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

EIGHTEENTH CONGRESS
1st Regular Session

House Bill No. 967

Introduced by Hon. Francis Gerald Aguinaldo Abaya

EXPLANATORY NOTE

With the view of combating corruption in the government, one of the best ways to discover and prosecute erring public officials is through the information from reliable witnesses to the corrupt acts of these public officers. However, the lack of a legal framework for giving rewards and protection to informers has resulted in minimal protection to the informant and his family from possible retaliation, trial by publicity or an outright miscarriage of justice. Moreover, the strong societal pressure from the possible stigma that may attach to an informant caused by divulging information detrimental to a neighbor or colleague more often than not outweighs any motivation to speak up.

With these scenarios, corrupt government officials and employees are emboldened to continue their nefarious activities as they feel little fear or exposure. At the same time, the potential informants are discouraged and de-motivated because they anticipate nothing but further hardship when they evaluate the effects of any act of disclosure.

Thus a mechanism to secure the person of the informant and counter the stigma of ostracism must be set up so that any potential informer on graft and corrupt activities will not hesitate to come out in the open. This bill seeks to support the efforts of the Government to rid itself of corruption by setting up a system of rewards and protection for informants and their families.

This bill will set up such a mechanism specifically by (1) establishing a monetary-based rewards system for the benefit of the informers, (2) protecting informants against reprisals and against civil or criminal liability when they make public interest disclosures, (3) ensuring that public disclosures are made to the proper public entity and not the media, (4) ensuring that the inappropriate publication of unsubstantiated disclosures does not damage the reputation of those accused, and (5) ensuring that proper records on disclosures are kept.

For the foregoing reasons, the approval of this bill is earnestly sought.

FRANCIS GERALD AGUINALDO ABAYA
Representative, First District, Cavite

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AN ACT PROVIDING PROTECTION AND BENEFITS TO PERSONS WHO DISCLOSE CONDUCT CONSTITUTING GRAFT AND CORRUPTION AND TO WITNESSES FOR THE PROSECUTION THEREOF, PROVIDING PENALTIES FOR VIOLATIONS HEREOF, AND FOR OTHER PURPOSES

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

ARTICLE I

GENERAL PROVISIONS

SECTION 1. ***Short Title.*** – This Act shall be known as the "Informers and Anti-Corruption Witnesses Protection Act of 2019".

SECTION 2. *Declaration of Policy.* – Public office is a public trust. It is the policy of the State to promote and ensure full public accountability in the conduct of its officers and employees, and exact full retribution from those who shall engage in corrupt practices. Towards this end, the State shall:

a. Maintain honest and high standards of integrity in the public service;
b. Safeguard the national interest through the prosecution of corrupt and erring public officers and employees; and
c. Encourage and facilitate the disclosure of corrupt conduct and incidences of corruption in the public service by providing benefits and protection to said persons who disclose corrupt conduct and incidences of corruption in the public service and to those who testify for the prosecution thereof.

Nothing in this Act shall diminish or restrict the entitlement, receipt or enjoyment by an informer or qualified witnesses of more or higher benefits provided in existing laws.

SECTION 3. ***Definition of Terms.*** – As used in this Act, the following terms shall have the following meanings:

a. "Protected disclosure" shall mean the deliberate and voluntary disclosure of individual, collective or organization conduct constituting graft and corruption as defined under Section 4 of this Act, by person who has or had privileged or personal knowledge or access to data, events or information, in accordance with the provisions of this Act;

b. "Informer" shall mean any person who shall make a protected disclosure, in confidence or publicly, before any qualified person, office or agency as defined under Section 15 of this Act, any conduct constituting graft and corruption. The term, however, shall not include a public officer or employee who makes a disclosure in connection with a matter subject of his official investigation;

c. "Public officers and employees" shall mean elective or appointive officials and employees, whether permanent or temporary, of the national or local government, whether in the career or non-career service, including police, military and other law enforcement personnel. This includes officer and employees of government-owned or controlled corporations, whether or not with original charters. The term shall also include any person having similar designation, in any private corporation;

d. "Employee" shall mean nay person who is made to suffer work by, or who renders service for, an employer. The term shall include public officers and employees as defined in this Act, as well as any person considered an "employee" under the Labor Code.

