

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

Second Regular Session



COMMITTEE REPORT NO. 1694

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

Re: House Bill No. **5715**

Recommending its approval in substitution of House Bill Nos. 132, 452, 1832, 2110, 2471, 2675 and 2922

Sponsors: Representatives Niel C. Tupas, Jr., Joseph Emilio A. Abaya, Teodoro A. Casiño, Neri Colmenares, Juan Edgardo M. Angara, Marcelino R. Teodoro, Rufus B. Rodriguez, Maximino B. Rodriguez, Ma. Rachel J. Arenas, Gabriel Luis R. Quisumbing and Salvador H. Escudero

Mr. Speaker:

The Committee on Justice and the Committee on Appropriations, to which were referred House Bill No. 132, introduced by Representative Teddy A. Casiño, entitled:

**"AN ACT
PROVIDING FOR PROTECTION, SECURITY AND BENEFITS OF
WHISTLEBLOWERS AND FOR OTHER PURPOSES"**

House Bill No. 452, introduced by Representative Juan Edgardo M. Angara, entitled:

**"AN ACT
ESTABLISHING A WHISTLEBLOWER BILL OF RIGHTS"**

House Bill No. 1832, introduced by Representative Marcelino R. Teodoro, entitled:

**"AN ACT
ESTABLISHING PROTECTION FOR WHISTLEBLOWERS"**

House Bill No. 2110, introduced by Representative Rufus B. Rodriguez, entitled:

**"AN ACT
MANDATING THE PROTECTION AND REWARD OF
WHISTLEBLOWERS IN THE PHILIPPINES, SECURITY AND
BENEFIT ACT"**

House Bill No. 2471, introduced by Representative Ma. Rachel J. Arenas, entitled:

**"AN ACT
PROVIDING FOR PROTECTION, SECURITY AND BENEFITS OF
WHISTLEBLOWERS AND OTHER PURPOSES"**

House Bill No. 2675, introduced by Representative Gabriel Luis R. Quisumbing, entitled:

**"AN ACT
PROVIDING FOR PROTECTION, SECURITY AND BENEFITS OF
WHISTLEBLOWERS AND FOR OTHER PURPOSES"**

and House Bill No. 2922, introduced by Representative Salvador H. Escudero, entitled:

**"AN ACT
PROVIDING FOR PROTECTION, SECURITY AND BENEFITS OF
WHISTLEBLOWERS"**

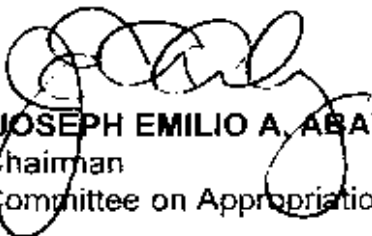
have considered the same and recommend that the attached House Bill No. 2715, entitled:

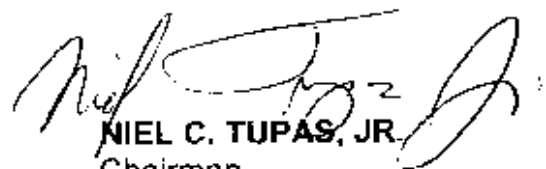
**"AN ACT
PROVIDING FOR THE PROTECTION, SECURITY AND
BENEFITS OF WHISTLEBLOWERS, APPROPRIATING FUNDS
THEREFOR AND FOR OTHER PURPOSES"**

be approved in substitution of House Bill Nos. 132, 452, 1832, 2110, 2471, 2675 and 2922 with Representatives Teddy A. Casiño, Neri Colmenares, Juan Edgardo M. Angara, Marcelino R. Teodoro, Rufus B. Rodriguez, Maximo B.

Rodriguez, Ma. Rachel J. Arenas, Gabriel Luis R. Quisumbing, Salvador H. Escudero, Niel C. Tupas, Jr., Joseph Emilo A. Abaya, Rachel B. Del Mar, Bernadette Herrera-Dy, Sherwin N. Tugna, Joselito R. Mendoza, Antonio T. Kho, Cinchona Cruz-Gonzales, Nur-Ana I. Sahidula, Luzviminda C. Ilagan, Ma. Isabelle G. Climaco and Ma. Evita R. Arago, as authors thereof.

