

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

4388
House Bill No. _____



Introduced by
BAYAN MUNA Party-List Representatives CARLOS ISAGANI T. ZARATE,
FERDINAND R. GAITE and EUFEMIA C. CULLAMAT,
ACT TEACHERS Party-List Representative FRANCE L. CASTRO,
GABRIELA Women's Party Representative ARLENE D. BROSAS.
and KABATAAN Party-List Representative SARAH JANE I. ELAGO

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

EXPLANATORY NOTE

There is no doubt about the importance of an effective Witness Protection Program in a country like the Philippines.

Crimes are on the rise. Based on the reports of the Philippine National Police in 2015, there was a 46% increase in the number of crimes nationwide in the first half of 2015 compared to the same period in 2014.¹ The nationwide crime rate from July 2016 to June 2018 dropped by 21.48 percent compared to the same period from 2014 to 2016, according to data from the Philippine National Police (PNP). However, murder is up by 112%.

The grave situation of criminality is made worse by draconian measures of the Duterte administration against drug suspects, activists, and its critics.

The gravity of extrajudicial killings related to the war on drugs had attracted international attention. In fact, on July 11, 2019, a resolution was filed by Iceland to investigate the war on drugs in the Philippines. The resolution was adopted, 18 to 14, in the U.N. Human Rights Council Office. The number of slain from the drug war is disputed, but according to human rights watchdogs the number reached 27,000 in three years². This is in contrast to the official

¹ <http://www.philstar.com/metro/2015/08/03/1483869/philippine-crime-rate-46>

² <https://www.reuters.com/article/us-philippines-drugs/war-on-numbers-philippines-targets-drug-killing-data-idUSKCN1UD1CJ>

number of drug killings said in a press interview that 5,526 “drug personalities” had died in anti-drug operations between July 1, 2016, and June 30, 2019³.

With killings running up to the thousands, there are very few witnesses coming forward because of fear.⁴ There are cases where witnesses could easily be tracked by culprits because of close connections, such as being friends or family. Then there are reported instances under the where families point to their police as having engineered the killings⁵.

The same is true in the case of politically-motivated extrajudicial killings. Human rights organization KARAPATAN Alliance for the Advancement of Human Rights documented a total of 266 victims of extrajudicial killings in line with the Duterte regime’s counterinsurgency programs Oplan Kapayapaan and Oplan Kapanatagan. The rights group also recorded 404 victims of frustrated extrajudicial killings, 1,850 victims of illegal arrests, 134 tortured, 443 victims of illegal search and seizure, and 451,323 victims of forcible displacement.⁶ Legal cases are slow to proceed, with very few succeeding to put perpetrators to justice. Retired Major General Jovito Palparan dubbed “The Butcher” for the trail of blood in areas he was assigned to, was found guilty of kidnapping and serious illegal detention in the disappearance of University of the Philippines students Karen Empeño and Sherlyn Cadapan in 2006. While this is one of the rare successes of justice for politically-motivated disappearance, thousands of victims of extrajudicial killings and other human rights violations still seeks justice. But with state agents being the perpetrators, witnesses fear to come forward lest they suffer the same fate as the victims.

Witnesses play an important role in the serious fight against crimes, in the fight against impunity. Vital witnesses provide crucial testimony, without which cases could be jeopardized. In a country like the Philippines, where forensic evidence are reportedly deficient and plays little to no importance at all in criminal proceedings, witnesses’ testimonies are a crucial element.

Yet, so many witnesses are being bribed, threatened or killed to stop them from appearing or testifying in courts. This is what happened to some of the witnesses in the infamous 2009 Ampatuan Massacre. Many more witnesses would rather choose to remain silent for fear of their lives and safety. Department of Justice officials admitted that one problem in most extra judicial killings is always “the lack of witnesses or the lack of willing and available witnesses”.⁷

In 1991, Republic Act 6891 was approved, providing for a witness protection, security and benefit program. According to reports, the government had a 96 percent conviction rate in 2012 for the cases that had witness enrolled in the WPP, 87 percent in 2013 and almost 87 percent in 2014.

The program, however, has been the subject of criticism from lawyers and different human rights organizations and groups for a long time. For instance, the Melo Commission in its 2007

³ Ibid

⁴ <https://www.rappler.com/newsbreak/in-depth/220595-duterte-government-drug-war-deaths-unsolved>

⁵ Ibid

⁶ <https://www.karapatan.org/Karapatan+on+Duterte%E2%80%99s+SONA%3A+Same+old+anti-people+policies%2C+new+and+harsher+priorities>

⁷ <http://www.gmanetwork.com/news/story/389526/news/specialreports/witness-protection-key-to-fighting-impunity>

report stated that the “program is suffering from lack of funds and necessary manpower”⁸. Atty. Jose M. Diokno, dean of the De La Salle University College of Law, said the government should reform the witness protection program to make it “more effective”, and that “no witness protection law can be effective unless the mechanism allows the witness testifying ahead of the trial”⁹.

