,
26 *further*, That in the case of prolonged transfer or
27 permanent relocation, the employer shall have the option
28 to remove the Witness from employment after securing
29 clearance from the Department upon the
30 recommendation of the Department of Labor and
31 Employment.
32

33 Any Witness who failed to report for work because of
34 witness duty shall be paid BY ONE'S EMPLOYER the
35 equivalent salaries or wages corresponding to the
36 number of days of absence occasioned by [his] witness
37 duties under the Program. For purposes of this Act, any
38 fraction of a day shall constitute a full day salary or
39 wage. This provision shall be applicable to both
40 government and private employees.
41

42 d) To be provided with reasonable travelling expenses and
43 subsistence allowance by the Program in such amount as

1 the Department may determine for his attendance in the
2 court, body or authority where his testimony is required,
3 as well as conferences and interviews with prosecutors or
4 investigating officers.
5

- 6 c) To be provided with NECESSARY free medical
7 ATTENTION, treatment, hospitalization and medicines
8 PARTICULARLY for any injury, [or] illness OR ANY
9 OTHER MEDICAL CONDITION incurred or suffered by
10 THE WITNESS OR BY THE SPOUSE AND MINOR OR
11 DEPENDENT CHILDREN [because of] WHILE ON
12 witness duty OR WHILE IN THE TEMPORARY
13 SHELTER PROVIDED BY THE PROGRAM in any
14 [private or] public hospital, clinic, or at any such
15 institution at the expense of the Program.
16

17 "WITNESS DUTY SHALL INCLUDE THE
18 ATTENDANCE OF THE WITNESS IN THE COURT,
19 BODY OR AUTHORITY WHERE THE TESTIMONY IS
20 REQUIRED AS WELL AS CONFERENCES AND
21 INTERVIEWS WITH PROSECUTORS OR
22 INVESTIGATING OFFICERS. A WITNESS WHO IS
23 RELOCATED TO AN ACCREDITED WITNESS
24 PROTECTION SECURITY AND BENEFIT PROGRAM
25 TEMPORARY SHELTER SHALL BE CONSIDERED TO
26 BE UNDER WITNESS DUTY FOR THE DURATION OF
27 STAY IN SAID TEMPORARY SHELTER."
28

- 29 f) If a Witness is killed because of [his] participation in the
30 Program, [his] THE WITNESS' heirs shall be entitled to a
31 burial benefit of not less than ten thousand pesos
32 (P10,000.00) from the Program exclusive of any other
33 similar benefits [he] THE WITNESS may be entitled to
34 under other existing laws.
35
36 g) [In case of death or permanent incapacity, his] THE
37 WITNESS' minor or dependent children shall be entitled
38 to free education AND/OR EDUCATIONAL
39 ASSISTANCE, from primary to college level in any state [,
40 or private] school, college or university [as may be
41 determined by the Department,] as long as they shall be
42 qualified thereto. THE EDUCATIONAL BENEFITS
43 HEREIN PROVIDED CAN BE AVAILED BY THE

1 WITNESS' MINOR OR DEPENDENT CHILDREN FOR
2 PRIMARY, SECONDARY AND TERTIARY EDUCATION,
3 BUT IN THE LATTER CASE, NOT TO EXCEED FIVE (5)
4 YEARS."

5
6 SEC. 2. Sections 10 and 12 of the same Act are hereby amended to read as
7 follows:

8
9 "SEC. 10. [State Witness] **ADMISSION OF OFFENDERS.** -

10 Any person who has participated in the commission of a crime and
11 desires to be a witness for the [State] GOVERNMENT, can apply
12 and, if qualified as determined in this Act and by the Department,
13 shall be admitted into the Program whenever the following
14 circumstances are present:

15
16 a) the offense in which [his] THE testimony will be used is a
17 grave felony as defined under the Revised Penal Code or its
18 equivalent under special laws;

19
20 b) there is absolute necessity for [his] THE testimony;

21
22 c) there is no other direct evidence for the proper
23 prosecution of the offense committed;

24
25 d) [his] THE testimony can be substantially corroborated on
26 its material points;

27
28 e) [he] THE PERSON does not appear to be most guilty; and

29
30 f) [he] THE PERSON has not at any time been convicted of
31 any crime involving moral turpitude.

32
33 THE ADMISSION OF A PERSON TO THE PROGRAM IS
34 DISTINCT AND SEPARATE FROM A DISCHARGE OF AN
35 ACCUSED FROM AN INFORMATION OR CRIMINAL
36 COMPLAINT BY THE COURT IN ORDER THAT SAID ACCUSED
37 MAY BE A STATE WITNESS PURSUANT TO SECTION 17 OF
38 RULE 119 OF THE REVISED RULES OF COURT.