Respectfully submitted,


JOSEPH EMILIO A. ABAYA
Chairman
Committee on Appropriations


NIEL C. TUPAS, JR.
Chairman
Committee on Justice

The Honorable Speaker
House of Representatives
Quezon City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

Second Regular Session

House Bill No. **5715**

Introduced by Representatives Teodoro A. Casiño, Neri J. Colmenares, Juan Edgardo "Sonny" M. Angara, Marcelino "Marcy R. Teodoro, Rufus B. Rodriguez, Maximo B. Rodriguez, Jr., Ma. Rachel J. Arenas, Gabriel Luis R. Quisumbing, Salvador H. Escudero III, Niel C. Tupas, Jr., Joseph Emilio A. Abaya, Rachel del Mar, Bernadette Herrera-Dy, Sherwin N. Tugna, Joselito R. Mendoza, Antonio T. Kho, Cinchona Cruz-Gonzales, Nur-Ana I. Sahidula, Luzviminda C. Ilagan, Ma. Isabelle G. Climaco and Ma. Evita R. Arago

AN ACT
PROVIDING FOR THE PROTECTION, SECURITY AND BENEFITS OF
WHISTLEBLOWERS, APPROPRIATING FUNDS THEREFOR AND
FOR OTHER PURPOSES

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

1 **SECTION 1. Short Title.** - This Act shall be known as the "Whistleblower
2 Protection, Security and Benefit Act of 2011."
3

4 **SEC. 2. Declaration of Policy.** - Public Office is a public trust. It is the
5 policy of the State to promote and ensure full accountability in the conduct of its
6 officers and employees, and exact full retribution from those who shall engage in
7 graft and corrupt practices. Towards this end, the State shall:
8

9 (a) maintain honest and high standards of integrity in the public service;
10

11 (b) safeguard the national interest through the investigation and
12 prosecution of corrupt and erring public officials and employees; and
13

1 (c) encourage and facilitate the disclosure of corrupt conduct and practices
2 in the public service by providing benefits and protection to whistleblowers.
3

4 Nothing in this Act shall diminish or restrict the entitlement, receipt or
5 enjoyment by a whistleblower of more or higher benefits provided in existing
6 laws.
7

8 **SEC. 3. Definition of Terms.** - As used in this Act, the following terms are
9 hereby defined as follows:
10

11 (a) "*Acts constituting graft and corruption*" refer to any conduct, act or
12 omission of public officers and employees solely, or in cooperation or conspiracy
13 with private persons which are covered by, or constitute as violations of:
14

15 (1) Republic Act No. 3019, otherwise known as the "Anti-Graft and
16 Corrupt Practices Act";
17

18 (2) Sections 7, 8 and 9 of Republic Act No. 6713, otherwise known as the
19 "Code of Conduct and Ethical Standards for Public Officials and Employees";
20

21 (3) Republic Act No. 7080, entitled "An Act Defining and Penalizing the
22 Crime of Plunder";
23

24 (4) Presidential Decree No. 46, entitled "An Making Punishable for Public
25 Officials and Employee to Receive, and for Private Persons to Give, Gifts on Any
26 Occasion, Including Christmas";
27

28 (5) Title VII of Book Two of the Revised Penal Code on "Crimes
29 Committed by Public Officers".
30

31 (b) "*Council*" refers to the Whistleblower Benefits and Protection Council
32 created pursuant to Section 29 of this Act.
33

34 (c) "*Employee*" refers to any person who is made to suffer work by, or
35 who renders service for, an employer. The term shall include public officers and
36 employees as defined in this Act as well as any person considered an "employee"
37 under the Labor Code.
38

39 (d) "*Employer*" refers to any individual, partnership, association,
40 corporation or entity, including the government, or any person or group of
41 persons who shall directly or indirectly for or on behalf of said individual,

1 partnership, association, corporation or entity, hires an employee as defined in
2 this Act.

