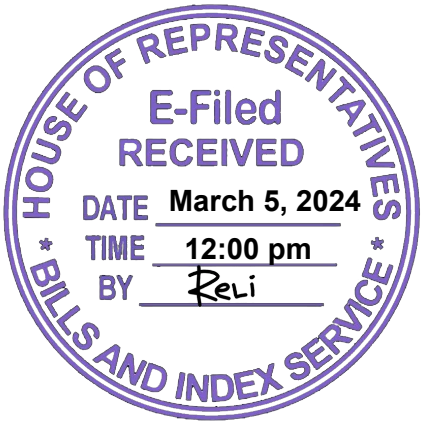
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Second Regular Session

House Bill No. 10039



Introduced by CIBAC Party-List Representative
HON. EDUARDO "BRO. EDDIE" C. VILLANUEVA

AN ACT
PROTECTING WHISTLEBLOWERS, PROVIDING SECURITY AND WELFARE BENEFITS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The evils of graft and corruption have always plagued both the public and private sectors of our society in the Philippines as it weakens our democracy and the integrity of our various institutions, leads to violations of human rights, distorts markets, prevents the proper delivery of basic services to the people, increases inequality and injustice in the society and allows organized crime, terrorism, and other threats to human security to flourish. Therefore. there is a need to minimize, if not to totally eradicate graft and corruption in our society. Corruption remains to be a major hindrance in the development and progress of our country. The integrity and trustworthy of our government will continue to be questioned until this perennial problem is finally resolved.

The difficulty in combating corruption lies in its very nature of being committed behind closed doors and well beyond the purview of the public eye. This is where the importance of obtaining credible witnesses with reliable information regarding the corrupt practices of government officials or employees comes into place.

This proposed legislation seeks to encourage whistleblower to come out in the open and put an end to the corrupt practices of some government officials or employee. At the same time, it aims to strengthen the present machinery in ensuring the full protection and security of these brave witnesses against any form of retaliation or ostracism and establish a reward-and benefits system to ensure livelihood and welfare for these whistleblowers. In order, however, to protect the public, a rigid procedure will also be enforced to prevent abuses of this bill as well as to prevent false testimonies that will only wreak more havoc into our society.

Building up of cases is very important to file an intelligent and substantial complaint that may warrant the finding of a probable cause, or even guilt beyond reasonable doubt. There may be people who know certain pieces of information which are relevant and may be used to either further investigate the person/s involved or file the necessary complaint. However, these people may be afraid to come out because

there is a possibility that their Identities may be revealed, their lives be endangered, or their lives be affected due to reprisals or discrimination.

Consequently, to ensure that whistleblowers or informants would come out to help the government fight against corrupt officials and other criminals, the government must give them benefits and protection.

Hence, in the best interests of the Republic, the immediate approval of this bill is urgently sought.



HON. EDUARDO “BRO EDDIE” C. VILLANUEVA

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

SECTION 1. ***Name of the Act***. This Act shall be known as the **"Whistleblower Act of 2024"**.

SECTION 2*. Declaration of Policy*. – Public Office is a public trust. It is the policy of the State to promote and ensure full accountability in the conduct of its officers and employees, and exact full retribution from who shall engage in graft and 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 officials and employees; and

c) Encourage and facilitate the disclosure of corrupt conduct and practices in the public services by providing benefits and protection to whistleblowers.

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

SECTION 3. Definition of Term. – As used in this Act, the following terms shall mean:

(a) "Acts consisting of graft and corruption" shall mean any conduct, act or omission of public officers and employees solely, or in cooperation or conspiracy with private persons which are covered by, or constitute as violations of:

1.) Republic Act No. 3019;
2.) Republic act No. 6713
3.) Republic Act No. 7080;
4.) Presidential Decree No. 46;
5.) Titles II and VII of Book Two of the Revised Penal Code

(b) “Employee” shall mean any person who is made to suffer work by, or who renders services 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.

(c) “Employer shall mean any individual partnership, association, corporation, or entity, including the government, or any person or group of persons who shall directly or indirectly for or on behalf of said individual, partnership, association, corporation or entity, employs and employee as defined in this Act.

(d) “Government” includes the National Government and any f its subdivisions, agencies, or instrumentalities, including government-owned and controlled corporations and their subsidiaries, including the different Local Government Units.

(e) “Whistleblower” shall refer to an informant or any person who has privileged or personal knowledge or access to data, events or information and who shall deliberately disclose any individual, collective or organized conduct of any public officers/s and employees constituting graft and corruption defined under this Act.

(f) “Public officer” shall refer to any person holding any public office in the Government of the Republic of the Philippines by virtue of an appointment, election, or contract.

(g) “Retaliatory action” shall refer to any negative or obstructive responses, reactions or reprisals to the disclosure made under this Act aimed at, pertaining to, or against a whistleblower or an informant or any of the members of his/her family and relatives up to the fourth civil degree of consanguinity or affinity. Said action shall include criminal, civil or administrative proceedings commenced or pursued against said whistleblower or any of the members of his family or relatives up to the second degree of consanguinity or affinity was well as retaliatory action in the workplace.

(h) “Retaliatory action in workplace: shall refer to any discriminatory conductor policies which affect the promotion or job assignment including undue negative performance appraisal, close monitoring, by supervisors, unwarranted criticism or avoidance by co-employees, blacklisting from other job opportunities or prejudicial transfers by reason of the disclosure made under this Act.

(i) “Qualified Whistleblower” shall mean an informant or any person qualified and admitted into the Whistleblower’s Program of either the Office of the Ombudsman or Senate/House of Representatives in accordance with this Act Implementing rules and regulations.