e. "Employer" shall mean any individual, partnership, association, corporation, or entity, including the government, or any person or group of persons who shall act directly or indirectly, for or on behalf of said individual, partnership, association, corporation or entity, who employs an employee as defined in this Act.

f. "Retaliatory Action" shall mean reprisals and negative or obstructive responses or reactions to the disclosure made under this Act aimed at, or pertaining to, the informer or any of the members of his family and relatives up to the fourth degree of consanguinity or affinity. It includes, but is not limited to, civil, administrative, or criminal proceedings commenced or pursued against the informer or any of the members of his family and relatives up to the second degree of consanguinity or affinity by reason of the disclosure made under this Act, as well as retaliatory action in the workplace.

g. "Retaliatory action in the workplace" shall mean discriminatory conduct or policies which affect promotion or job assignment, including undue negative performance appraisals, close monitoring by supervisors, undue criticism or avoidance by co-workers, blacklisting from other job opportunities or prejudicial transfers by reason of the disclosure made under this Act.

h. "Qualified Witness" shall mean a person qualified and admitted into the *Legal Protection Service* of the Office of the Ombudsman in accordance with this Act.

ARTICLE II
COVERAGE OF PROTECTED DISCLOSURE

SECTION 4. *Coverage.* – Conduct constituting graft and corruption, whether or not consummated or commenced before the effectivity of this Act, which is subject to the protected disclosure under this Act shall mean conduct, acts or omissions of public officers or employees solely, or in conspiracy or cooperation with private persons, which are covered by, or amount to violation of:

a. Republic Act No. 3019;
b. Republic Act No.1379;
c. Republic Act No. 6713;
d. Republic Act No. 7080;
e. Presidential Decree No. 46; and
f. Titles II and VII of Book Two of the Revised Penal Code.

The protected disclosure under this Act shall also include disclosures as to prejudicial conduct, act or omissions, within the jurisdiction of the Office of the Ombudsman under Republic Act No. 6770.

ARTICLE III

RIGHTS AND BENEFITS OF INFORMERS

SECTION 5. ***Protection Against Other Actions.*** – Any person who has made a protected disclosure under this Act shall not be subject to any liability, whether administrative, civil, criminal or other proceedings, for making a protected disclosure and no action, claim or demand may be taken or made of, or against, the informer for making the disclosure. This protection shall also operate as immunity in favor of the informer against any action or proceeding taken against him by any person subject of the protected disclosure and by reason thereof.

SECTION 6. ***Defense of Privileged Communication.*** – Any person who has made a protected disclosure under this Act shall have, as defense in any other inquiry or proceeding, the absolute privilege with respect to the subject matter of the disclosure or information given to a qualified person, office or agency as defined under Section 15 of this Act.

SECTION 7. ***No Breach of Duty of Confidentiality.*** – A person who has made a protected disclosure under this Act on whom a provision of law, regulation, issuance, practice, or other convention, imposes a duty to maintain confidentiality with respect to any information disclosed, is considered not to have committed a breach thereof.

SECTION 8. ***Confidentiality.*** – Except insofar as allowed by this Act, at all times during and after the protected disclosure, and throughout and after any proceeding taken thereafter, the informer is entitled to absolute confidentiality as to:

a. His identity;
b. The subject matter of his disclosure; and
c. The person to whom such disclosure was made

There shall be no such confidentiality in his identity if the informer makes a public disclosure of the conduct constituting graft and corruption; unless, notwithstanding such public disclosure, he has taken means and measures obviously intended to preserve his anonymity.

SECTION 9. ***Confidential Information.*** – No person to whom a protected disclosure has been made or referred shall disclose any information that may identify or tend to identify the informer or reveal the subject matter of such disclosure, except only as to the following circumstances:

a. The informer consents in writing prior to the disclosure of the information;

b. The disclosure is indispensable and essential, having regard to the necessary proceedings to be taken after the disclosure; or

c. The disclosure or referral is made pursuant to an obligation under this Act.

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

SECTION 10. ***Protection Against Disciplinary Action or Reprisals.*** – A person who has made or is believed or suspected to have made a protected disclosure under this Act is not liable to disciplinary action for making such protected disclosure. Prohibited acts under this Section include retaliatory action in the work place or prejudicial conduct towards informers for making said disclosures, such as: discriminatory actions veiled behind policy and procedure, mostly to avoid claims of victimization, reprimand, punitive transfer, referral to a psychiatrist or counselor, and undue poor performance reviews. Other prejudicial conducts include obstruction of the investigation, withdrawal of essential resources, adverse reports and the attachment of unfair personnel file notes.