3
4 (e) "*Government*" refers to the National Government and any of its
5 subdivisions, agencies or instrumentalities, including government-owned and
6 controlled corporations and their subsidiaries, and the Local Government Units.

7
8 (f) "*Informant*" refers to any person who has personal knowledge or
9 access to data, events or information, of any conduct constituting graft and
10 corruption as defined under this Act by public officer/s and employee/s, and
11 who shall deliberately disclose of individual, collective or organized conduct
12 constituting graft and corruption as provided in this Act.

13
14 (g) "*Program*" refers to the "Whistleblower Protection, Security and
15 Benefit Program" which the Council shall formulate and implement pursuant to
16 this Act.

17
18 (h) "*Public officer*" refers to any person holding any public office in the
19 Government of the Republic of the Philippines by virtue of an appointment,
20 election or contract.

21
22 (i) "*Whistleblower*" refers to an informant admitted into the Program of
23 the Council in accordance with this Act and its Rules and Regulations.

24
25 (j) "*Reprisal*" refers to any negative or obstructive response or reaction to
26 a disclosure made under this Act aimed at, pertaining to, or against a
27 whistleblower or any of the members of the family and relatives up to the second
28 degree of consanguinity or affinity, including but not limited to criminal, civil or
29 administrative proceedings commenced or pursued against said whistleblower
30 or any of the members of the family or relatives up to the second degree of
31 consanguinity or affinity as well as reprisal in the workplace.

32
33 (k) "*Reprisal in workplace*" refers to any discriminatory conduct or
34 policies against a whistleblower which affect promotion or job assignment
35 including undue negative performance appraisal, unusual and unwarranted
36 close monitoring by supervisors, unwarranted criticisms or avoidance by co-
37 employees, blacklisting from other job opportunities or prejudicial transfers by
38 reason of a disclosure made under this Act.

39
40 **SEC. 4. Coverage** - Conduct constituting graft and corruption, whether
41 commenced or consummated before the effectivity of this Act, refers to any

1 conduct, act or omission of public officers and/or employees solely, or in
2 cooperation or conspiracy with private persons which are covered by, or amount
3 to violations of Presidential Decree No. 46; Republic Act No. 3019; Sections 7, 8
4 and 9 of Republic Act No. 6713; Republic Act No. 7080; and Title VII of Book
5 Two of the Revised Penal Code on "Crimes Committed by Public Officers".

6
7 **SEC. 5. Admission to the Program.** - Whistleblowers admitted into the
8 Program, whether from the public or private sector, shall be entitled to the
9 protection and benefits under this Act: *Provided*, That all the following requisites
10 concur:

11
12 (a) The disclosure is voluntary, in writing and under oath;

13
14 (b) The disclosure relates to conduct constituting graft and corruption
15 under this Act;

16
17 (c) Such disclosure is necessary for an effective and successful
18 investigation or prosecution, or essential for the acquisition of material evidence
19 not yet in the possession of the Whistleblower's Protection Council;

20
21 (d) The information given by the whistleblower can be corroborated; and

22
23 (e) The information disclosed leads to a successful gathering of evidence
24 and/or conduct of investigation sufficient to sustain a finding of probable cause
25 for the filing of a criminal complaint or information before a court of competent
26 jurisdiction.

27
28 **SEC. 6. Necessity of Testimony.** - The testimony of a whistleblower in
29 court shall not be necessary for the entitlement to the benefits and protection
30 under this Act, subject to the provision of Section 17 herein. In the event that the
31 whistleblower's testimony is determined by the Council to be necessary and
32 indispensable to the success of an investigation or the prosecution of a case, the
33 whistleblower shall be entitled to the additional benefits and protection under
34 Republic Act 6891, otherwise known as the "Witness Protection, Security and
35 Benefit Act".