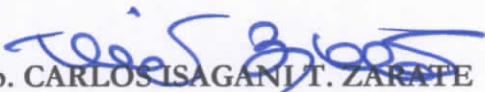
This bill is an attempt to address the weaknesses and plug loopholes in the present witness protection program.

In particular, the bill proposes, among others, the creation of a Witness Protection Bureau which is an independent and autonomous body attached to the Department of Justice, provision for a separate witness protection program for witnesses of the Legislative branch, allowing the change of identity of witnesses, secure housing facility and relocation, perpetuation of testimony and higher penalty for influencing or harassing a witness.

This bill is the product of the series of hearings of the House of Representatives Committee on Justice and includes the recommendations from various groups and agencies collected during the 16th Congress.

In view of the above, the passage of this bill into law is earnestly sought.

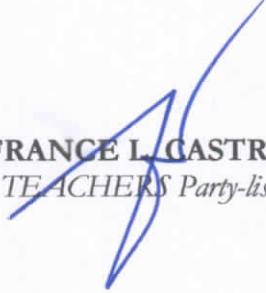
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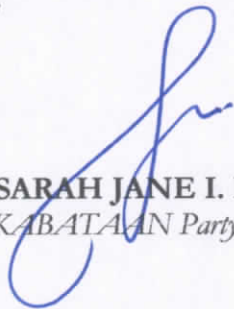

Rep. CARLOS ISAGANI T. ZARATE
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⁸ http://www.ipon-philippines.info/fileadmin/user_upload/Observers/Observer Vol.3 Nr.1/Observer Vol.3 Nr.1 Political-Changes 26.pdf

⁹ <http://www.gmanetwork.com/news/story/389526/news/specialreports/witness-protection-key-to-fighting-impunity>

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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:

SECTION 1. Section 2 of Republic Act No. 6981, otherwise known as the "Witness Protection, Security and Benefit Act", is hereby amended to read as follows:

"SEC. 2. WITNESS PROTECTION BUREAU. - FOR PURPOSES OF IMPLEMENTING A WITNESS PROTECTION, SECURITY AND BENEFIT PROGRAM, A WITNESS PROTECTION BUREAU (WPB) IS HEREBY CREATED WHICH SHALL, SUBJECT TO SUCH LIMITATIONS AS MAY BE PROVIDED HEREIN, BE AN INDEPENDENT AND AUTONOMOUS OFFICE BUT ATTACHED TO THE DEPARTMENT OF JUSTICE FOR PURPOSE OF POLICY AND PROGRAM COORDINATION. THE WPB SHALL INDEPENDENTLY EXERCISE ITS MANDATE OF PROVIDING SECURITY PROTECTION AND BENEFITS TO QUALIFIED WITNESSES AS IT MAY DETERMINE PURSUANT TO THE PROVISIONS OF THIS ACT.

"SEC. 2-A. THE WPB DIRECTOR AND OTHER WPB OFFICIALS - THE WPB SHALL BE HEADED BY A DIRECTOR WHO SHALL BE ASSISTED BY THREE (3) DEPUTY DIRECTORS. THERE SHALL BE ONE DEPUTY DIRECTOR FOR SECURITY MANAGEMENT AND OPERATIONS, ANOTHER DEPUTY DIRECTOR FOR ADMINISTRATIVE AND GENERAL SERVICES, AND ANOTHER DEPUTY DIRECTOR FOR LEGAL SERVICES. THE DIRECTOR AND DEPUTY DIRECTORS SHALL BE APPOINTED BY THE PRESIDENT, AND SHALL NOT BE REMOVED OR SUSPENDED, EXCEPT FOR CAUSE PROVIDED BY LAW.

THE WPB SHALL HAVE REGIONAL OFFICES TO BE HEADED BY A REGIONAL IMPLEMENTOR WHO SHALL BE APPOINTED BY THE SECRETARY OF JUSTICE UPON THE RECOMMENDATION OF THE WPB DIRECTOR.

“SEC. 2-B. QUALIFICATIONS, RANK, SALARY, RETIREMENT AND OTHER BENEFITS.- THE WPB DIRECTOR, DEPUTY DIRECTORS OR REGIONAL IMPLEMENTORS SHALL BE NATURAL-BORN CITIZENS OF THE PHILIPPINES.

NO PERSON SHALL BE APPOINTED WPB DIRECTOR UNLESS HE HAS BEEN ENGAGED IN THE PRACTICE OF LAW IN THE PHILIPPINES FOR AT LEAST FIFTEEN (15) YEARS. THE WPB DIRECTOR SHALL HAVE THE SAME RANK, SALARIES, ALLOWANCES, AND RETIREMENT PRIVILEGES AS THAT OF THE PROSECUTOR GENERAL, OR ITS EQUIVALENT, OF THE NATIONAL PROSECUTION SERVICE.