39
40 An accused discharged from an information or criminal
41 complaint by the court in order that [he] THE ACCUSED may be a
42 State Witness pursuant to [Sections 9 and 10] SECTION 17 of Rule
43 119 of the Revised Rules of Court may, upon [his] petition, be

1 admitted to the Program [if he complies] UPON COMPLIANCE
2 with the other requirements of this Act.
3

4 Nothing in this Act shall prevent the discharge of an accused
5 [, so that he can be used] WHO QUALIFIED as [a] State Witness
6 under SECTION 17, Rule 119 of the Revised Rules of Court.”
7

8 “SEC. 12. *Effect of Admission of a [State] Witness into the*
9 *Program.* – The certification of admission into the Program by the
10 Department shall be given full faith and credit by the provincial or
11 city prosecutor who is required not to include the Witness in the
12 criminal complaint or information, and if included therein, to
13 petition the court for [his] THE discharge PURSUANT TO THIS ACT
14 in order that [he] can be utilized as a [State] Witness FOR THE
15 PROSECUTION. [The Court shall order the discharge and exclusion
16 of the said accused from the information.]
17

18 Admission into the program shall AUTOMATICALLY
19 entitle such [State] COVERED Witness to immunity from criminal
20 prosecution for the offense or offenses in which [his] THE
21 testimony will be given or used, and [all the rights and benefits
22 provided under Section 8 hereof] THE COURT SHALL ORDER
23 THE DISCHARGE AND EXCLUSION OF THE SAID WITNESS
24 FROM THE INFORMATION.”
25

26
27 SEC. 3. A new section (Section 12-A) shall be inserted between Section 12
28 and Section 13 of the same Act, which shall read as follows:
29

30 “SEC. 12-A. **PERPETUATION OF TESTIMONY** - A
31 WITNESS ONCE ADMITTED INTO THE PROGRAM SHALL
32 PERPETUATE THE TESTIMONY PURSUANT TO RULE 134 OF
33 THE REVISED RULES OF COURT.”
34

35 SEC. 4. Sections 13, 14, 15, 16 and 17 of the same Act are hereby amended
36 to read as follows:
37

38 “SEC. 13. *Failure or Refusal of the Witness to COOPERATE*
39 *or Testify.* – [Any witness registered in the Program who fails or
40 refuses to testify or to continue to testify without just cause when
41 lawfully obliged to do so, shall be prosecuted for contempt. If he
42 testifies falsely or evasively, he shall be liable to prosecution for
43 perjury. If a State Witness fails or refuses to testify, or testifies

1 falsely or evasively, or violates any condition accompanying such
2 immunity without just cause, as determined in a hearing by the
3 proper court, his immunity shall be removed and he shall be subject
4 to contempt or criminal prosecution. Moreover, the enjoyment of
5 all rights and benefits under this Act shall be deemed terminated.]
6

7 [The Witness may, however, purge himself of the
8 contumacious acts by testifying at any appropriate stage of the
9 proceedings.]
10

11 A WITNESS COVERED UNDER THE PROGRAM WHO
12 UNJUSTLY FAILS OR REFUSES TO COOPERATE OR TESTIFY IN
13 THE INVESTIGATION OR PROSECUTION OF A CASE OR WHO
14 GIVES FALSE OR MISLEADING TESTIMONY SHALL BE
15 CRIMINALLY PROSECUTED AND SHALL, UPON
16 CONVICTION, SUFFER THE PENALTY OF IMPRISONMENT OF
17 NOT LESS THAN FOUR (4) YEARS BUT NOT EXCEEDING SIX (6)
18 YEARS. THE WITNESS SHALL ALSO BE REQUIRED TO
19 RESTITUTE ALL THE PROGRAM'S EXPENSES RELATIVE TO HIS
20 COVERAGE WITHOUT PREJUDICE TO PROSECUTION FOR
21 CONTEMPT UNDER OTHER EXISTING LAWS."
22

23 "SEC. 14. *Compelled Testimony.* - Any Witness admitted
24 into the Program pursuant to Sections 3 and 10 of this Act cannot
25 refuse to testify or give evidence or produce books, documents,
26 records or writings necessary for the prosecution of the offense or
27 offenses for which [he] ONE has been admitted into the Program
28 on the ground of the constitutional right against self incrimination.
29 [but he] SAID WITNESS shall enjoy immunity from criminal
30 prosecution and [cannot] SHALL NOT be subjected to any penalty
31 or forfeiture for any transaction, matter or thing concerning his
32 compelled testimony or books, documents, records and writings
33 produced.
34