36
37 **SEC. 7. Memorandum of Agreement with the Whistleblower.** - As a pre-
38 requisite to the availment of the protection and benefits under this Act, a
39 whistleblower shall enter into a *Memorandum of Agreement* with the Department
40 of Justice which shall set forth the whistleblower's responsibilities including the
41 following:

1
2 (a) To provide information to and testify before all inquiries, in aid of
3 legislation, and before any law enforcement official concerning any appropriate
4 proceeding in connection with or arising from the activities involved in the
5 offense subject matter thereof;

6
7 (b) To avoid a commission of a crime involving moral turpitude;

8
9 (c) To take all necessary precautions to avoid detection by others of the
10 facts concerning the protection provided under this Act;

11
12 (d) To cooperate with respect to all reasonable requests of officers and
13 employees of the government who are providing protection under this Act; and

14
15 (e) To regularly inform the appropriate program official of the
16 whistleblower's current activities and address.

17
18 **SEC. 8. Breach of the Memorandum of Agreement.** - Substantial breach of
19 the *Memorandum of Agreement* shall be a ground for the immediate termination of
20 the protection and benefits provided under this Act. The Council shall send
21 notice to a whistleblower concerned, stating therein the reason for such
22 termination. In view thereof, a whistleblower shall be afforded reasonable time
23 to take appropriate and necessary protection and security measures.

24
25 In addition, the whistleblower shall return all the financial rewards
26 received pursuant to Section 17 of this Act.

27
28 **SEC. 9. Protection against other Actions.** - A whistleblower or an
29 informant who has made a disclosure under this Act shall not be subject to any
30 liability in any proceeding. Any disclosure made or any document submitted to
31 the Council shall be inadmissible in evidence against the whistleblower.

32
33 This protection shall also operate as immunity in favor of a whistleblower
34 or informant against any action or proceeding taken against the whistleblower
35 by any person subject of a disclosure, by reason thereof and acts in relation to
36 subject of disclosure.

37
38 **SEC. 10. Defense of Privileged Communication.** - A whistleblower or any
39 person who has made a disclosure under this Act shall have, as defense in any
40 other inquiry or proceeding, the absolute privilege with respect to the subject
41 matter of the disclosure or information given to the proper authorities.

1 **SEC. 11. Confidentiality.** - Except as allowed by this Act, during and after
2 a disclosure, and throughout and after any proceeding taken thereafter, a
3 whistleblower or an informant is entitled to absolute confidentiality about:

- 4
5 (a) Whistleblower's identity;
6 (b) The subject matter of the disclosure; and
7 (c) The person to whom such disclosure was made.
8

9 There shall be no such confidentiality of identity if a whistleblower or an
10 informant makes a public disclosure of a conduct constituting graft and
11 corruption unless, notwithstanding such public disclosure, the whistleblower has
12 taken means and measures obviously intended to preserve anonymity.
13

14 **SEC. 12. No Breach of Duty of Confidentiality.** - A whistleblower or an
15 informant who has made a disclosure under this Act, on whom a provision of
16 law, regulation, issuance, practice or other convention, imposes a duty to
17 maintain confidentiality with respect to any information disclosed, is considered
18 not to have committed a breach thereof.
19

20 **SEC. 13. Confidential Information.** - No person to whom a disclosure has
21 been made or referred shall divulge any information that may identify or tend to
22 identify a whistleblower or informant or reveal the subject matter of such
23 disclosure, except under the following circumstances:
24

25 (a) The whistleblower or the informant consents in writing prior to a
26 disclosure of an information;
27

28 (b) The disclosure is indispensable and essential as determined by the
29 Council, having regard to the necessary proceedings to be taken after the
30 disclosure; or
31

32 (c) The disclosure or referral is made pursuant to an obligation under this
33 Act.
34

35 The prohibition on disclosure under this Section shall apply to any person
36 who has become privy to any confidential information, whether officially or by
37 other means.
38

39 **SEC. 14. Protection against Disciplinary Action or Reprisals.** - A
40 whistleblower who has made or is believed or suspected to have made a

1 disclosure under this Act is not liable to disciplinary action for making said
2 disclosure.