THE DEPUTY DIRECTOR FOR OPERATIONS MUST HAVE BEEN ENGAGED IN THE PRACTICE OF LAW IN THE PHILIPPINES OR EXPERIENCED IN SECURITY PROTECTION FOR AT LEAST TEN (10) YEARS. THE DEPUTY DIRECTOR FOR ADMINISTRATIVE AND GENERAL SERVICES MUST HAVE BEEN ENGAGED IN THE PRACTICE OF LAW IN THE PHILIPPINES OR EXPERIENCE IN HUMAN RESOURCE MANAGEMENT OR OTHER RELATED FIELDS FOR AT LEAST TEN (10) YEARS. THE DEPUTY DIRECTOR FOR LEGAL SERVICES AND THE REGIONAL IMPLEMENTORS MUST HAVE BEEN ENGAGED IN THE PRACTICE OF LAW IN THE PHILIPPINES FOR AT LEAST TEN (10) YEARS.

THE DEPUTY DIRECTORS SHALL HAVE THE SAME RANK, SALARIES, ALLOWANCES, AND RETIREMENT PRIVILEGES AS THOSE OF A SENIOR DEPUTY STATE PROSECUTOR, OR ITS EQUIVALENT, OF THE NATIONAL PROSECUTION SERVICE. REGIONAL IMPLEMENTORS SHALL HAVE THE SAME RANK, SALARIES, ALLOWANCES, AND RETIREMENT BENEFITS AS THOSE OF A REGIONAL PROSECUTOR, OR ITS EQUIVALENT, OF THE NATIONAL PROSECUTION SERVICE.

SEC. 2-C. THE WPB SUPPORT STAFF.- THE WPB SHALL HAVE PERMANENT SECURITY, ADMINISTRATIVE, AND LEGAL SERVICES PERSONNEL WHO SHALL BE APPOINTED BY THE WPB DIRECTOR BASED ON MERIT AND FITNESS AND IN ACCORDANCE WITH CIVIL SERVICE RULES AND REGULATIONS. *PROVIDED, HOWEVER*, THAT IN THE EXIGENCY OF THE SERVICE, THE WPB MAY, FROM TIME TO TIME, HIRE CONTRACTUAL EMPLOYEES. *PROVIDED FURTHER*, THAT THE NUMBER OF CONTRACTUAL EMPLOYEES THAT MAY BE HIRED BY THE WPB SHALL NOT EXCEED TEN PERCENT (10%) OF THE NUMBER OF ITS PERMANENT SECURITY AND ADMINISTRATIVE AND LEGAL SERVICES PERSONNEL.

THE NUMBER, QUALIFICATIONS, SALARY GRADE OF THE WPB SUPPORT STAFF SHALL BE AS FOLLOWS:

LEGAL SERVICES

NO. OF PERSONNEL	POSITION	SALARY GRADE
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10	ATTORNEY 2	26
15	ATTORNEY 1	25

SECURITY MANAGEMENT AND OPERATIONS

NO. OF PERSONNEL	POSITION	SALARY GRADE
1	SECURITY OFFICER V	24
2	SECURITY OFFICER IV	22
15	SECURITY OFFICER III	18
160	SECURITY OFFICER II	15
150	SECURITY OFFICER I	11

ADMINISTRATIVE SERVICES

NO. OF PERSONNEL	POSITION	SALARY GRADE
1	EXEC. ASSISTANT	24
2	FINANCE OFFICER II	23
13	FINANCE OFFICER I	17
15	ADMIN OFFICER IV	22
15	ADMIN OFFICER III	18
15	ADMIN OFFICER II	15
15	UTILITY WORKER	3
15	PSYCHOLOGIST III	18

SUBJECT TO AVAILABILITY OF FUNDS AND WITH APPROVAL OF THE DEPARTMENT OF BUDGET AND MANAGEMENT THE NUMBER OF PERSONNEL IN THE WPB SUPPORT STAFF MAY BE INCREASED AS MAY BE NECESSARY OR REQUIRED BY THE EXCIGENCIES OF THE SERVICE.

ALL MEMBERS OF THE WPB SUPPORT STAFF MUST BE CITIZENS OF THE PHILIPPINES, OF GOOD MORAL CHARACTER, A HOLDER OF A BACCALAUREATE DEGREE, HAS NOT BEEN CONVICTED OF ANY CRIME INVOLVING MORAL TURPITUDE, AND HAS PASSED THE EXAMINATIONS AND COMPLIED WITH OTHER REQUIREMENTS AS MAY BE PRESCRIBED BY THE WPB. MEMBERS OF THE WPB SUPPORT STAFF HOLDING THE POSITION OF

ATTORNEY 1 OR 2 MUST BE A MEMBER OF THE PHILIPPINE BAR WITH AT LEAST 5 YEARS EXPERIENCE.

