

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

16th Congress
First Regular Session

House Bill No. 4583



Introduced by Honorable Sergio A. F. Apostol

EXPLANATORY NOTE

Republic Act No. 6981 or "The Witness Protection, Security and Benefit Act," is enacted into law principally to encourage an individual who has witnessed or has knowledge of the commission of a crime to testify before a court, a quasi-judicial body, or an investigating authority, by protecting him from probable reprisals and from unavoidable economic dislocation.

The Program is built on political control because the Department of Justice is under the control and supervision of the executive branch of government. When cases that the DOJ is prosecuting conflict with the interests of the executive and its officials, the implementation of the Program is detrimentally affected. Any applications that risk undermining the government will likely be rejected. The DOJ Secretary is the final arbiter under the law concerning the implementation of the Program. In order to avoid being under the control of the DOJ through its Secretary, it is better that the proper court shall formulate and implement the said Program.

In view hereof, approval of this bill is earnestly sought.


SERGIO A.F. APOSTOL
Representative
Second District, Leyte

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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. This Act shall be known as "The Witness Protection, Security and Benefit Act."

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

"Section 2. *Implementation of Program* – The [Department of Justice, hereinafter referred to as the Department, through its Secretary] **PROPER COURT**, shall formulate and implement a "Witness Protection, Security and Benefit Program", hereinafter referred to as the Program, pursuant to and consistent with the provisions of this Act.

The [Department] **PROPER COURT** may call upon any department, bureau, office or any other executive agency to assist in the implementation of the Program and the latter offices shall be under legal duty and obligation to render such assistance.

SECTION 3. Section 3 (d) of the same Act is hereby amended to read as follows:

"Section 3. *Admission into the Program* – x x x

Provided, That:

a) x x x

b) x x x

c) x x x

d) x x x

If the **[Department] PROPER COURT**, after examination of said applicant and other relevant facts, is convinced that the requirements of this Act and its implementing rules and regulations have been complied with, it shall admit said applicant to the Program, x x x

SECTION 4. Section 6 of the same Act is hereby amended to read as follows:

*"Section 6. Breach of the Memorandum of Agreement – Substantial breach of the memorandum of agreement shall be a ground for the termination of the protection provided under this Act: Provided, however, That before terminating such protection, the **[Secretary of Justice] PROPER COURT** shall send notice to the person involved of the termination of the protection provided under this Act, stating therein the reason for such termination."*

SECTION 5. Section 7 of the same Act is hereby amended to read as follows:

*"Section 7. Confidentiality of Proceedings – All proceedings involving application for admission into the Program and the action taken thereon shall be confidential in nature. No information or documents given or submitted in support thereof shall be released except upon written order of **[the Department or]** the proper court."*

x x x

SECTION 6. Section 8 (b), (c), (d) and (g) of the same Act is hereby amended to read as follows:

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

a) x x x

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

- c) x x x Provided, That his employer is notified through a certification issued by the **[Department] PROPER COURT**, within a period of thirty (30) days from the date when the Witness last reported for work: Provided, further, That in the case of prolonged transfer or permanent relocation, the employer shall have the option to remove the Witness from employment after securing clearance from the **[Department] PROPER COURT** upon the recommendation of the Department of Labor and Employment. x x x
- d) To be provided with reasonable travelling expenses and subsistence allowance by the Program in such amount as the **[Department] PROPER COURT** may determine for his attendance in the court, body or authority where his testimony is required, as well as conferences and interviews with prosecutors or investigating officers.
- e) x x x
- f) x x x
- g) In case of death or permanent incapacity, his 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] PROPER COURT**, as long as they shall have qualified thereto.

SECTION 7. Section 10 of the same Act is hereby amended to read as follows:

"*Section 10. State Witness* – Any person who has participated in the commission of a crime and desires to be a witness for the State, can apply and, if qualified as determined in this Act and by the **[Department] PROPER COURT**, shall be admitted into the Program whenever the following circumstances are present: x x
x

SECTION 8. Section 11 of the same Act is hereby amended to read as follows:

"*Section 11. Sworn Statement* – Before any person is admitted into the Program pursuant to the next preceding Section he shall execute a sworn statement describing in detail the manner in which the offense was committed and his participation therein. If after said examination of said person, his sworn statement and other relevant facts, the **[Department] PROPER COURT** is satisfied that the requirements of this Act and its implementing rules are complied with, it may admit such person into the Program and issue the corresponding certification. x x x

SECTION 9. Section 12 of the same Act is hereby amended to read as follows:

"Section 12. Effect of Admission of a State Witness into the Program – The certification of admission into the Program by the [Department] PROPER COURT shall be given full faith and credit by the provincial or city prosecutor who is required not to include the Witness in the criminal complaint or information and if included therein, to petition the court for his discharge in order that he can utilized as a State Witness.

x x x

SECTION 10. Section 18 of the same Act is hereby amended to read as follows:

"Section 18. Rules and Regulations – The [Department] PROPER COURT shall promulgate such rules and regulations as may be necessary to implement the intent and purposes of this Act.

x x x

SECTION 11. 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 .

SECTION 12. 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.

SECTION 13. 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 circulation.

Approved,