3
4 Prohibited acts under this section include reprisals in a workplace or
5 prejudicial conduct towards a whistleblower, such as: discriminatory actions
6 behind policies and procedures, unwarranted reprimand, punitive transfers,
7 malicious referral to a psychiatrist or counselor, and unfounded or baseless poor
8 performance reviews. Other prejudicial actions include obstruction of an
9 investigation, withdrawal of essential resources, undue reports and the
10 attachment of false personnel file or notes.

11
12 To this end, any employer who shall discourage and impose sanctions or
13 reprisals based on workplaces interaction, which shall include workplace
14 ostracism, questions and attacks on motives, accusations of disloyalty and
15 dysfunction, public humiliation, and the denial of work or promotion, or who
16 encourages, causes or does retaliatory action or reprisal against the
17 whistleblower or anyone believed or suspected to be one, shall be liable for an
18 offense defined under this Act.

19
20 Any employee who refuses to follow orders of employers that would
21 cause them to violate any provision of this Act shall likewise be protected from
22 reprisals and retaliatory action in the workplace.

23
24 For purposes of this protection, an applicant for employment shall be
25 deemed an employee and entitled to such protection: *Provided however*, That an
26 employer of a whistleblower shall be notified through a certification issued by
27 the Council, within a period of thirty (30) days from the date when the
28 whistleblower last reported for work: *Provided further*, That an employer shall
29 have the option to remove said whistleblower from employment after securing a
30 clearance from the Council and the Department of Labor and Employment in
31 case of a prolonged absence due to transfer or permanent relocation under this
32 Act or R.A No. 6981.

33
34 **SEC. 15. Security and Protection of a Whistleblower** - When determined
35 to be necessary and appropriate by the Council, a whistleblower, even if the
36 disclosure is made in confidence, shall be entitled to personal security. For this
37 purpose, the Council may request any law enforcement agency for assistance.
38 Should, at anytime, the identity of the whistleblower be revealed, or anonymity
39 compromised, the whistleblower may, upon the recommendation of the Council,
40 be entitled to the benefits of R. A. No. 6981, in addition to the other benefits
41 under this Act.

1 **SEC. 16. Confidentiality of the Proceedings.** - All proceedings before the
2 Council involving application and/or enjoyment of the benefits under this Act,
3 including any action taken thereon, shall be confidential in nature. No
4 information or documents given or submitted in support thereof shall be
5 released except upon written order of the Council, and provided such disclosure
6 shall not endanger the life of a whistleblower.
7

8 **SEC. 17. Financial Rewards for Whistleblowers.** - The whistleblower
9 shall be entitled to a corresponding monetary reward in accordance with the
10 following stages:
11

Stages	If the case is susceptible of pecuniary estimation	If the case is not susceptible of pecuniary estimation
Upon admission into the program	P 200,000.00	P 100,000.00
Upon filing of the case with the Office of the Ombudsman	P 100,000.00	P 50,000.00
Upon completion of the testimony of the whistleblower	P 100,000.00	P 50,000.00

12
13 For cases susceptible to pecuniary estimation, such as plunder, forfeiture
14 of ill-gotten wealth, bribery, malversation and damage or injury to government,
15 the whistleblower shall be entitled to an additional reward of ten percent (10%)
16 of the actual amount recovered by final judgment.
17

18 **SEC. 18. Return of the amount received as financial rewards.** - A
19 whistleblower admitted into the program who deliberately and voluntarily gives
20 false or misleading information in connection with conduct constituting graft
21 and corruption as defined under this Act or who unjustifiably recants testimony
22 shall, in addition to the penalties provided in Section 21 and Section 22 of this
23 Act, be required to return all the amounts received as financial rewards.
24

25 **SEC. 19. Abstract.** - All government agencies, offices, bureaus and local
26 government units, including government-owned or controlled corporations,
27 whether or not with original charters, shall conspicuously display an abstract of
28 this Act and the rights and protections of whistleblowers or informants,
29 including the obligations of employers under this Act. Such abstract shall be
30 provided in the rules and regulations to be promulgated pursuant to Section 31
31 of this Act.
32

1 All government agencies, offices, bureaus and local government units,
2 including government-owned and controlled corporations, whether or not with
3 original charters, are likewise required to put in place internal procedures for
4 dealing with whistleblowers or informants, consistent with the provisions of this
5 Act and the Rules and Regulations. Said internal procedure shall be widely
6 disseminated to all the employees.