SEC. 2-D. BENEFITS AND PRIVILEGES.- THE WPB SHALL PROVIDE ITS EMPLOYEES WITH THE FOLLOWING BENEFITS:

- A.) HEALTH CARE SERVICES THROUGH A HEALTH MAINTENANCE ORGANIZATION (HMO);
- B.) ACCIDENT INSURANCE POLICIES FOR ALL EMPLOYEES, PROCURED BY THE WPB AT ITS OWN EXPENSE, WHILE IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AND FUNCTIONS;
- C.) WITHOUT PREJUDICE TO EFFICIENCY IN THE SERVICE, GRANT TRAININGS, SCHOLARSHIPS AND SEMINARS TO DESERVING EMPLOYEES, ON OFFICIAL TIME AND AT THE EXPENSE OF THE WPP, TO UPGRADE THEIR KNOWLEDGE AND SKILLS: *PROVIDED*, THAT GRANTEES UNDER THIS PROVISION SHALL BE SELECTED ON THE BASIS OF MERIT AS DETERMINED BY COMPETITIVE EXAMINATION; AND
- D.) LONGEVITY PAY SUBJECT TO GUIDELINES THAT SHALL HEREAFTER BE ISSUED BY THE WPB DIRECTOR IN ACCORDANCE WITH EXISTING LAWS AND REGULATIONS AND SUBJECT FURTHER TO THE APPROVAL OF THE SECRETARY OF THE DEPARTMENT OF BUDGET AND MANAGEMENT (DBM)."

SEC. 2-E. POWERS AND FUNCTIONS OF THE WPB DIRECTOR.- THE WPB DIRECTOR SHALL HAVE THE FOLLOWING POWERS AND FUNCTIONS:

- A.) IN COORDINATION WITH THE SECRETARY OF JUSTICE, FORMULATE POLICIES, GUIDELINES AND PROGRAMS TO EFFECTIVELY CARRY OUT THE PURPOSES OF THIS ACT;
- B.) DIRECT AND SUPERVISE THE ADMINISTRATION AND OPERATIONS OF THE WPB;
- C.) SUBJECT TO THE APPROVAL OF THE SECRETARY OF JUSTICE, PROMULGATE RULES AND REGULATIONS AS MAY BE NECESSARY OR PROPER FOR THE EFFECTIVE EXERCISE OF THE POWERS AND FUNCTIONS AS WELL AS THE DISCHARGE OF THE DUTIES AND RESPONSIBILITIES OF THE WPB, ITS OFFICIALS AND PERSONNEL;
- D.) DETERMINE, FROM TIME TO TIME, SUBJECT TO AVAILABILITY OF FUNDS, AND APPROVAL OF THE SECRETARY OF THE DEPARTMENT OF BUDGET AND MANAGEMENT (DBM), THE LIMITS TO WHICH, IN TERMS OF AMOUNT AND PERIOD COVERED, REASONABLE ALLOWANCES, INCENTIVES, BONUSES, PRIVILEGES AND OTHER BENEFITS MAY BE GIVEN TO WPB EMPLOYEES;
- E.) CREATE OR ABOLISH, SUBJECT TO THE APPROVAL OF THE SECRETARY OF THE DEPARTMENT OF JUSTICE (DOJ), ANY DIVISION/UNIT AS MAY BE REQUIRED BY THE EXIGENCIES OF THE SERVICE;

- F.) HIRE CONSULTANTS FOR SUCH LENGTH OF TIME AS MAY BE DEEMED REQUIRED BY THE EXIGENCIES OF THE SERVICE;
- G.) ISSUE MISSION ORDERS AND PERMITS TO CARRY FIREARMS OUTSIDE RESIDENCE TO ITS SECURITY OFFICES
- H.) REMOVE, SUSPEND OR OTHERWISE DISCIPLINE WPB PERSONNEL FOR CAUSE IN ACCORDANCE WITH CIVIL SERVICE RULES AND REGULATIONS AND OTHER PERTINENT LAWS. PROVIDED, HOWEVER, THAT WHEN THE PENALTY METED OUT AGAINST AN ERRING PERSONNEL IS SUSPENSION FOR MORE THAN SIX (6) MONTHS OR REMOVAL FROM SERVICE, SUCH SUSPENSION OR REMOVAL FROM SERVICE MAY BE APPEALED TO THE SECRETARY OF JUSTICE AND SHALL NOT BE EXECUTORY PENDING SUCH APPEAL.
- I.) PERFORM ANY AND ALL ACTS NECESSARY, PROPER OR INCIDENTAL TO THE ATTAINMENT OF THE PURPOSES AND OBJECTIVES OF THIS ACT; AND
- J.) PERFORM SUCH OTHER RELATED FUNCTIONS AS MAY BE PROVIDED BY LAW OR AUTHORIZED BY THE SECRETARY OF JUSTICE.

SEC. 2. Sections 3, 4, 5, 6, 7, 8, 9, and 10 of the same Act are hereby amended to read as follows:

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

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

"b) [his] **THE** testimony can be substantially corroborated in its material points;

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

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

"e) **THE WITNESS IS EMOTIONALLY AND PSYCHOLOGICALLY SUITABLE OR FIT TO BE ADMITTED TO THE PROGRAM AS MAY BE DETERMINED THROUGH APPROPRIATE EXAMINATIONS CONDUCTED BY THE WPB.**

"If the WPB, 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, within thirty (30) days from the submission of the requirements of this Act and the implementing rules and regulations, admit said applicant to the Program, require said witness to execute a sworn statement detailing his knowledge or information on the commission of the crime, and thereafter issue the proper certification.

THE DETERMINATION BY THE WPB TO ADMIT OR REFUSE A WITNESS TO THE PROGRAM MAY BE REVIEWED BY THE SECRETARY OF JUSTICE ON THE GROUND THAT THE WPB ACTED WITH GRAVE ABUSE OF DISCRETION IN REFUSING OR ADMITTING THE WITNESS TO THE PROGRAM.