35 In case of refusal of said Witness to testify or give evidence
36 or produce books, documents, records, or writings, on the ground
37 of the right against self-incrimination, and the state prosecutor or
38 investigator believes that such evidence is absolutely necessary for
39 a successful prosecution of the offense or offenses charged or under
40 investigation, he, with the prior approval of the Department, shall
41 file a petition with the appropriate court for the issuance of an
42 order requiring said Witness to testify, give evidence or produce

1 the books, documents, records, and writings described, and the
2 court shall issue the proper order.
3

4 The court, upon motion of the state prosecutor or
5 investigator, shall order the arrest and detention of the Witness in
6 any jail contiguous to the place of trial or investigation until such
7 time that the Witness is willing to give such testimony or produce
8 such documentary evidence.”
9

10 “SEC. 15. *[Perjury or] Contempt* - No Witness shall be
11 exempt from prosecution for [perjury or] contempt committed
12 while giving testimony or producing evidence under compulsion
13 pursuant to this Act. [The penalty next higher in degree shall be
14 imposed in case of conviction for perjury.] The procedure
15 prescribed under Rule 71 of the Rules of Court shall be followed
16 but the penalty to be imposed shall not be less than one (1) month
17 but not more than one (1) year imprisonment.”
18

19 “SEC. 16. *Credibility of Witness*. - In all criminal cases, the
20 fact of the entitlement of the Witness to the protection and benefits
21 provided for in this Act shall not be admissible in evidence to
22 diminish or affect his credibility.”
23

24 “SEC. 17. *Penalty for Harassment of Witness*. - Any person
25 who harasses a Witness [and thereby hinders, delays, prevents or
26 dissuades a Witness] BY REASON OF THE SWORN STATEMENT
27 OR TESTIMONY GIVEN BY THE LAITER, OR WHO ATTEMPTS
28 TO HINDER, DELAY, PREVENT OR DISSUADE THE WITNESS
29 from:
30

31 a) attending or testifying before any judicial or quasi-judicial
32 body or investigating authority;
33

34 b) reporting to a law enforcement officer or judge the
35 commission or possible commission of an offense, or a violation of
36 conditions or probation, parole, or release pending judicial
37 proceedings;
38

39 c) seeking the arrest of another person in connection with the
40 offense;
41

42 d) causing a criminal prosecution, or a proceeding for the
43 revocation of a parole or probation; or

1
2 e) performing and enjoying the rights and benefits under
3 this Act [or attempts to do so], shall be fined not more than [Three
4 thousand pesos (P3,000.00)] TWENTY THOUSAND PESOS
5 (P20,000) or suffer imprisonment of not less than [six (6) months]
6 TWO (2) YEARS but not more than [one (1) year] FOUR (4) YEARS.
7 [, or both, and he shall also suffer the penalty of perpetual
8 disqualification from holding public office in case of a public
9 officer].
10

11 IN ADDITION, THE PENALTY OF PERPETUAL
12 DISQUALIFICATION FROM HOLDING OFFICE SHALL BE
13 IMPOSED UPON THE OFFENDER WHO IS A PUBLIC OFFICER.”
14

15 SEC. 5. A new section (Section 17-A) is hereby inserted in Republic
16 No. 6981 which shall read as follows:
17

18 “SEC. 17-A. *CONSTRUCTION OF PROVISIONS.* - IN
19 CASE OF DOUBT, ANY PROVISION OF THIS ACT SHALL BE
20 CONTRUED IN FAVOR OF THE ADMISSION OF THE
21 WITNESS.”
22

23 SEC. 6. *Appropriations.* - The amount necessary to carry out the provisions
24 of this Act shall be included in the annual General Appropriations Act.
25

26 SEC. 7. *Rules and Regulations.* - The Department of Justice shall promulgate
27 the necessary rules and regulations to implement this Act.
28

29 SEC. 8. *Separability Clause.* - If any section or provision of this Act shall be
30 declared unconstitutional or invalid, such shall not invalidate any other section
31 of this Act.
32

33 SEC. 9. *Repealing Clause.* - All laws, decrees, orders, rules, regulations,
34 ordinances or parts thereof which are inconsistent with this Act are hereby
35 repealed or modified accordingly.
36

37 SEC. 10. *Effectivity Clause.* - This Act shall take effect fifteen (15) days upon
38 its complete publication in at least two (2) general newspapers of national
39 circulation.
40

41 *Approved.*



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

HON. JOSEPH EMILIO A. ABAYA

Congressman, 1st District, Cavite
Chairman, Committee on Appropriations

November 17, 2011

HON. MEL C. TUPAS, JR.

Chairperson
Committee on Justice

Dear Chairperson Tupas:

Please be informed that the Committee on Appropriations in its meeting held on November 16, 2011 at the Rolando Ayalza Hall, South Wing Building, approved to report out Substitute Bill to House Bill Nos. 15, 608, 629 and 1979, titled "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", without amendment.