7
8 **SEC. 20. *Credibility of a Whistleblower.*** - In all cases, the fact of the
9 entitlement of the whistleblower to the protection and benefits provided in this
10 Act shall not be admissible in evidence to diminish or affect the whistleblower's
11 credibility.

12
13 **SEC. 21. *Penalty for Giving False and Misleading Information.*** - The
14 penalty of imprisonment of not less than six (6) years but not more than twelve
15 (12) years shall be imposed upon a whistleblower who deliberately and
16 voluntarily gives false or misleading information in connection with conduct
17 constituting graft and corruption under this. If the offender is a public officer or
18 employee, the penalty of dismissal from the service and the accessory penalty of
19 perpetual absolute disqualification from holding public office shall also be
20 imposed. In addition, the offender may be held criminally and civilly liable
21 under existing laws.

22
23 **SEC. 22. *Penalty for Unjustified Recantation.*** - The unjustified recantation
24 of testimony by a whistleblower shall constitute an offense and shall be
25 punishable by a penalty of imprisonment of not less than four (4) years but not
26 more than six (6) years.

27
28 **SEC. 23. *Penalty for Reprisal against Whistleblower.*** - The penalty of
29 imprisonment of not less than (6) years but not more than twelve (12) years or a
30 fine of not more than One Hundred Thousand Pesos (Php100,000.00) or both at
31 the discretion of the court shall be imposed upon any person who shall commit
32 any act of reprisal as defined in this Act against a whistleblower and/or hinders,
33 delays, prevents or dissuades said whistleblower from:

34
35 (a) Attending, assisting or testifying before any investigating agency or
36 quasi-judicial body or judicial;

37
38 (b) Reporting to a law enforcement officer or judge the commission or
39 possible commission of an offense, or a violation of conditions of probation,
40 parole, or release pending judicial proceedings;
41

1 (c) Seeking the arrest of another person in connection with the offense;
2

3 (d) Causing a criminal prosecution, or any proceeding for the revocation
4 of a parole or probation; and
5

6 (e) Performing and enjoying the rights and benefits under this Act or
7 attempt to do so;
8

9 In addition, the penalty of dismissal from the service and the accessory
10 penalty of perpetual absolute disqualification from holding public office shall be
11 imposed upon an offender who is a public officer or employee.
12

13 **SEC. 24. *Penalty for Violation of Confidentiality.*** -- The penalty of
14 imprisonment of not less than six (6) months but not more than six (6) years shall
15 be imposed upon any person who shall violate the protection of confidentiality
16 of a protected disclosure under Sections 10, 11, 13 and 16 of this Act. The
17 penalty of dismissal from the service and the accessory penalty of temporary
18 absolute disqualification from holding public office shall also be imposed upon
19 an offender who is a public officer or employee. In addition, the offender shall
20 be civilly liable to indemnify the whistleblower or informant in such amount of
21 damages as may be awarded and deemed reasonable by a competent court.
22

23 **SEC. 25. *Penalty for Reprisal in the Workplace.*** - The penalty of
24 imprisonment of not more than six (6) years but not more than twelve (12) years
25 shall be imposed upon any person who shall commit any act of reprisal in a
26 workplace as defined in this Act, against an employee who is a whistleblower or
27 believed or suspected to be one. The penalty of dismissal from the service and
28 the accessory penalty of temporary absolute disqualification from holding public
29 office shall also be imposed upon an offender who is a public officer or
30 employee. In addition, the offender shall be civilly liable to indemnify the
31 whistleblower in such amount of damages as may be awarded and deemed
32 reasonable by a competent court.
33

34 Toward this end, an aggrieved whistleblower shall be entitled to the
35 provisional remedy of injunction against any reprisal in the workplace,
36 prejudicial conduct, or discriminatory treatment by reason of whistleblower's
37 disclosure.
38

39 The proceedings herein shall be independent of any action that an
40 aggrieved person may take before the Civil Service Commission or the
41 Department of Labor and Employment for unfair or discriminatory practices,

1 back wages, or other labor disputes, or before other quasi-judicial agencies that
2 may or may not have arisen from a disclosure or believed or suspected
3 disclosure.