To this end, any employer shall discourage and impose sanctions on reprisals based on workplace interaction, which shall include workplace ostracism, questions and attacks on motives, accusations of disloyalty and dysfunction, public humiliation, and the denial of work necessary for promotion. Any employer who does, causes or encourages retaliatory action or reprisal against an informer or anyone believed or suspected to have made a protected disclosure shall be liable for an offense defined under this Act. Any employee who refuses to follow order of an employer that would cause them to violate any provision of this Act shall likewise be protected from reprisals and retaliatory action in the workplace.

For purposes of this protection against retaliatory action in the workplace, prejudicial conduct, or discriminatory treatment against an informer or a person believed or suspected to be one, an employment applicant shall be deemed an employee and entitled to such protection.

In no case shall an informer be removed from, or demoted in, work because or on account of his absences necessitated by his discharge of his duties under this Act; *Provided, however,* that his employer shall be notified through a certification issued by the Office of the Ombudsman, within a period of thirty (30) days from the date when the informer last reported for work; *Provided, further,* that in the case of prolonged absence due to transfer or permanent relocation under this Act, the employer shall have the option to remove the informer from employment after securing clearance from the Office of the Ombudsman, which shall bind the Department of Labor and Employment.

SECTION 11. *Security and Protection of the Informer.* – When determined to be necessary and appropriate by the Office of the Ombudsman, an informer, even if the disclosure is made in confidence, shall be entitled to personal security. Should, at anytime, the identity of the informer be revealed, or his anonymity compromised, the informer shall, in addition to the other benefits of an informer under this Act, and when warranted, be entitled to the applicable additional benefits of the *Legal Protection Service* established under this Act.

SECTION 12. *Financial Reward for Informers.* – The informer shall be entitled to a corresponding monetary reward in accordance with the provisions of this Act and its implementing rules and regulations.

For cases susceptible to pecuniary estimation, such as Plunder, forfeiture of ill-gotten wealth, bribery, malversation and damage or injury to government, the informer shall be entitled to ten percent (10%) of the amount recovered by final judgment.

For cases not susceptible of pecuniary estimation, the informer shall receive an amount in accordance with the following schedule:

SALARY GRADE OF MOST SENIOR RESPONDENT	FINANCIAL REWARD OF QUALIFIED INFORMER
33	Ten Million Pesos (P 10,000,000.00)
32	Seven Million Pesos (P 7,000,000.00)
31	Six Million Pesos (P 6,000,000.00)
30	Five Million Pesos (P 5,000,000.00)
29	Four Million Pesos (P 4,000,000.00)
28	Three Million Pesos (P 3,000,000.00)
27	Two Million Pesos (P 2,000,000.00)
26	One Million Pesos (P 1,000,000.00)
21 to 25	Seven Hundred Thousand Pesos (P 700,000.00)
16 to 20	Five Hundred Thousand Pesos (P 500,000.00)
11 to 15	Three Hundred Thousand Pesos (P 300,000.00)
6 to 10	Two Hundred Thousand Pesos (P 200,000.00)
1 to 5	One Hundred Thousand Pesos (P 100,000.00)

During the pendency of the case, however, the informer shall be advanced the amount equivalent to not less than Twenty-Five Percent (25%) of the total reward due consistent with the nature of the case and the amount involved and deemed recoverable. This shall be given in accordance with the rules and regulations implementing this Act.

Persons under Section 24 c, d, and e shall not be qualified to receive the benefits under this Section.

SECTION 13. *Abstract.* – All government agencies, offices, bureaus and local government units, including government-owned or controlled corporations, whether or not with original charters, shall conspicuously display an abstract of this Act and the rights and protection of informers, including the obligations of employers under this Act. Such abstract shall be provided in the Rules and Regulations to be promulgated in implementation of this Act.

All government agencies, offices, bureaus and local government units, including government-owned or controlled corporations, whether or not with original charters, are likewise required to put in place internal procedures for dealing with informers, consistent with the provisions of this Act and the rules and regulations to be promulgated for its implementation. Said internal procedure shall be widely disseminated to all the employees.