Very truly yours,


JOSEPH EMILIO AGUINALDO ABAYA

cc: Rep. Rolio S. Galez
Rep. Juan Edgardo M. Angara
Rep. Simeon A. Datumanong
Rep. Rolio B. Rodriguez
Rep. Maximo B. Rodriguez, Jr.

FIFTEENTH CONGRESS
First Regular Session

Introduced by HONORABLE JUAN EDGARDO "SONNY" M. ANGARA

There is an urgent need to provide protection and security to witnesses and/or resource persons who are called upon to give evidence in aid of legislation conducted by the Congress of the Philippines. The present law should be amended in order to improve the conditions and procedure for providing protection and assistance to witnesses in legislative investigations when reasonable fear exists that testifying for the purpose of giving evidence and/or testimony during the investigation on criminal offenses in connection with which the protection may be provided under the present law, would expose the witnesses to severe danger to their life, health, freedom, earnings, livelihood or property, while other measures do not suffice. The object of this bill is to ensure that the due administration of justice in legislative investigations is not prejudiced by witnesses not being given adequate protection to higher testimony in said proceedings.

The bill also proposes to amend RA 4961, sending witnesses admitted into the program to the following benefits: 1) hospitalization benefits while in the safehouse; 2) free education to minor or dependent children. Presently, free hospitalization is provided to witnesses on the basis of illnesses incurred or suffered primarily due to witness duty. Also, witnesses or their minor or illnesses incurred or suffered primarily due to witness duty. Also, witnesses or their minor or illnesses incurred or suffered primarily due to witness duty. Also, witnesses or their minor or illnesses incurred or suffered primarily due to witness duty.

Moreover, the bill seeks to provide a legal and explicit basis for the perpetuation of testimonies of witnesses in consonance with Rule 104 of the Revised Rules of Court. Although this can readily be done administratively, it is deemed advisable to provide such in the law.

in view of the foregoing, the approval of the Council is earnestly sought.

JUAN EDGARDO "SONNY" M. ANGARA
Representative
1st District, Province of Aurora

H. B. No. **608**

Introduced by Honorable JUAN EDGARDO "SONNY" M. ANGARA

AN ACT
AMENDING REPUBLIC ACT NO. 6981, OTHERWISE KNOWN AS THE
"WITNESS PROTECTION, SECURITY AND BENEFIT ACT"

Enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:

SECTION 1. This Act shall be known as the *"Witness Protection, Security and
Benefit Act of 2010."*

SEC. 2. Section 4 of Republic Act No. 6981 is hereby amended to read as follows:

Section 4. Witness in Legislative Investigations. In case of legislative
investigations in aid of legislation, *(a) Witness* THE SENATE OF THE
PHILIPPINES OR THE HOUSE OF REPRESENTATIVES, AS THE CASE MAY
BE, SHALL PROVIDE FOR A SEPARATE "WITNESS PROTECTION,
SECURITY AND BENEFIT PROGRAM" FOR THE RESOURCE PERSONS
AND/OR WITNESSES. THE WITNESS AND/OR RESOURCE PERSON, with
his express consent, may be admitted into the Program upon the
recommendation of the legislative committee where his/her testimony is needed
when in his judgment there is pressing interest, therefore: Provided, That such
recommendation is approved by the President of the Senate or the Speaker of
the House of Representatives, as the case may be.

THE SENATE OF THE PHILIPPINES OR, THE HOUSE OF
REPRESENTATIVES, AS THE CASE MAY BE, SHALL HAVE PRIMARY
JURISDICTION IN THE ADMINISTRATION AND IMPLEMENTATION OF THE
PROGRAM. CONGRESS MAY REQUEST THE NECESSARY ASSISTANCE
FROM ANY DEPARTMENT, BUREAU, OFFICE OR ANY OTHER EXECUTIVE
AGENCY TO ASSIST WITH THE IMPLEMENTATION OF THE PROGRAM.

HOWEVER, THE PROGRAM SHALL BE IMPLEMENTED BY THE
SENATE OR THE HOUSE OF REPRESENTATIVES INDEPENDENT FROM
ANY OTHER DEPARTMENT, BUREAU, OFFICE OR ANY OTHER
EXECUTIVE AGENCY WHEN IT IS APPARENT THAT THE INVESTIGATION

MIGHT BE PREJUDICED AND/OR WHEN THE SAFETY OF THE WITNESS
MIGHT BE JEOPARDIZED ESPECIALLY WHEN THE PUBLIC OFFICIALS
ARE INVOLVED.