4
5 **SEC. 26. *Penalty for Discriminatory Hiring.***- The penalty of
6 imprisonment of not more than six (6) months shall be imposed upon any person
7 or employer who shall deny a qualified applicant for employment, or who shall
8 reject an application for employment solely on the ground that an applicant is a
9 whistleblower or informant for the State. If the offender is a corporation,
10 partnership, association, or any juridical person, the penalty shall be imposed
11 upon the owner, president, partner, manager, and/or any responsible officer
12 who participated in the commission of the offense.

13
14 The penalty of dismissal from the service and the accessory penalty of
15 suspension of the right to hold public office shall also be imposed upon the
16 offender who is a public officer or employee.

17
18 In addition, the offender shall be civilly liable to indemnify the
19 whistleblower in such amount of damages as may be awarded and deemed
20 reasonable by a competent court.

21
22 **SEC. 27. *Failure of an Employer to Post Abstract.*** - The failure to post an
23 *Abstract* required under Section 19 of this Act shall constitute an offense and shall
24 be punishable with a fine of One Hundred Thousand Pesos (Php 100,000.00) for
25 the first offense. The amount shall be doubled for every succeeding offense, and
26 punishable with imprisonment of not more than six (6) months at the discretion
27 of the court. For this purpose, the president, general manager, or head of
28 agency, office or bureau shall be held criminally liable and shall suffer the
29 accessory penalty of suspension of the right to hold public office.

30
31 **SEC. 28. *Failure to Act or Report to the Council.*** - Any person under
32 obligation to report a disclosure under this Act to the Council, who fails to do so
33 within a period of two (2) months, or who fails to act thereon or cause an
34 investigation thereof, shall be held liable and shall suffer the penalty of not more
35 than one (1) month imprisonment or a fine of not more than Fifty Thousand
36 Pesos (Php 50,000.00) at the discretion of the court.

37
38 **SEC. 29. *Whistleblower Benefits and Protection Council.*** - A
39 Whistleblower Benefits and Protection Council is hereby created composed of
40 the Overall Deputy Ombudsman as Chairperson, and the following as members:
41

- a) Prosecutor General, DOJ;
- b) Special Prosecutor, Ombudsman;
- c) Witness Protection Program Director of the Department of Justice;
- d) Executive Director, Anti-Money Laundering Council;
- e) Director, Legal Service, Philippine National Police, in case the respondent is a member thereof;
- f) The Judge Advocate General of the Armed Forces of the Philippines, in case the respondent is a member thereof;
- g) A representative from the Civil society/NGO involved in anti-corruption and good governance to be appointed by the Chairperson of the Council, upon the recommendation of the members thereof;
- h) A representative from the business sector to be appointed by the Chairperson of the Council upon the recommendation of the Philippine Chamber of Commerce and Industry.

The existing personnel of the Office of the Ombudsman shall serve as Secretariat to the Council.

SEC. 30. Powers and Functions of the Council - In addition to its powers and functions under existing laws, the Council shall have the following powers and functions:

(a) Monitor, coordinate and evaluate all efforts relative to the implementation and enforcement of the provisions of this Act;

(b) Evaluate the disclosure and qualification of whistleblowers or informants for coverage within this Act, and make the appropriate decision on their entitlement to the benefits extended herein;

(c) Undertake, in coordination and cooperation with the private and public sectors, an information campaign to educate the public on the provisions and benefits of this Act;

(d) Develop plans and implement programs to further encourage whistleblowers or informants on graft and corrupt activities with a view to effective deterrence and/or prosecution;

(e) Control and administer, consistent with the provisions and purposes of this Act, the protection and benefits of whistleblowers in connection with the cases within the coverage of Section 4 of this Act;