ARTICLE IV
CONDITIONS FOR BENEFITS OF A PROTECTED DISCLOSURE

SECTION 14. *Conditions for Protected Disclosure.* – Informers, whether from the public or private sector, shall be entitled to the benefits under Article III of this Act; provided, that all the following requisites concur;

a. The disclosure is made voluntarily, in writing and under oath;
b. The disclosure relates to conduct constituting graft and corruption under Section 4 of this Act;
c. The disclosure pertains to a matter not yet the subject of a complaint already filed with, or investigated by the Office of the Ombudsman or by any other investigating agency; unless, if in the opinion of the Ombudsman, the disclosures are necessary for the effective and successive and successful prosecution, or essential for the acquisition of material evidence not yet in its possession;
d. The disclosure is made before any qualified person, office or agency as defined under Section 15 of this Act;

e. The informer assists or participates in the proceedings commenced to enforce the provisions of this Act in connection with the subject matter of his disclosure;
f. The information given by the informer can be supported by other material evidence; and
g. The information disclosed leads to a successful conduct of investigation and gathering of evidence sufficient to sustain a finding of probable cause for the filing of a criminal indictment before the court of competent jurisdiction, or of a *prima facie* case for the filing of a petition for forfeiture of ill-gotten wealth under Republic Act No. 1379.

SECTION 15. *Qualified Person, Office or Agency.* – A qualified person, office or agency before which a protected disclosure can be made shall include:

a. Officials and employees of the Office of the Ombudsman;
b. Secretaries and Undersecretaries of Departments;
c. Members of Congress;
d. Local chief executives of local government units;
e. Heads of public offices, agencies, bureaus and government-owned or controlled corporations;
f. Prosecutors and officials of the Department of Justice; and
g. Members of the Armed Forces of the Philippines, the Philippine National Police, the National Bureau of Investigation and other law enforcement offices; and
h. Members of the media.

SECTION 16. *Necessity for Testimony.* – Unless found by the Office of the Ombudsman to be necessary and indispensable for the successful prosecution of the persons subject of the protected disclosure, the testimony of the informer in court shall not be necessary for the receipt or enjoyment by the informer of the benefits of this Act. In the event that the informer's testimony is required he shall be entitled to the additional benefits and protection of the *Legal Protection Service.*

SECTION 17. *Unprotected Disclosures.* – The following disclosures shall not be deemed a protected disclosure under this Act:

a. Disclosures made by a public officer or employee in connection with a matter subject of his official investigation;

b. Disclosures which later appear to be groundless or without basis. An investigation may be declined or discontinued if it is shows that the disclosure was made without reasonable grounds;

c. Disclosures concerning merits of government policy, unless the same is contrary to law or covered by Section 4 of this Act;

d. False or misleading disclosures; and

e. Disclosures that were later retracted by the informer for any reason. Such person shall lose the right to claim benefit or protection under this Act for the same or future disclosures.

SECTION 18. ***Disclosures Made by a Party.*** – A disclosure made by a person who is himself a party to the disclosed conduct constituting graft and corruption, whether as a principal, accomplice or accessory, is deemed a protected disclosure under this Act and such person shall be entitled to the benefits of an informer, provided:

a. The informer complies with the conditions under Section 14 hereof;
b. The informer has not been previously convicted by final judgment of a crime involving moral turpitude; and
c. The informer shall agree to stand as witness for the State and later testify in accordance with his disclosures.

Said person shall be immune from any kind of prosecution respecting the manner on which he testified.

SECTION 19. ***Disclosures Prior to this Act.*** – A disclosure made prior to the effectivity of this Act shall be deemed a protected disclosure entitled to protection under this Act, provided all the conditions herein are satisfied.

ARTICLE V
OTHER RIGHTS AND OBLIGATIONS

SECTION 20. ***Disclosures Made Before Qualified Persons.*** – Any person under Section 15 of this Act to whom a disclosure was made shall have the following obligations:

a. Maintain and protect the confidentiality of the identity of the informer;
b. Maintain and protect the confidentiality of the subject matter of the disclosure, until measures have been taken to assure the protection and

well-being of the informer, and the said disclosure and subject matter thereof had been reported to the Office of the Ombudsman; and

c. Report the disclosure and its full details within thirty (30) days from such disclosure to the Office of the Ombudsman for its proper investigation and the processing of the informer to qualify under the protection and benefits of this Act.