For purposes of this Act, any such person admitted to the Program shall be known as the Witness.”

“SEC. 3-A. PROVISIONAL ADMISSION. - A WITNESS WHO HAS APPLIED FOR ADMISSION INTO THE PROGRAM BUT HAS NOT FULLY COMPLIED WITH ALL THE WPB’S REQUIREMENTS, OR WHOSE APPLICATION IS STILL PENDING EVALUATION MAY BE PROVISIONALLY ADMITTED TO THE PROGRAM IF THERE IS A SERIOUS THREAT TO HIS SECURITY. THE PROVISIONAL ADMISSION OF A WITNESS WILL ENTITLE HIM TO SECURITY PROTECTION. HE SHALL ENJOY THE OTHER APPROPRIATE RIGHTS AND BENEFITS ONCE HE IS EXTENDED IN REGULAR ADMISSION. THE WPB SHALL EXTEND REGULAR ADMISSION TO THE WITNESS WITHIN THIRTY (30) DAYS FROM FULL COMPLIANCE OF THE REQUIREMENTS OF THIS ACT AND THE IMPLEMENTING RULES AND REGULATIONS.

“SEC. 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, MAY PROVIDE FOR A SEPARATE ‘WITNESS PROTECTION, SECURITY AND BENEFIT PROGRAM’ FOR ITS RESOURCE PERSONS AND/OR WITNESSES. THE WITNESS AND/OR RESOURCE PERSON, [with his express consent,] may be admitted into the Program upon THE WRITTEN APPLICATION AND the recommendation of the legislative committee where [his] THE testimony is needed when in its judgment there is pressing necessity [therefor:] FOR THE WITNESS’ TESTIMONY OR THE PRODUCTION OF DOCUMENTS OR EVIDENCE IN POSSESSION OR CUSTODY OF THE WITNESS: *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 LEGISLATIVE WITNESS PROTECTION, SECURITY AND BENEFIT PROGRAM. CONGRESS MAY REQUEST THE NECESSARY ASSISTANCE FROM ANY DEPARTMENT, BUREAU, OFFICE OR ANY OTHER EXECUTIVE AGENCY TO ASSIST IN THE IMPLEMENTATION OF THE PROGRAM: *PROVIDED, HOWEVER,* THAT IN THE EVENT THAT A CRIMINAL CASE HAS BEEN INSTITUTED, FOR PRELIMINARY INVESTIGATION OR FILING OF A CASE IN COURT, IN RELATION TO THE SUBJECT OF THE LEGISLATIVE INQUIRY, ANY WITNESS TO THE CRIMINAL CASE COVERED BY THE LEGISLATIVE WITNESS PROTECTION, SECURITY AND BENEFIT PROGRAM SHALL BE TURNED OVER TO THE WITNESS PROTECTION, SECURITY AND BENEFIT PROGRAM ADMINISTERED BY THE WITNESS PROTECTION BUREAU: *PROVIDED, FURTHER,* THAT ANY WITNESS TO A CRIMINAL CASE WHO IS COVERED BY THE PROGRAM ADMINISTERED BY THE WITNESS PROTECTION BUREAU SHALL CONTINUE TO BE COVERED

AND SHALL REMAIN UNDER SUCH PROGRAM NOTWITHSTANDING ANY LEGISLATIVE INQUIRY THAT MAY BE INITIATED THEREAFTER WHERE SUCH WITNESS MAY BE CALLED UPON TO TESTIFY AS A RESOURCE PERSON.

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

"TO EFFECTIVELY CARRY OUT THIS PROVISION, CONGRESS SHALL PROVIDE FUNDING FOR THE IMPLEMENTATION OF ITS OWN WITNESS PROTECTION, SECURITY AND BENEFIT PROGRAM AND PROMULGATE ITS OWN RULES AND REGULATIONS."

"SEC. 5. *Memorandum of Understanding (MOU) With the Person to be Protected* – [Before a person is provided] **AS A PREREQUISITE TO THE AVAILMENT OF THE** protection under this Act, [he shall first execute] **THE WITNESS SHALL ENTER INTO** a memorandum of agreement **WITH THE DEPARTMENT**, which shall set forth [his] **CERTAIN** responsibilities, including:

"a) 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 charged;

"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] **ONE'S PERSON**;

"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[.];

"**G) NOT TO COMMUNICATE WITH ANY ADVERSE PARTY OR NEGOTIATE FOR OR ENTER INTO, AN AMICABLE SETTLEMENT ON THE CIVIL ASPECT OF THE OFFENSE SUBJECT OF THE CASE OR INVESTIGATION;**

"**I) NOT TO DIVULGE ANY INFORMATION REGARDING MY WPP COVERAGE OR THE DETAILS OF MY TESTIMONY TO THE MEDIA OR ANY THIRD PARTY NOT CONNECTED WITH THE PROGRAM WITHOUT CLEARANCE OR PERMISSION FROM THE WPB; AND**

