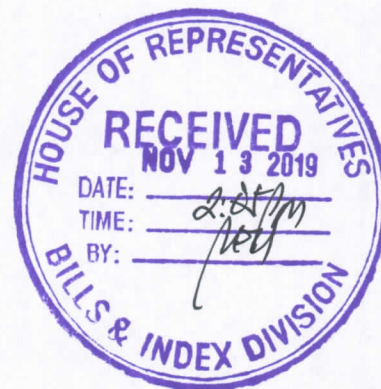


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 5476

Introduced by CIBAC Party-List Representatives
Eduardo "Bro. Eddie" C. Villanueva and Domingo C. Rivera

**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,"
APPROPRIATING FUNDS THEREFOR
AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Witnesses are indispensable in the success of prosecuting an administrative, criminal, or legislative case. They are essential in finding the truth of a matter under investigation. Oftentimes, however, agreeing to be a witness comes at a tremendous cost for the witness. Their lives, property, reputation, and safety, as well as those of their family, become the subject of threats, intimidation, harassment or physical violence. Thus, it is incumbent upon the State to step in to ensure their safety and welfare.

In 1991, Congress addressed these concerns by enacting Republic Act No. 6981, otherwise known as the "Witness Protection, Security and Benefit Act." However, this Act, which was created more than twenty years ago, must be amended to further strengthen the protection provided to witnesses under the Program.

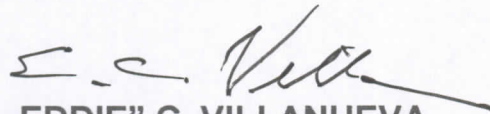
This bill aims to provide more benefits to witnesses and their family members, such as increasing the educational benefits given to the children of the witness.

These benefits aim to encourage witnesses to speak out the truth in vital investigations and in the pursuit of justice.

This bill also increases the penalties against witnesses who unjustly fail to cooperate in testifying in investigations, by compelling them to reimburse all expenses spent on his protection. This is to ensure that the State will not waste precious resources on individuals who have already availed of the benefits of the program and yet renege on their duty to aid in the prosecution of a case.

By providing further benefits and strengthening the protections given to witnesses, the rule of law will be protected.

The immediate passage of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read 'E. C. Villanueva', with a long horizontal stroke extending to the right.

HON. EDUARDO "BRO. EDDIE" C. VILLANUEVA

HON. DOMINGO C. RIVERA

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

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

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

10
11 Provided, That:

12
13 a) The offense [in] FOR which [his] THE testimony will be used is a grave
14 felony as defined under the Revised Penal Code, or its equivalent under
15 special laws;
16

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

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

11
12 d) [he] THE WITNESS is not a law enforcement officer, [even if he would
13 be testifying] UNLESS THE TESTIMONY TO BE GIVEN WILL BE against
14 other law enforcement officer(s).

15
16 If the Department, after examination of said applicant and other relevant
17 facts, is convinced that the requirements of this Act and its implementing
18 rules and regulations have been complied with, it shall admit said
19 applicant to the Program, require said witness to execute a sworn
20 statement detailing [his] THE WITNESS' knowledge or information on the
21 commission of the crime, and thereafter issue the proper certification. For
22 purposes of this Act, any such person admitted to the Program shall be
23 known as the Witness.

24
25 SECTION 5. Memorandum of Agreement (MOA) with the Person to be
26 Protected. - Before a [person is provided] WITNESS CAN AVAIL OF THE
27 protection under this Act, he/SHE shall [first execute] ENTER INTO a
28 memorandum of agreement WITH THE DEPARTMENT, which shall set
29 forth his/HER SPECIFIC responsibilities including:

30
31 a) To testify before and provide information to all appropriate law
32 enforcement officials concerning all appropriate proceedings in connection
33 with or arising from the activities involved in the offense charged;

34
35 b) To avoid the commission of a crime;

36
37 c) To take all necessary precautions to avoid detection by others of the
38 facts concerning the protection provided under this Act;

39
40 d) To comply with legal obligations and civil judgments against him/HER;

41
42 e) To cooperate with respect to all reasonable requests of officers and
43 employees of the Government who are providing protection under this Act;
44 [and]

45
46 f) To regularly inform the appropriate program official of his/HER current
47 activities and address;