SECTION 21. ***Disclosures Made to Other Persons.*** – Any person not falling under Section 15 of this Act to whom a disclosure was made shall have the following obligations:

a. Maintain and protect the confidentiality of the identity of the informer;
b. Maintain and protect the confidentiality of the subject matter of the disclosure; and
c. Report the disclosure and its full details within sixty (60) days from such disclosure to the Office of the Ombudsman or any of the qualified persons enumerated under Section 15 of this Act.

Notwithstanding the provisions of Section 15 of this Act, a disclosure made to a person not included therein shall nevertheless be deemed a protected disclosure provided that, there is manifest intention on the part of the informer to have the same disclosure referred, forwarded or indorsed to any of the qualified persons under Section 15 of this Act; Provided further, that all the other conditions under this Act are satisfied; and provided finally, that the disclosure and the subject matter thereof are reported to any qualified person under Section 15 of this Act.

ARTICLE VI
LEGAL PROTECTION SERVICE

SECTION 22. ***Legal Protection Service.*** – A protection program for the benefit and protection of the informers and witnesses of the Office of the Ombudsman in pursuit of the provisions of this Act, and which is called the Office of the Ombudsman's *Legal Protection Service*, is hereby created. Said *Legal Protection Service* shall be responsible for the processing, determination and/or granting of benefits to informers and/or qualified witnesses under this Act.

SECTION 23. ***Coverage.*** – The *Legal Protection Service* contemplated in this Act and which is to be administered by the Office of the Ombudsman and shall cover only those offenses or conduct constituting graft and corruption specified under

Section 4 of this Act. The Department of Justice shall continue to administer its Witness Protection Program under Republic Act No. 6981 as to other cases.

SECTION 24. *Qualified Witnesses.* – The term, as defined in Section 3h hereof, and subject to their compliance with the provisions of this Act as determined by the Office of the Ombudsman, shall include the following persons:

a. Informers whose testimony is found by the Office of the Ombudsman to be necessary and indispensable for the successful prosecution of the persons subject of the protected disclosure under Section 16 of this Act;

b. Persons covered by Section 18 of this Act who disclose conduct constituting graft and corruption prior to the discovery thereof or prior to the filing of any complaint thereon, or the conduct of any investigation in connection therewith;

c. State Witness as defined in this Act;

d. Persons discharged under Section 17, Rule 119 of the Revised Rules on Criminal Procedure; and

e. Such other persons who qualify under the provisions of this Act.

SECTION 25. *State Witness.* – The term shall mean any person who has participated in the commission of a conduct constituting graft and corruption under Section 4 of this Act and who, being already the subject of an investigation or a respondent or accused in a case already filed with the court or pending with the Office of the Ombudsman or any other tribunal or agency or investigative body, in connection with, or about, the very subject matter of his proposed disclosure and testimony, desires to be a witness for the State.

SECTION 26. *Rights and Benefits of Qualified Witnesses.* – When necessary, qualified witnesses under this Act shall have the following rights and benefits:

a. Personal and bodily security and protection;

b. A secure housing facility until he has testifies or until the threat, intimidation or harassment disappears or is reduced to a manageable or tolerable level. When the circumstances warrant, the witness shall be entitled to relocation and/or change of personal identity at the expense of the government. This right may be extended to any member of the family of the witness within the second civil degree of consanguinity or affinity;

c. Assistance from the government, or through the Office of the Ombudsman, in obtaining a means of livelihood. Further, should the witness be relocated pursuant to this Act, he shall be entitled to a financial assistance for his support and that of his family in such amount and for such duration as the Office of the Ombudsman may determine;

d. Compensation in the amount equivalent to his salaries or wages for such number of days of absence occasioned by the necessity to stand as witness for the State. For the purposes of this Act, any fraction of a day shall constitute a full day salary or wage. This provision shall be applicable to both government and private employees;

e. Reasonable traveling expenses and subsistence allowance in such amount as the Office of the Ombudsman may provide in accordance with the implementing rules and regulations of this Act, for his attendance and presence at court, office, authority or other places pursuant to his discharge of his obligations herein;

f. Free medical treatment, hospitalization and medicines for any injury or illness incurred or suffered by him because of witness duty in any private or public hospital, clinic, or at any such institution at the expense of the government;

g. Financial benefits, in the event that the witness is killed because of or in connection with the discharge of his obligations under this Act, in the amount of One Hundred Thousand Pesos (P 100,000.00), exclusive of any other similar benefits he may be entitled to under other existing laws;

h. In case fo death or permanent incapacity, his minor or dependent children shall be entitled to free education, from primary to college level in any State college or university, as may be determined by the Office of the Ombudsman, as long as they shall have qualified thereto; and

i. Protection against disciplinary action or reprisals, including prejudicial and discriminatory treatment in the workplace, as defined in Section 10 of this Act.