"**H) TO COMPLY WITH SUCH OTHER CONDITIONS AS THE WPB MAY DEEM PROPER TO IMPOSE FOR THE SUCCESSFUL INVESTIGATION OR PROSECUTION OF THE CASE OR TO PRESERVE THE INTEGRITY OF THE PROGRAM."**

"SEC. 6. *Breach of the Memorandum of Understanding* or violation of policies, rules and regulations- Substantial breach of the memorandum of understanding, and serious violations of the provisions of this Act, policies, rules and regulation of the Program shall be a ground for the **IMMEDIATE** termination of the **BENEFITS AND** protection provided under this Act[: Provided, however, That before terminating such protection,]. [t]The WPB shall send notice to the person involved of the termination of the

BENEFITS AND protection provided under this Act, stating therein the reason for such termination.”

“SEC. 7. Confidentiality [of Proceedings]. - All [proceedings] **MATTERS** involving application for admission **AND COVERAGE** [into] **UNDER** the Program and the action taken thereon shall be confidential in nature[.] [N]No information or document [given or submitted in support thereof] **RELATIVE THERETO** shall be released except upon written order of the Department or the proper court.

“Any person who violates the confidentiality of said proceedings shall upon conviction be punished with imprisonment of not less than **FOUR (4) YEARS** but not more than six (6) years and deprivation of the right to hold a public office or employment for a period of five (5) years.

“NO INJUNCTION OR TEMPORARY RESTRAINING ORDER SHALL BE ISSUED BY ANY COURT ENJOINING THE ADMISSION OF THE WITNESS IN THE PROGRAM BY THE WITNESS PROTECTION BUREAU.”

“SEC. 8. *Rights and Benefits.* - The Witness shall have the **RIGHT TO SECURITY AND PROTECTION AS WELL AS THE** following rights and benefits:

“a) To have a secure housing facility until he has testified 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 Program. This right **TO A SECURE HOUSING FACILITY AND RELOCATION** may be extended to any member of the family of the Witness within the second [civil] degree of consanguinity or affinity **WHO IS UNDER THREAT.**

“A CHANGE OF PERSONAL IDENTITY MAY INCLUDE A CHANGE IN PHYSIOLOGICAL APPEARANCE OR CHANGE OF NAME. THE SECRETARY OF JUSTICE, UPON APPLICATION OF THE WITNESS COVERED UNDER THE PROGRAM AND IN ACCORDANCE WITH THE RULES WHICH THE DEPARTMENT SHALL HEREAFTER PROMULGATE, MAY ORDER A CHANGE OF THE FIRST NAME, MIDDLE NAME AND/OR FAMILY NAME OF THE WITNESS COVERED, WITHOUT NEED OF A SAPARATE JUDICIAL ORDER OR ADMINISTRATIVE PROCEEDING. PURSUANT TO SUCH ORDER, THE SECRETARY OF JUSTICE MAY DIRECT ALL CONCERNED AGENCIES OF THE GOVERNMENT TO MAKE THE NECESSARY ENTRIES IN SUCH A MANNER THAT ENSURES THE CONFIDENTIALITY OF THE PROCEEDINGS AND AVOID A DISCLOSURE OF THE IDENTITY OF THE WITNESS.

“b) The WPB 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 WPB shall determine.

“c) In no case shall the Witness be removed from or demoted in work because or on account of [his] **ONE’S** absences due to [his] attendance before any judicial or quasi-judicial body or investigating authority, including legislative investigations in aid of legislation, in going thereto and in coming therefrom: *Provided*, That his employer is notified through a certification issued by the WPB, 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 WPB, upon the recommendation of the Department of Labor and Employment.

"Any Witness who failed to report for work because of witness duty shall be paid [his] **BY ONE'S EMPLOYER THE** equivalent salaries or wages corresponding to the number of days of absence occasioned by the Program. For 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.

"d) To be provided with reasonable travelling expenses and subsistence allowance by the Program in such amount as the WPB 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) To be provided with **NECESSARY** free medical **ATTENTION**, treatment, hospitalization and medicines **PARTICULARLY** for any injury, [or] illness **OR ANY OTHER MEDICAL CONDITION** incurred or suffered by [him because of] **THE WITNESS OR BY THE SPOUSE AND MINOR OR DEPENDENT CHILDREN WHILE ON** witness duty **OR WHILE IN THE TEMPORARY SHELTER PROVIDED BY THE PROGRAM** 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 THE 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 TEMPORARY SHELTER SHALL BE CONSIDERED TO BE UNDER WITNESS DUTY FOR THE DURATION OF STAY IN SAID TEMPORARY SHELTER.

"f) A Witness killed because of his participation in the Program, shall entitle his heirs to a burial benefit of not less than **FIVE HUNDRED thousand pesos (P500,000.00)** from the Program exclusive of any other similar benefits [he] **THE WITNESS** may be entitled to under other existing laws.