48
49 G) TO NOT COMMUNICATE WITH ANY ADVERSE PARTY OR
50 NEGOTIATE FOR OR ENTER INTO, AN AMICABLE SETTLEMENT ON

1 THE CIVIL OR CRIMINAL ASPECT OF THE OFFENSE SUBJECT OF
2 THE CASE OR INVESTIGATION; AND
3

4 H) TO COMPLY WITH SUCH OTHER CONDITIONS AS THE
5 SECRETARY OF JUSTICE MAY DEEM PROPER TO IMPOSE FOR THE
6 SUCCESSFUL INVESTIGATION OR PROSECUTION OF THE CASE OR
7 TO PRESERVE THE INTEGRITY OF THE PROGRAM."
8

9 SECTION 6. Breach of the Memorandum of Agreement. - Substantial
10 breach of the memorandum of agreement shall be a ground for the
11 IMMEDIATE termination of the BENEFITS AND protection provided under
12 this Act[:Provided, however, That before terminating such protection]. The
13 Secretary of Justice shall send WRITTEN notice to the person involved of
14 the termination of the BENEFITS AND protection provided under this Act,
15 stating therein the reason for such termination.
16

17 SECTION 7. CONFIDENTIALITY [of proceedings]. All [proceedings]
18 MATTERS involving [application for] admission [into] AND COVERAGE
19 UNDER the Program [and the action taken thereon] shall be confidential
20 in nature. No information or documents [given or submitted in support
21 thereof] RELATIVE THERETO shall be released except upon written
22 order of the Department or the proper court.
23

24 Any person who violates the confidentiality of said proceedings shall upon
25 conviction be punished with imprisonment of not less than [one (1) year]
26 FOUR (4) YEARS but not more than six (6) years and deprivation of the
27 right to hold a public office or employment for a period of five (5) years.
28

29 NO INJUNCTION OR TEMPORARY RESTRAINING ORDER SHALL BE
30 ISSUED BY ANY COURT ENJOINING THE ADMISSION OF THE
31 WITNESS IN THE PROGRAM BY THE DEPARTMENT.
32

33 SECTION 8. Rights and Benefits. - The Witness shall have the RIGHT TO
34 SECURITY AND PROTECTION AS WELL AS THE following [rights and]
35 benefits:
36

37 a) To have a secure housing facility until [he] THE WITNESS has testified
38 or until the threat, intimidation or harassment disappears or is reduced to
39 a manageable or tolerable level. When the circumstances warrant, the
40 Witness shall be entitled to relocation and/or change of personal identity
41 at the expense of the Program. This right TO A SECURE HOUSING
42 FACILITY AND RELOCATION may be extended to any member of the
43 family of the Witness within the second [civil] degree of consanguinity or
44 affinity UPON SATISFACTION OF THE REASONABLE CONDITIONS
45 THE DEPARTMENT SHALL HEREAFTER CLEARLY SET FORTH.
46

47 b) The Department shall, whenever practicable, assist the Witness in
48 obtaining a means of livelihood. The Witness relocated pursuant to this
49 Act shall be entitled to a financial assistance from the Program in such
50 amount and for such duration as the Department shall determine.

1
2 c) In no case shall the Witness be removed from or demoted in work
3 because or on account of [his] THE WITNESS' absences due to [his]
4 attendance before any judicial or quasi-judicial body or investigating
5 authority, including legislative investigations in aid of legislation, in going
6 thereto and in coming therefrom: Provided, That [his] THE WITNESS'
7 employer is notified through a certification issued by the Department,
8 within a period of thirty (30) days from the date when the Witness last
9 reported for work: Provided, further, That in the case of prolonged transfer
10 or permanent relocation, the employer shall have the option to remove the
11 Witness from employment after securing clearance from the Department,
12 upon the recommendation of the Department of Labor and Employment.
13

14 Any Witness who failed to report for work because of witness duty shall be
15 [paid his] GIVEN AN ALLOWANCE BY THE DEPARTMENT equivalent
16 TO THE WITNESS' salaries or wages corresponding to the number of
17 THE WITNESS' days of absence FROM WORK occasioned by the
18 Program. For purposes of this Act, any fraction of a day shall constitute a
19 full day [salary or wage]. This provision shall be applicable to both
20 government and private employees.
21