SECTION 27. ***Conditions for Enjoyment of Rights and Benefits.*** – To be qualified for the rights and benefits under the foregoing section, the person must have witnessed or has personal knowledge or information on the commission of a crime subject hereof and has testified or is testifying or about to testify before any judicial or quasi-judicial body, or before any investigating authority, and must satisfy the following conditions:

a. The offense that shall be proven by the testimony must be among those enumerated in Section 4 of this Act;

b. There is absolute necessity for his testimony;

c. There is no other direct evidence available for the proper prosecution of the offense committed;

d. His testimony can be substantially corroborated on its material points;

e. He does not appear to be the most guilty; and

f. He has not at any time been convicted of any crime involving moral turpitude.

SECTION 28. *Personal Security and Protection.* – To be entitled to personal security and protection, a witness who satisfies the foregoing requirements, or members of his family within the second degree of consanguinity or affinity, must be the subject of threats to life or bodily harm or injury or, if in the opinion of the Ombudsman, there is a likelihood of such threat, force, intimidation, harassment or corruption to prevent said witness from testifying, or to cause him to testify falsely, or evasively on account of his testimony.

SECTION 29. *Law Enforcers as Witnesses.* – Nothing in this Act shall disqualify a law enforcement officer, otherwise qualified to stand as witness for the State, from being entitled to the full protection and benefits of the *Legal Protection Service; Provided*, however, that the matter for which his testimony is necessary is not he matter subject of his official investigation or inquiry.

SECTION 30. *Formal Requirements.* – Any person desiring to be placed under the coverage of the *Legal Protection Service* of the Office of the Ombudsman and who shall stand as a witness for the State, shall execute a sworn statement detailing his knowledge or information, which he shall warrant to be the truth, on the commission of the offenses within the coverage of Section 4 of this Act, as well as a *Memorandum of Agreement*.

SECTION 31. *Memorandum of Agreement.* – Before a person is provided protection as an informer or witness for the State, he shall first execute a *Memorandum of Agreement* which shall set forth his responsibilities including the following:

a. Except insofar as provided in Section 16 of this Act for informers, to testify before and provide information to all appropriate law enforcement officials concerning all appropriate proceedings in connection with or arising from the activities involved in the offense subject matter thereof;

b. To avoid the commission of a crime;

c. To take all necessary precautions to avoid detection by others of the facts concerning the protection provided him under this Act;

d. To comply with legal obligations and civil judgments against him;

e. To cooperate with respect to all reasonable requests of officers and employees of the government who are providing protection under this Act; and

f. To regularly inform the appropriate program official of his current activities and address.

SECTION 32. ***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 Ombudsman shall send notice to the person involved of the termination of the protection provided under this Act, stating therein the reason for such termination. Reasonable time shall be afforded the witness to take the appropriate and necessary measures for his protection and security in view of the termination of the protection under this Act.

SECTION 33. ***Confidentiality of Proceedings.*** – All proceedings involving application and/or employment of the benefits under the *Legal Protection Service* of the Office of the Ombudsman, including any 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 Office of the Ombudsman, and when, in the opinion of the Ombudsman, such disclosure shall not endanger the life of a qualified witness.

SECTION 34. ***Speedy Hearing or Trial.*** – In any case where a person qualified as a witness for the State and under protection of the *Legal Protection Service* of the Office of the Ombudsman shall testify, the judicial or quasi-judicial body, or investigating authority shall assure a speedy hearing or trial on such case and shall endeavor to finish said proceeding within three (3) months from the filing of the case.

SECTION 35. ***Immunity.*** – A qualified witness shall be immune from criminal prosecution for the offense or offenses about which he gave or will give his testimony, or in which connection his testimony shall be used.

SECTION 36. ***Restitution.*** – For a witness under Section 25 of this Act to qualify as a witness under the *Legal Protection Service* of the Office of the Ombudsman and enjoy its rights and benefits, he shall, in addition to the other conditions herein, restitute or compensate the government in such amount or amounts, or properties he may have received by reason, or in consideration of, his participation in the conduct constituting graft and corruption subject of his testimony.