"g) [In case of death or permanent incapacity, his] **THE WITNESS'** minor or dependent children shall be entitled to free education **AND/OR EDUCATIONAL ASSISTANCE**, from primary to college level in any state-**OWNED** [, or private] school, college or university [as may be determined by the Department,] as long as they shall have qualified thereto. **THE EDUCATIONAL BENEFITS HEREIN PROVIDED CAN BE AVAILED BY THE WITNESS' MINOR OR DEPENDENT CHILDREN FOR PRIMARY, SECONDARY AND TERTIARY EDUCATION, BUT IN THE LATTER CASE, NOT TO EXCEED FIVE (5) YEARS; AND**

"H) LEGAL ASSISTANCE IN DEFENDING AGAINST UNWARRANTED RETALIATORY AND/OR HARASSMENT CASES."

"SEC. 9. In any case where a Witness admitted into the Program shall testify, the judicial or quasi-judicial body or investigating authority shall assure speedy hearing or trial and shall endeavor to finish said proceeding within three (3) months from the filing of the case.

"THE JUDGE AND/OR THE CLERK OF COURT SHALL ENSURE THAT CASES WITH WITNESSES UNDER THE PROGRAM SHALL BE GIVEN THE FIRST PRIORITY IN THE CALENDAR OF THE COURT. THE JUDGE SHALL EXERT SERIOUS EFFORT TO TAKE THE

TESTIMONY OF THE WITNESS AND COMPLETE/TERMINATE THE SAME IN ONE SETTING WITH DUE REGARD TO THE RIGHT TO DUE PROCESS OF THE ACCUSED."

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

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

"b) there is absolute necessity for [his] **THE** testimony;

"c) there is no other direct evidence available for the proper prosecution of the offense committed;

"d) [his] **THE** testimony can be substantially corroborated on its material points;

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

"f) [he] **THE PERSON** has not at any time been convicted of any crime involving [moral turpitude] **FORGERIES, OTHER FALSITIES AND FRAUDS.**

"THE ADMISSION OF A PERSON TO THE PROGRAM IS DISTINCT AND SEPARATE FROM A DISCHARGE FROM AN INFORMATION OR CRIMINAL COMPLAINT BY THE COURT OF AN ACCUSED TO BECOME A STATE WITNESS PURSUANT TO SECTION 17 OF RULE 119 OF THE REVISED RULES OF COURT.

"An accused discharged from an information or criminal complaint by the court to become a State Witness pursuant to [Sections 9 and 10] **SECTION 17** of Rule 119 of the Revised Rules of Court may upon [his] petition, be admitted to the Program [if he complies] **UPON COMPLIANCE** with the other requirements of this Act. Nothing in this Act shall prevent the discharge of an accused [, so that he can be used] **WHO QUALIFIED** as [a] State Witness under **SECTION 17** Rule 119 of the Revised Rules of Court."

SEC. 3. Section 12 of the same Act is hereby amended to read as follows:

"SEC. 12. *Effect of Admission of an Offender into the Program.* - The certification of admission into the Program by the WPB shall be given full faith and credit by the prosecutor who is required not to include the Offender in the criminal complaint or information and if included therein, to petition the court for [his] **THE** discharge **PURSUANT TO THIS ACT** in order that [he] **ONE** can be utilized as a [State] witness **FOR THE PROSECUTION.** [The court shall order the discharge and exclusion of the said accused from the information.]

"Admission into the Program shall **AUTOMATICALLY** entitle such [State] **COVERED** Witness to immunity from criminal prosecution for the offense or offenses in which [his] **THE** testimony will be given or used and [all the rights and benefits provided under Section 8 hereof.] **THE COURT SHALL IMMEDIATELY ORDER THE DISCHARGE AND EXCLUSION OF THE SAID WITNESS FROM THE INFORMATION."**

"THE IMMUNITY GRANTED SHALL BE REVOKED IF HE IS REMOVED FROM THE COVERAGE OF THE PROGRAM FOR VIOLATION OF THE PROVISIONS OF THIS ACT, THE MEMORANDUM OF UNDERSTANDING, OR THE POLICIES OR RULES AND REGULATIONS AS MAY BE ISSUED BY THE WPB. PROVIDED, HOWEVER, THAT THE WITNESS SHALL BE GIVEN THE

OPPORTUNITY TO BE HEARD BEFORE HE IS REMOVED FROM THE COVERAGE OF THE PROGRAM. PROVIDED, FURTHER, THAT THE SECRETARY OF JUSTICE MAY REVIEW THE REMOVAL OF THE WITNESS FROM THE COVERAGE THAT WILL RESULT IN THE REVOCATION OF HIS IMMUNITY."

SEC. 4. A new section (Section 12-A) shall be inserted between Section 12 and Section 13 of the same Act, which shall read as follows:

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

SEC. 5. Sections 13, 14, and 15 of the same Act are hereby amended to read as follows:

"SEC. 13. Failure or Refusal of the Witness to COOPERATE OR Testify. - [Any Witness registered in the Program who fails or refuses to testify or to continue to testify without just cause when lawfully obliged to do so, shall be prosecuted for contempt. If he testifies falsely or evasively, he shall be liable to prosecution for perjury. If a State Witness fails or refuses to testify, or testifies falsely or evasively, or violates any condition accompanying such immunity without just cause, as determined in a hearing by the proper court, his immunity shall be removed and he shall be subject to contempt or criminal prosecution. Moreover, the enjoyment of all rights and benefits under this Act shall be deemed terminated.]