CONGRESS MAY PROMULGATE ITS OWN RULES AND
REGULATIONS FOR THE IMPLEMENTATION OF THIS PROVISION."

SEC. 3. Section 2 (a) and (g) of the same Act are hereby amended to read as follows:

SEC. 3. Rights and Benefits -The witness shall have the following rights
and benefits

X X X

(a). To be provided with free medical treatment, hospitalization and medicines for
any injury or illness incurred or suffered by him because of witness duty **OR**
WHILE IN THE SAFEHOUSE in any private or public hospital, clinic, or such
institution at the expense of the Program

X X X

(b) In case of death or permanent incapacity, (15) **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 may be determined
by the Department) as long as they shall have need for the same.

SEC. 4. A new section, Section 12 A, shall be inserted under Section 12 of the same
Act which shall read as follows:

**"SEC. 12-A. PERPETUATION OF TESTIMONY. ONCE ADMITTED
INTO THE PROGRAM, A WITNESS MAY PERPETUATE HIS TESTIMONY
PURSUANT TO RULE 134 OF THE REVISED RULES OF COURT."**

SEC. 5. The Department of Justice shall promulgate the necessary rules and regulation
to implement this Act

SEC. 6. If any provision or part hereof is held invalid or unconstitutional, the remainder
of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 7. All laws, executive orders, decrees, rules, regulations, ordinances, or parts
thereof which are inconsistent with the provision of this Act are hereby repealed or modified
accordingly.

SEC. 8. This Act shall take effect fifteen (15) days upon its complete publication in
the Official Gazette or in at least two (2) general newspapers of national 15 circulation.

Approved:

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Fifteenth Congress
First Regular Session

House Bill No. 629

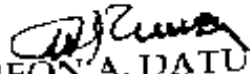
Introduced by the Honorable Simeon A. Datumanong

Explanatory Note

It is common knowledge that the successful prosecution of criminal offenses primarily rests on the willingness of witnesses to fully cooperate with the authorities who investigate and prosecute criminal offenses. Many cases were lost because of the natural reticence of prospective witnesses to involve themselves in criminal actions because of fear for their lives and limbs. It is therefore imperative for the State to encourage prospective witnesses to help the authorities prosecute criminal offenses by providing them the necessary assistance not only for their safety but also their welfare.

This seeks to amend certain provisions of Republic Act 6981, otherwise known as the Witness Protection, Security and Benefit Act, to further protect the rights and benefits of the witness whose life and limb are put in peril as he/she acts upon his/her social duties. Among the expanded rights and benefits which are intended to be given to him are free medical treatment and hospitalization. In case of death, the witness' minor or dependent children shall also be entitled to free education if they are qualified thereto.

This representation believes that these amendments will go a long way to promote the welfare of the witness and his/her family, and further strengthen the administration of justice. In view thereof, the passage of this bill is earnestly sought.


SIMEON A. DATUMANONG
2nd District, Maguindanao

*Republic of the Philippines
House of Representatives
Quezon City, Metro Manila*

*Fifteenth Congress
First Regular Session*

House Bill No. 629

Introduced by the Honorable Simeon A. Datumanong

AN ACT
AMENDING REPUBLIC ACT NO. 6981, OTHERWISE KNOWN AS THE
"WITNESS PROTECTION, SECURITY AND BENEFIT ACT", AND FOR OTHER
PURPOSES

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

SECTION 1. Section 8, paragraphs (e) and (g) of Republic Act No. 6981, otherwise known as the "Witness protection, Security and Benefit Act" is hereby amended to read as follows:

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

"a) x x x

"b) x x x

"c) x x x

"d) x x x

"e) To be provided with **NEEDED** free medical treatment, hospitalization and medicines **PARTICULARLY** for any injury, [or] illness **OR ANY OTHER MEDICAL CONDITION** incurred or suffered by

him/HER [because of] WHILE ON witness duty OR WHILE IN THE
SAFEHOUSE in any private or public hospital, clinic, or at any such
institution at the expense of the Program.

* WITNESS DUTY SHALL INCLUDE THE ATTENDANCE OF
THE WITNESS IN THE COURT, BODY OR AUTHORITY WHERE
HIS/HER TESTIMONY IS REQUIRED AS WELL AS CONFERENCES
AND INTERVIEWS WITH PROSECUTORS OR INVESTIGATING
OFFICERS. A WITNESS WHO IS RELOCATED TO AN ACCREDITED
WITNESS PROTECTION SECURITY AND BENEFIT PROGRAM
(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 may be determined by the Department,] as long as they
shall have qualified thereto. THE EDUCATIONAL BENEFIT HEREIN
PROVIDED CAN BE AVAILED BY THE WITNESS' MINOR OR
DEPENDENT CHILDREN DURING HIS/HER ADMISSION TO THE
PROGRAM AND UP TO ONE (1) YEAR AFTER THE TERMINATION
OF HIS/HER WITNESS DUTY."