SECTION 37. ***Failure or Refusal of the Witness to Testify.*** – Any qualified witness enjoying the benefits under the *Legal Protection Service* who fails or refuses to testify, ort to continue to testify, or who adversely varies his testimony without just cause, shall be prosecuted for contempt. If he testifies falsely or evasively, he shall be liable to persecution for perjury. Any of the foregoing shall be sufficient for the termination of the benefits and protection under this Act and the loss of his other rights herein, including his immunity from criminal prosecution.

SECTION 38. ***Compelled Testimony.*** – Any witness qualified under or pursuant to Section 25 of this Act cannot refuse to testify or decline the production of evidence, including bank documents, books, financial documents, records or writings necessary for the understanding or prosecution of the offense or offenses for which he has agreed to testify. However, he shall enjoy immunity from criminal prosecution and cannot be subjected to any penalty or forfeiture for any transaction, matter or thing concerning his compelled testimony or production of books, documents, records and writings.

In case of refusal of said witness to testify or give evidence or produce books, documents, records, or writings, on the ground of the right against self-incrimination, and the Office of the Ombudsman believes that such evidence is absolutely necessary for a successful prosecution of the offense or offenses charged or under investigation, the Office of the Ombudsman shall, even during the pendency of an investigation and prior to the commencement of an action in court, file a petition with the appropriate court for the issuance of an order requiring such testimony, or production of evidence, books, documents, records, and writings described, and the court shall issue the proper order.

In addition, the court, upon motion of the Office of the Ombudsman, shall order the arrest and detention of the witness in any jail at or near the place of trial or investigation until such time that the witness is willing to give such testimony or produce such evidence, books, documents, records, and writings necessary.

SECTION 39. ***Credibility of Witness.*** – In all criminal cases, the fact of the entitlement of the qualified witness to the protection and benefits provided for in this Act shall not be admissible in evidence to diminish or affect his credibility.

SECTION 40. ***Powers and Functions of the Ombudsman.*** – In addition to the powers and functions under existing laws, the Office of the Ombudsman shall have the following powers and functions:

a. Supervise, monitor and coordinate all efforts relative to the implementation and enforcement of the provisions of this Act;

b. Investigate all disclosures made under this Act and prosecute the same, when warranted;

c. Evaluate the qualification of informers and witnesses for coverage within this Act, and make the appropriate decision on their entitlement to the benefits extended herein;

d. 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;

e. Develop plans and implement programs to further encourage informers on graft and corrupt activities with a view to effective deterrence and/or prosecution;

f. Control and administer, consistent with the provisions and purpose of this Act, a *Legal Protection Service* for the protection and benefit of the informers and witnesses of the State in connection with the cases within the coverage of Section 4 of this Act;

g. Call upon or deputize any department, bureau, office or any other government agency or public official, to assist in the effective implementation and enforcement of this Act; and

h. Grant immunity in accordance with provisions of this Act and its implementing rules and regulations.

ARTICLE VII
REMEDIES AND SANCTIONS

SECTION 41. ***Violation of Confidentiality.*** – Any person who violates the protection of confidentiality of a protected disclosure under Sections 8, 9, 20 and 21 of this Act, and of the confidentiality of the proceedings under Section 32 of this Act, shall be guilty of an offense and shall suffer the penalty of not more than six (6) years, but not less than six (6) months imprisonment, and shall be civilly liable to indemnify the informer or qualified witness in such amount of damages as may be awarded and deemed reasonable by a competent court.

SECTION 42. ***Retaliatory Action in the Work Place.*** – Any person who shall make or cause prejudicial conduct and reprisals, as defined in this Act, against an employee who is an informer or believed or suspected to be one, or a qualified witness under this Act, shall be guilty of an offense and shall suffer the penalty of not more than six (6) months imprisonment, and shall be civilly liable to indemnify the informer or qualified witness in such amount of damages as may be awarded and deemed reasonable by a competent court.

Towards this send, the aggrieved informer or qualified witness shall be entitled to the provisional remedy of injunction against any retaliatory action in the workplace, prejudicial conduct or discriminatory treatment by reason of the informer's testimony.