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

"IT SHALL BE UNLAWFUL FOR A WITNESS TO REFUSE OR FAIL TO COOPERATE IN THE INVESTIGATION OR PROSECUTION OF ACTS OR OFFENSES FOR WHICH HE WAS COVERED UNDER THE PROGRAM. A WITNESS WHO (1) EXECUTES AN AFFIDAVIT OF DESISTANCE OR ANY INSTRUMENT IN CONTRAVENTION TO THE ORIGINAL AFFIDAVIT; (2) DOES NOT APPEAR DURING SCHEDULED HEARINGS WITHOUT JUST CAUSE DESPITE NOTICE; OR, (3) UNJUSTLY FAILS OR REFUSES TO COOPERATE OR TESTIFY IN THE INVESTIGATION OR PROSECUTION OF A CASE SHALL BE CRIMINALLY PROSECUTED AND SHALL, UPON CONVICTION, SUFFER THE PENALTY OF IMPRISONMENT OF NOT LESS THAN FOUR (4) YEARS BUT NOT MORE THAN SIX (6) YEARS. IF A WITNESS GIVES FALSE OR MISLEADING TESTIMONY, HE SHALL, UPON CONVICTION, SUFFER THE PENALTY OF IMPRISONMENT OF NOT LESS THAN SIX (6) YEARS BUT NOT MORE THAN TWELVE (12) YEARS. IN ADDITION, THE WITNESS SHALL BE REQUIRED TO RESTITUTE ALL THE WPB'S EXPENSES RELATIVE TO HIS COVERAGE, WITHOUT PREJUDICE TO PROSECUTION FOR CONTEMPT AND OTHER OFFENSES UNDER OTHER EXISTING LAWS."

"SEC. 14. Compelled Testimony. - Any Witness admitted into the Program pursuant to Sections 3 and 10 of this Act cannot refuse to testify or give evidence or produce books, documents, records or writings necessary for the prosecution of the offense or

offenses for which [he] **ONE** has been admitted into the Program on the ground of the constitutional right against self-incrimination [but he] **SAID WITNESS** shall enjoy immunity from criminal prosecution and [cannot] **SHALL NOT** be subjected to any penalty or forfeiture for any transaction, matter or thing concerning his compelled testimony or books, documents, records or writings produced.

"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 state prosecutor or investigator believes that such evidence is absolutely necessary for a successful prosecution of the offense or offenses charged or under investigation, he, with the prior approval of the Department, shall file a petition with the appropriate court for the issuance of an order requiring said Witness to testify, give evidence or produce the books, documents, records, and writings described, and the court shall issue the proper order.

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

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

SEC. 6. Section 17 of the same Act is hereby amended to read as follows:

"SEC. 17. *Penalty for Harassment or INFLUENCING Witness.* - Any person who harasses a Witness [and thereby hinders, delays, prevents or dissuades a Witness] **BY REASON OF THE SWORN STATEMENT OR TESTIMONY GIVEN BY THE LATTER, INFLUENCES THE WITNESS TO MISREPRESENT OR MAKE UNTRUTHFUL STATEMENTS OR WHO ATTEMPTS TO HINDER, DELAY, PREVENT OR DISSUADE THE WITNESS** from:

"a) attending or testifying before any judicial or quasi-judicial body or investigating authority;

"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;

"c) seeking the arrest of another person in connection with the offense;

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

"e) performing and enjoying the rights and benefits under this Act or attempts to do so, shall be fined not more than [Three thousand pesos (P3,000.00)] **FIFTY THOUSAND PESOS (P50,000.00)** or suffer imprisonment of not less than [six (6) months] **SIX YEARS** but not more than [one (1) year] **TWELVE (12) YEARS.** [, or both. He shall also suffer the penalty of perpetual disqualification from holding public office in case of a public officer.]

"IN ADDITION, THE PENALTY OF PERPETUAL DISQUALIFICATION FROM HOLDING PUBLIC OFFICE SHALL BE IMPOSED UPON THE OFFENDER WHO IS A PUBLIC OFFICER."

SEC. 7. A new section (Section 17-A) is hereby inserted in Republic Act No. 6981 which shall read as follows:

“SECTION 17-A. CONSTRUCTION OF PROVISIONS. – IN CASE OF DOUBT, ANY PROVISION OF THIS ACT SHALL BE CONSTRUED IN FAVOR OF THE ADMISSION OF THE WITNESS.”

SEC. 8. *Transitory Provision.* - All personnel of the Witness Protection Program shall continue to discharge the functions of their positions until a new personnel shall have been appointed.

SEC. 9. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act.

SEC. 10. *Rules and Regulations.* – The WPB shall promulgate the necessary rules and regulations to implement this Act.

SEC. 11. *Separability Clause.* – 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. 12. *Repealing Clause.* – All laws, decrees, orders, rules, regulations, ordinances or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 13. *Effectivity Clause* – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) general newspapers of national circulation.

Approved,