SEC. 2. A new section shall be inserted between Section 12 and Section
13 of the same Act, which shall read as follows:

a) "SEC. 12-A. PERPETUATION OF TESTIMONY. - A
WITNESS ONCE ADMITTED INTO THE PROGRAM
SHALL PERPETUATE HIS/HER TESTIMONY
PURSUANT TO RULE 134 OF THE REVISED RULES OF
COURT."

SEC. 3. The Department of Justice shall promulgate the necessary rules
and regulations to implement this Act.

SEC. 4. If any section or provision of this Act shall be declared
unconstitutional or invalid, such shall not invalidate any other section of this Act.

SEC. 5. All laws, decrees, orders, rules, regulations, ordinances or parts

thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 6. This Act shall take effect fifteen (15) days upon its publication in at least two (2) general newspapers of national circulation.

Approved,

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.

House Bill No. 1979

EXPLANATORY NOTE

In view of the active roles of the Senate and the House of Representatives in the investigation of malfeasance, misfeasance or nonfeasance of government officials which are detrimental to the interests of the Filipino people, there is a need to amend Republic Act No. 6981, otherwise known as the "Witness Protection, Security and Benefit Act".

It is necessary that the Senate and the House of Representatives have their own separate Witness Protection, Security, and Benefit Program for the resource person and/or witness appearing before any of its committees.

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


RUFUS B. RODRIGUEZ


MAXIMO B. RODRIGUEZ, JR.

FIFTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.

1979

House Bill No. _____

AN ACT
AMENDING REPUBLIC ACT NO. 6981, OTHERWISE KNOWN AS THE
"WITNESS PROTECTION, SECURITY AND BENEFIT ACT".

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

SECTION 1. Section 4 of Republic Act No. 6981 is hereby amended to
read as follows:

Section 4. Witness in Legislative
Investigation - in case of legislative investigations
in aid of legislation, [a witness] THE SENATE OF
THE PHILIPPINES OR THE HOUSE OF
REPRESENTATIVES, AS THE CASE MAY BE,
SHALL PROVIDE FOR A SEPARATE "WITNESS
PROTECTION, SECURITY AND BENEFIT
PROGRAM" FOR THE RESOURCE PERSONS
AND/OR WITNESSES. THE WITNESS AND/OR
RESOURCE PERSON, with his express consent,
may be admitted into the Program upon the
recommendation of the legislative committee
where his/her testimony is needed when in its
judgment there is a pressing necessity therefore:
Provided, That such recommendation is approved
by the President of the Senate or the Speaker of
the House of Representatives, as the case may
be.

THE SENATE OF THE PHILIPPINES OR
THE HOUSE OF REPRESENTATIVES, AS THE
CASE MAY BE, SHALL HAVE PRIMARY
JURISDICTION IN THE ADMINISTRATION AND
IMPLEMENTATION OF THE PROGRAM.
CONGRESS MAY REQUEST THE NECESSARY
ASSISTANCE FROM ANY DEPARTMENT,
BUREAU, OFFICE OR ANY OTHER EXECUTIVE
AGENCY TO ASSIST WITH THE
IMPLEMENTATION OF THE PROGRAM.

HOWEVER, THE PROGRAM SHALL BE IMPLEMENTED BY THE SENATE OR THE HOUSE OF REPRESENTATIVES INDEPENDENT FROM ANY OTHER DEPARTMENT, BUREAU, OFFICE OR ANY OTHER EXECUTIVE AGENCY WHEN IT IS APPARENT THAT THE INVESTIGATION MIGHT PREJUDICED AND/OR WHEN THE SAFETY OF THE WITNESS MIGHT BE JEOPARDIZED SPECIALLY WHEN PUBLIC OFFICIALS ARE INVOLVED.

CONGRESS MAY PROMULGATE ITS OWN RULES AND REGULATIONS FOR THE IMPLEMENTATION OF THIS PROVISION".

SEC. 2. Section 8 (e) and (g) of the same Act are hereby amended to read as follows:

Sec. 8. Rights and Benefits – The witness shall have the following rights and benefits:

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 OR WHILE IN THE SAFEHOUSE in any private or public hospital, clinic, or such institution at the expense of the Program.

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 may be determined by the Department] as long as they shall have qualified thereto".

SEC. 3. A new section, Section 12-A, shall be inserted under Section 12 of the same Act, which shall read as follows:

Sec 12-A PERPETUATION OF TESTIMONY – ONCE ADMITTED INTO THE PROGRAM, A WITNESS MAY PERPETUATE HIS TESTIMONY PURSUANT TO RULE 134 OF THE REVISED RULES OF COURT.