The proceedings herein shall be independent of any action that an aggrieved person may take before the Civil Service Commission, the Department of Labor and Employment for unfair or discriminatory practices, back wages, or other labor disputes, r before other quasi-judicial agencies that may or may not have arisen from a protected disclosure or believed or suspected disclosure.

SECTION 43. ***Discriminatory Hiring.*** – Any person, firm, corporation, office or employer who shall deny employment from a qualified applicant, or who shall reject his application for employment, due to knowledge, belief or suspicion that the applicant is an informer or a witness for the State, shall be guilty of an offense and shall suffer the penalty of not more than two (2) months imprisonment, and shall be civilly liable to indemnify the informer in such amount of damages as may be awarded and deemed reasonable by a competent court.

SECTION 44. ***Failure of an Employer to Post Abstract.*** – The failure to post an *Abstract* required under Section 11 of this Act shall constitute and offense and shall be penalized with a fine in the amount of Fifty Thousand Pesos (P 50,000.00). For purposes of exacting the fine, the president, manager, or head of office, bureau or agency shall be held responsible.

SECTION 45. ***Failure to Act or Report to the Office of the Ombudsman.*** – Any person under obligation to report a disclosure under this Act to the Office of the Ombudsman who fails to do so within the period prescribed or who fails to act thereon or cause an investigation thereof, shall be guilty of an offense and shall suffer the penalty of not more than one (1) month imprisonment, and /or a fine amounting of not more than Fifty Thousand Pesos (P 50,000.00).

SECTION 46. ***False and Misleading Disclosures and Testimony.*** – Any person who deliberately and voluntarily gives false or misleading information or testimony in connection with conduct constituting graft and corruption under this Act shall, unless such act is already punishable by some other law more severely, be guilty of an offense and shall suffer the penalty of imprisonment of not more than 12 (12) years, in addition to other criminal and civil liability he may incur under existing laws.

SECTION 47. ***Penalty for Harassment of Witness.*** – Any person who harasses a qualified witness and thereby hinders, delays, prevents or dissuades said witness from:

a. Attending or testifying before any judicial or quasi-judicial body or investigating authority; or from

b. Reporting to a law enforcement officer or judge the commission or possible commission of an offense, or a violation of conditions or probation, parole, or release pending judicial proceedings; or from

c. Seeking the arrest of another person in connection with the offense; or from

d. Causing a criminal prosecution, or a proceeding for the revocation of a parole or probation; or from

e. Performing and enjoying the rights and benefits under this Act or attempts to do so

Shall be fined not more than One Hundred Thousand Pesos (P 100,000.00) or suffer imprisonment of not less than six (6) months but not more than six (6) years, or both, at the discretion of the court, and shall also suffer the penalty of perpetual disqualification from holding public office in case of a public officer.

ARTICLE VIII

MISCELLANEOUS PROVISIONS

SECTION 48. ***Implementing Rules and Regulations.*** – Within six (6) months from the effectivity of this Act, the Office of the Ombudsman shall promulgate the Implementing Rules and Regulations of this Act.

SECTION 49. ***Appropriations.*** – The amount of Two Hundred Million Pesos Only (P 200,000,000.00) is hereby appropriated from the Office of the President and released to the Office of the Ombudsman to implement and enforce the provisions of this Act, including the establishment and operation of its *Legal Protection Service*. Thereafter, such funds as are necessary for the effective and continued implementation of this Act shall be taken from and included in the annual General Appropriations Act.

SECTION 50. ***Transition.*** – The Witness Protection Program administered by the Department of Justice shall continue to administer and cover witnesses otherwise covered herein by the *Legal Protection Service* of the Office of the Ombudsman, until the Office of the Ombudsman shall have established its own *Legal Protection Service*, promulgated its rules and completed its logistics necessary for the operation of the *Legal Protection Service,* which shall not be more than nine (9) months from the effectivity of this Act.

SECTION 51. ***Separability Clause.*** – If any provision of this Act or the application of such provision to any person or circumstance is declared, with finality, to be invalid or unconstitutional, the same shall not affect the remainder of this Act or its other provisions otherwise completely enforceable and independent of such invalid provision; or the application of such provision to other persons or circumstances.

SECTION 52. ***Repealing Clause.*** – All laws, decrees, orders, rules and regulations, or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

SECTION 53. ***Effectivity.*** – This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in a newspaper of general circulation.

Approved,