1 (f) Call upon, or deputize any department, bureau, office or any other
2 government agency or public official to assist in the effective implementation
3 and enforcement of this Act; and
4

5 (g) Grant immunity in accordance with the provisions of this Act and its
6 implementing rules and regulations.
7

8 **SEC. 31. Appropriations.** -- The amount necessary to carry out the
9 provisions of this Act shall be included in the Annual General Appropriations.
10

11 **SEC. 32. Implementing Rules and Regulations.** - The Council shall
12 promulgate such rules and regulations as maybe necessary to implement the
13 intent and purposes of this Act. Said rules and regulations shall be published in
14 two (2) newspapers of general circulation.
15

16 **SEC. 33. Separability Clause.** - If any portion or provision of this Act or
17 the application thereof shall be declared invalid or unconstitutional, the validity
18 of other parts or provisions not affected thereby shall continue to be in full force
19 and effect.
20

21 **SEC. 34. Repealing Clause.** - All laws, decrees, executive issuances, rules
22 and regulations inconsistent with this Act are hereby repealed or modified
23 accordingly.
24

25 **SEC. 35. Effectivity Clause.** - This Act shall take effect after fifteen (15)
26 days following its complete publication in two (2) newspapers of general
27 circulation.
28

29 *Approved.*

FACT SHEET

House Bill Nos. 132, 452, 1832, 2110, 2471, 2675, 2922
(Approved by the Committee on Appropriations – November 16, 2011)

AN ACT PROVIDING FOR PROTECTION, SECURITY, AND BENEFITS OF WHISTLEBLOWERS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

*Introduced by: REPS. CASIÑO, COLMENARES, ANGARA, TEODORO, RODRIGUEZ
R., RODRIGUEZ M., ARENAS, QUISUMBING, ESCUDERO III
Committee Referral: COMMITTEE ON JUSTICE
Committee Chairperson: REP. NIEL C. TUPAS, JR.*

OBJECTIVES:

- To curtail graft and corruption in government and to encourage persons to expose graft and corruption, providing rewards, protection, and security to whistleblowers.
- To safeguard national interest through the prosecution of corrupt and erring public officials and employees.
- To promote good governance.

KEY PROVISIONS:

- Defines a Whistleblower as an informant or any person who has privileged or personal knowledge or access to data, events or information, of any conduct constituting graft and corruption as defined under this Act.
- Mandates that a whistleblower shall qualify as such if admitted into the Whistleblower's Program of the Office of the Ombudsman in accordance with this Act and the Rules and Regulations.
- Provides that a Memorandum of Agreement setting the whistleblowers responsibility shall be executed by the person before he can be given protection under the program and a breach thereof shall be a ground for termination of the protection being provided under this Act.
- Mandates that a whistleblower who has made a disclosure under this Act shall not be subject to any liability whether administrative, civil, criminal, or other proceedings for making such disclosure or acts in relation thereto.
- Provides that any person who commits any of the retaliatory acts as defined under this act against a whistleblower shall be fined or suffer imprisonment or both, and shall also suffer the penalty of perpetual disqualification from holding public office in case of public officer or employee.

- Grants to the Office of the Ombudsman additional powers and functions relative to the implementation and enforcement of the provisions of this Act.

RELATED LAWS:

- Republic Act No. 46 otherwise known as "Making it Punishable for Public Officials and Employees to Receive, and for Private Persons to give gifts on any occasion, including Christmas."
- Republic Act No. 3019 otherwise known as the "Anti-Graft and Corrupt Practices Act"
- Republic Act No. 6713 otherwise known as "An Act Establishing a Code of Conduct and Ethical Standards for Public Officials and Employees"
- Republic Act No. 7080 otherwise known as the "Anti-Plunder Law"
- Titles II and VII of Book 2 of the Revised Penal Code on Crimes Against the Fundamental Laws of the State and Crimes Committed by Public Officers.
- Republic Act No. 6981 otherwise known as the "Witness Protection, Security and Benefit Act".