SEC. 4. The Department of Justice shall promulgate the necessary rules and regulations to implement this Act

SEC. 5. If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise effected shall remain valid and subsisting.

SEC. 6. All laws, executive orders, decrees, rules, regulations, ordinances or parts thereof which are inconsistent with the provision of this Act are hereby repealed or modified accordingly.

Approved.

FACT SHEET

House Bill Nos. 15, 608, 629, 1979

Approved by the Committee on Appropriations – November 16, 2011;

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"

*Introduced by: REPS. ROILO GOLEZ, JUAN EDGARDO M. ANGARA, SIMEON A. DATUMANONG, RUFUS B. RODRIGUEZ and MAXIMO RODRIGUEZ, JR.
Committee Referral: COMMITTEE ON JUSTICE
Committee Chairperson: REP. NEIL C. TUPAS, JR.*

OBJECTIVE:

- To encourage witnesses to enter the government's Witness Protection Program by providing better protection and benefits to them, thus ensuring the speedy and fair disposition of justice.

KEY PROVISIONS:

- Mandates that witness duty shall include the attendance of the witness in court, body or authority where ones is required as well as conferences and interviews with prosecutors or investigating officers
- Provides that a witness who is relocated to an accredited Witness Protection Security and Benefit Program (WPSBP) safehouse temporary shelter shall be considered to be under witness duty.
- Provides free medical treatment, hospitalization and medicines while on witness duty or while in the safehouse.
- Mandates the grant of free education from primary to college level in any state school, college or university to the witness, minor or dependent children during his/her admission to the Program and up to one year after the termination of the witness duty.
- Provides for the perpetuation of testimonies of witnesses in consonance with Rule 134 of the Revised Rules of Court. The Rule on Perpetuation of Testimony has been transposed to the Rules of Court on Depositions and Discovery. "A deposition is the written testimony of a witness given in the course of a judicial proceeding, in advance of the trial or hearing upon oral examination or in response to written interrogatories and where an opportunity is given for cross-examination." (*Republic v. Sandiganbayan*, G.R. No. 112710, 30 May 2001)

RELATED LAWS:

- Republic Act 6981, Witness Protection, Security, and Benefit Act
- Rule 134 on Perpetuation of Testimony (Revised Rules of Court)

MINUTES OF THE MEETING OF THE COMMITTEE ON JUSTICE HELD ON
17 MAY 2012, TUESDAY, 9:30 AM AT THE CONFERENCE ROOMS 9 & 10
RAMON V. MITRA, JR., BUILDING, HOUSE OF REPRESENTATIVES,
QUEZON CITY

GUESTS / RESOURCE PERSONS	OFFICE
1. Atty. Vicente S. Aquino	Executive Director, Anti-Money Laundering Council (AMLC)
2. Mr. Emmanuel F. Duoc	Insurance Commissioner
3. Atty. Romulo S. Baligod	State Prosecutor, Department of Justice (DOJ) Witness Protection Security and Benefits Program (WPSBP)
4. Atty. Marilyn L. Angeles	Sr. State Counsel, DOJ
5. Mr. Pio Batino	Undersecretary, Department of National Defense (DND)
6. P. Sr. Supt. Wilben Mayor	Philippine National Police (PNP)
7. P2LT Magno Trumpo	Judge Advocate General Services (JAGS), Armed Forces of the Philippines (AFP)
8. P2LT Dhyiye Enchon Espejo	JAGS, AFP
9. P. Chief Inspector Emely R. Trinidad	Criminal Investigation and Detection Group (CIDG), Legal, PNP
10. Mr. Vicente Mendoza	Executive Director, Rural Bankers' Association of the Philippines (RBAP)

I. CALL TO ORDER/ROLL CALL

Senior Vice Chairman Rodolfo C. Fariñas presided over the meeting. He called the meeting to order at 9:30 AM. Rep. Datumanong then moved to dispense with the calling of the roll. Hearing no objection, the Presiding Officer approved the same.

II. PRESIDING OFFICER'S PRELIMINARY REMARKS

Hon. Fariñas noted there were three (3) main items in the Agenda to be considered for the day:

- 1) Witness Protection, Security and Benefit Act
- 2) Whistleblowers' Act of 2011
- 3) Terrorist Financing Suppression Act of 2011

III. CONSIDERATION OF THE FOLLOWING MEASURES

A. WITNESS PROTECTION, SECURITY AND BENEFIT ACT, HB NOS. 15,608, 629 AND 1979 BY REPS. GOLEZ, ANGARA, DATUMANONG, R&M RODRIGUEZ

A consolidated bill covering the four (4) similar measures had already been crafted by the Secretariat. Hon. Datumanong then moved for the approval of the consolidated version. The motion was duly seconded. Hearing no objection, the substitute bill was approved.