22 d) To be provided with reasonable travelling expenses and subsistence
23 allowance by the Program in such amount as the Department may
24 determine for his attendance in the court, body or authority where [his]
25 THE WITNESS' testimony is required, as well as conferences and
26 interviews with prosecutors or investigating officers.
27

28 e) To be provided with NECESSARY free medical ATTENTION,
29 treatment, hospitalization and medicines PARTICULARLY for any injury,
30 [or] illness OR ANY OTHER MEDICAL CONDITION incurred or suffered
31 by [him because of] THE WITNESS OR BY HIS/HER SPOUSE AND
32 MINOR OR DEPENDENT CHILDREN WHILE ON witness duty OR
33 WHILE IN THE TEMPORARY SHELTER PROVIDED BY THE
34 PROGRAM in any private or public hospital, clinic, or at any such
35 institution at the expense of the Program.

36 WITNESS DUTY SHALL INCLUDE THE ATTENDANCE OF THE
37 WITNESS IN THE COURT, BODY OR AUTHORITY WHERE THE
38 TESTIMONY IS REQUIRED, AS WELL AS CONFERENCES,
39 INTERVIEWS, AND/OR INVESTIGATIONS WITH PROSECUTORS OR
40 INVESTIGATING OFFICERS. A WITNESS WHO IS RELOCATED TO AN
41 ACCREDITED WITNESS PROTECTION, SECURITY AND BENEFIT
42 PROGRAM TEMPORARY SHELTER SHALL BE CONSIDERED TO BE
43 UNDER WITNESS DUTY FOR THE DURATION OF HIS/HER STAY IN
44 SAID TEMPORARY SHELTER.
45

46 f) If a Witness is killed, because of participation in the Program, [his] THE
47 WITNESS' heirs shall be entitled to a burial benefit of not less than [Ten
48 Thousand pesos (P10,000.00)] FIVE HUNDRED THOUSAND PESOS
49 (P500,000.00) from the Program exclusive of any other similar benefits
50 [he] THE WITNESS may be entitled to under other existing laws.

1
2 g) [In case of death or permanent incapacity, his] THE WITNESS' minor or
3 dependent children shall be entitled to free education AND/OR
4 EDUCATIONAL ASSISTANCE, from primary to college level in any state,
5 or private school, college or university [as may be determined by the
6 Department,] as long as they shall have qualified thereto. THE
7 EDUCATIONAL BENEFITS HEREIN PROVIDED CAN BE AVAILED
8 OF BY THE WITNESS' MINOR OR DEPENDENT CHILDREN FOR
9 PRIMARY, SECONDARY AND TERTIARY EDUCATION; PROVIDED
10 THAT, FOR TERTIARY EDUCATION, THE EDUCATIONAL
11 ASSISTANCE SHALL IN NO CASE EXCEED FIVE (5) YEARS.
12

13 **SECTION 2.** Sections 10 and 12 of the same Act are hereby amended to read as
14 follows:
15

16 SECTION 10. [State Witness] ADMISSION OF OFFENDERS. - Any
17 person who has participated in the commission of a crime and desires to
18 be a witness for the State, can apply and, if qualified as determined in this
19 Act and by the Department, shall be admitted into the Program whenever
20 the following circumstances are present:
21

22 a) The offense in which [his] THE testimony will be used is a grave felony
23 as defined under the Revised Penal Code or its equivalent under
24 special laws;
25

26 b) There is absolute necessity for [his] THE testimony;
27

28 c) There is no other direct evidence available for the proper prosecution of
29 the offense committed;
30

31 d) [his] THE testimony can be substantially corroborated on its material
32 points;
33

34 e) [he] THE PERSON does not appear to be most guilty; and
35

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

38 FOR THE AVOIDANCE OF DOUBT, THE ADMISSION OF A PERSON
39 TO THE PROGRAM IS SEPARATE AND DISTINCT FROM THE
40 DISCHARGE OF AN ACCUSED FROM AN INFORMATION OR
41 CRIMINAL COMPLAINT BY THE COURT IN ORDER THAT SAID
42 ACCUSED MAY BE A STATE WITNESS PURSUANT TO SECTION 17
43 OF RULE 119 OF THE REVISED RULES OF COURT.
44

45 An accused discharged from an information or criminal complaint by the
46 court in order that [he] THE ACCUSED may be a State Witness pursuant
47 to [Section 9 and 10] SECTION 17 of Rule 119 of the Revised Rules of
48 Court may, upon [his] petition, be admitted to the Program [if he complies]
49 UPON COMPLIANCE with the other requirements of this Act. Nothing in
50 this Act shall prevent the discharge of an accused QUALIFIED TO ACT as

1 a State Witness under SECTION 17, Rule 119 of the Revised Rules of
2 Court.