B. WHISTLEBLOWERS ACT OF 2011 - HB5 NOS. 132, 452, 1832, 2119, 2471, 2673 AND 2922 BY REPS. CASINO, COLMENARES, ANGARA, TEODORO, R&M RODRIGUEZ, ARENAS, QUISUMBING AND ESCUDERO

Hon. Rufus Rodriguez had the floor. He said that a Technical Working Group (TWG) which included the stakeholders had conducted six meetings. He stated that a consolidated or substitute bill has been crafted and this is aimed at attaining the present administration's "daang matuwid". This is also in consonance with the international anti-corruption drive. He added that many countries have similar laws which are intended to put to justice corrupt government officials and private citizens in cahoots with them. The measure gives protection as well as provide rewards system for the whistleblowers.

Confidentiality of proceedings is assured, he emphasized. Other matters like admission to the witness protection program and the need for corroborative evidence are also covered. A memorandum of agreement (MOA) with the DOJ to provide protection to whistleblowers has been considered, he added.

Hon. Datumanong then moved for the approval of the substitute consolidated bill on whistleblowers. This was duly seconded. Hearing no more discussions, nor amendments nor any objection, the Presiding Officer approved the motion.

C. TERRORIST FINANCING SUPPRESSION ACT OF 2011- HB NOS. 733
AND 2158 BY REPS. ANTONINO AND NOGRALLS

Some invited resource persons gave their comments and inputs as follows:

Commissioner Emmanuel Doco of the Insurance Commission reported that he recently attended a meeting in Macau wherein nine (9) countries tackled anti-money laundering efforts.

Atty. Aquino of the Anti-Money Laundering Council said that the Philippines' deficiency – or non-criminalization of money-laundering made it a member of "hall of vulnerable jurisdiction." As of the present, the Philippines remain in the list of such countries with vulnerable jurisdiction. He exhorted Congress to pass these measures before the end of the year in order to address the problem of terrorist funding in the country.

The Presiding Officer lamented the absence of the invited stakeholders, saying that the AFP and the PNP only sent low level representatives not probably authorized to speak in behalf of their organizations.

Atty. Aquino of the AMLC gave some recommendations:

1. By enacting a law to address terrorist financing, the Philippines will be abiding by the United Nations' requirements;
2. There must be criminalization of such activity;
3. There must a provision in the bill on confiscation of identified terrorist funds; and
4. There must a reporting of suspected terrorist funds to proper authorities.

He further warned that the Philippines must be able to pass this measure into a law not later than December 31, 2011 or our country will be tagged in the same league as North Korea and Iran.

Hon. Fariñas noted that close presidential advisers/alter-egos have shown lukewarm support for this bill. He added that the DOJ is represented only by a state counsel. Evidently, there is lacking a showing of full support. Rep. Albano observed that the President may be busy reorganizing his cabinet as of this time.

The Committee wanted to defer further consideration of the measure to give more time for the stakeholders to study the bill.

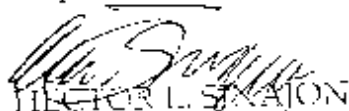
Hon. Datumanong moved for the creation of a Technical Working Group (TWG) to be comprised of the authors and the stakeholders. He gave a timeframe of two weeks for the TWG to consolidate the two bills and consider the inputs, amendments and refinements. The composition of this TWG will be representatives from the DOJ, DND, AFP, PNP, AMLC, Anti-Terrorism Council, Department of Foreign Affairs, KBAP, Bankers Association of the Philippines (BAP), and Chamber of Thrift Bankers.

Hearing no objection, the motion was approved.

IV. ADJOURNMENT

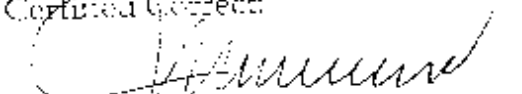
Hon. George Arnaiz then moved to adjourn the meeting. Hearing no objection the meeting was adjourned at 10:34 AM.

Prepared by:

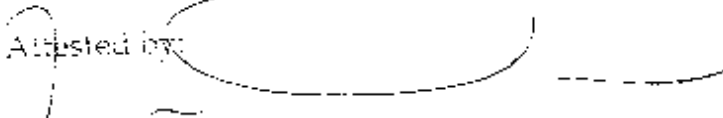

HECTOR L. SISON

Supervising Legislative Staff Officer 1

Certified Correct:


ATTY. NARCISA H. GUEVARRA
Committee Secretary

Attested by:


HON. NIEL C. TUPAS, JR.
Chairman