3
4 SECTION 12. Effect of Admission of a Witness into the Program. -The
5 certification of admission into the Program by the Department shall be
6 given full faith and credit by the provincial or city prosecutor who is
7 required not to include the Witness in the criminal complaint or information
8 and if included therein, to petition the court for [his] THE discharge
9 PURSUANT TO THIS ACT in order that he/SHE can be utilized as a State
10 Witness. The Court shall order the discharge and exclusion of the said
11 accused from the information.

12
13 Admission into the Program shall AUTOMATICALLY entitle such State
14 Witness to immunity from criminal prosecution for the offense or offenses
15 in which [his] THE testimony will be given or used and all the rights and
16 benefits provided under Section 8 hereof.

17
18 **SECTION 3.** A new Section 12-A is hereby inserted to read as follows:

19
20 SECTION 12-A. PERPETUATION OF TESTIMONY. - A WITNESS ONCE
21 ADMITTED INTO THE PROGRAM SHALL PERPETUATE HIS/HER
22 TESTIMONY PURSUANT TO RULE 134 OF THE REVISED RULES OF
23 COURT.

24
25 **SECTION 4.** Sections 13 of the same Act is hereby deleted in its entirety and replace
26 with the following new Section 13:

27
28 SECTION 13. FAILURE OR REFUSAL OF THE WITNESS TO
29 COOPERATE OR TESTIFY. - A WITNESS COVERED UNDER THE
30 PROGRAM WHO UNJUSTLY FAILS OR REFUSES TO COOPERATE
31 OR TESTIFY IN THE INVESTIGATION OR PROSECUTION OF A CASE
32 OR WHO GIVES FALSE OR MISLEADING TESTIMONY SHALL BE
33 CRIMINALLY PROSECUTED AND SHALL, UPON CONVICTION,
34 SUFFER THE PENALTY OF IMPRISONMENT OF NOT LESS THAN
35 FOUR (4) YEARS BUT NOT EXCEEDING SIX (6) YEARS. THE
36 WITNESS SHALL ALSO BE REQUIRED TO RESTITUTE ALL THE
37 EXPENSES INCURRED RELATIVE TO HIS/HER COVERAGE UNDER
38 THE PROGRAM, WITHOUT PREJUDICE TO PROSECUTION FOR
39 CONTEMPT AND OTHER CRIMES UNDER EXISTING LAWS.

40
41 **SECTION 5.** Section 17 of the same Act is hereby amended to read as
42 follows:

43
44 SECTION 17. Penalty for Harassment of Witness. - Any person who
45 harasses a Witness [and thereby hinders, delays, prevents or dissuades a]
46 BY REASON OF THE SWORN STATEMENT OR TESTIMONY GIVEN BY
47 THE LATTER, OR ATTEMPTS TO HINDER, DELAY, PREVENT OR
48 DISSUADE THE Witness from:

49
50 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 shall be fined not more than [Three thousand pesos (P3,000.00)] TWENTY THOUSAND PESOS (P20,000.00) or suffer Imprisonment of not less [six (6) months] TWO (2) YEARS but not more than [one (1) year] FOUR (4) YEARS, or both, and he shall also suffer the penalty of perpetual disqualification from holding public office in case of a public officer.

SECTION 6. A new Section 17-A is hereby inserted to read as follows:

SECTION 17-A. CONSTRUCTION OF PROVISIONS - IN CASE OF DOUBT, THE PROVISIONS OF THIS ACT SHALL BE CONSTRUED IN FAVOR OF THE ADMISSION OF THE WITNESS INTO THE PROGRAM.

SECTION 7. Appropriations. – The amount necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act.

SECTION 8. Implementing Rules and Regulations. – Within sixty (60) days from the effectivity of this Act, the Department of Justice, in consultation with relevant stakeholders, shall promulgate the necessary rules and regulations to effectively implement the provisions of this Act.

SECTION 9. 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.

SECTION 10. Repealing Clause. – All laws, decrees, orders, rules, regulations, ordinances or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 11. 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,