SECTION 4. ***Coverage.*** – Conduct constituting graft and corruption, whether commenced or consummated before the effectivity of this Act, shall mean any conduct, acts or omission of public officers and employees solely, or in cooperation or conspiracy with private person, which are covered by, or amount in violations of:

1.) Presidential Decree No. 46 otherwise known as: Making it Punishable for Public officials and Employees to receive, and for private Persons to Give, Gifts on any occasion, including Christmas.
2.) Republic Act No. 3019 otherwise known as "Anti-Graft and Corrupt Practices Act";
3.) Republic Act No. 6713 otherwise known as "An Act Establishing a Code of Conduct and Ethical Standards for Public Officials and Employees";
4.) Republic Act No. 7080 otherwise known as "Anti-Plunder Law"
5.) Titles II and VII of Book Two of the Revised Penal Code on "Crimes Against the Fundamental Laws of the State and Crimes Committed by Public Officers".

SECTION 5. ***Admission to the Program***. – Whistleblower or informant whether from the public or private sector, shall be entitled to benefits under this Act, provided, that all the following requisites concur:

a.) The disclosure is voluntary, in writing and under oath.

b.) The disclosure relates to conduct constituting graft and corruption under this Act.

c.) The disclosure is not yet subject of a complaint filed with the Office of the Ombudsman or investigated by any other investigating agency, unless in the opinion of the Ombudsman, such disclosure is necessary for an effective and successful investigation or prosecution, or essential for the acquisition of material evidence not yet in its possession.

d.) The information given by the whistleblower can be corroborated; and

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

SECTION 6. ***Necessity of Testimony***. – The testimony of a whistleblower in court shall not be an indispensable requirement for the entitlement or enjoyment of the benefits under this Act. If the whistleblower's testimony is required as found by the Office of the Ombudsman to be necessary and indispensable for the successful prosecution of a case, he shall be entitled to the additional benefits and protection under Republic Act 6981 otherwise known as the Witness Protection Program.

SECTION 7. ***Memorandum of Agreement with the Person to be protected***. – Before a person is provided protection as whistleblower or informant for the State, he shall first execute a Memorandum of Agreement which shall set forth his/her responsibilities including the following:

a). To provide information to and testify before all appropriate law enforcement officials concerning any appropriate proceeding in connection with or arising from the activities involved in the offenses subject matter thereof;

b). To avoid the commission of a crime;

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

d). To cooperate with respect to all reasonable requests of officers and employees of the government who are providing him/her protection under this Act;

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

SECTION 8. ***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 the same, the Ombudsman shall send notice to a whistleblower concerned, stating therein the reason for such termination. Reasonable time shall be afforded the information to take the appropriate and necessary measures for his/her protection and security in view thereof.

SECTION 9. ***Protection against other Actions.*** – A whistleblower or any person who has made a disclosure under thus Act shall not be subject to any liability, whether administrative, civil, criminal, or other proceedings for making such a disclosure or acts in relation thereto. No action, claim or demand may be taken against a whistleblower for making such disclosure nor shall any evidence presented be used against him in court and other administrative or quasi-judicial agency/body.

This protection shall also operate as immunity in favor of a whistleblower or informant against any action or proceeding taken against him/her by any person subject of the disclosure, by reason thereof and acts in retaliation to the subject of disclosure.

SECTION 10. ***Defense of Privileged Communication***. – A whistleblower or any person who has made a disclosure under this Act shall have, as a defense in any other inquiry or proceeding, the absolute privilege with respect to the subject matter of his/her disclosure or information given to the proper authorities.

SECTION 11. ***Confidentiality.*** – Except insofar as allowed by this Act, during and after the disclosure, and throughout and after any proceeding taken thereafter, a whistleblower or an informant 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/her identity if a whistleblower or an informant makes a public disclosure of a conduct constituting graft and corruption as defined in this Act unless, notwithstanding such public disclosure, he has taken means and measures obviously intended to preserve his anonymity.

SECTION 12. ***No Breach of Duty of confidentiality***. – an informant who has made a disclosure under this Act on whom a provision of law, regulation, issuance, practice, or other convention, imposes upon him/her a duty to maintain confidentiality with respect to any information disclosed, is considered not to have committed a breach thereof.

SECTION 13. – **Confidentiality Information.** – No person to whom a disclosure has been made or referred shall disclose any information that may identity or tend to identify a whistleblower of informant or reveal the subject matter of such disclosure, except only as to the following circumstances.

(a). The whistleblower consents in writing prior to the disclosure of an information.

(b). The disclosure is indispensable and essential as determined by the Office of the Ombudsman, having regard to the necessary proceeding to be taken after the disclosure: or

(c) the disclosure or referral is made pursuant to an obligation under this Act.

SECTION 14. ***Protection against Disciplinary Action or Reprisal.*** – A whistleblower or a person who has made or is believed or suspected to have a disclosure under this Act is not liable to disciplinary action for making said disclosure.

Prohibited acts under this section include retaliatory action in the workplace or prejudicial conduct towards the whistleblower, such as: disciplinary actions behind policies and procedure, reprimand, punitive transfers, unwarranted referral to a psychiatrist or counselor, and undue poor performance reviews. Other prejudicial conducts include obstruction of an investigation, withdrawal of essential resources, undue reports, and the attachment of unfair personnel file notes.

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

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

For purposes of this protection, an applicant for employment shall be deemed an employee and entitle to such protection.

Provided however, that an employer of a whistleblower 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 informant last reported for work. Provided further that an employer shall have the option to remove such whistleblower from employment after securing a clearance from the Office of the Ombudsman and the Department of Labor and Employment in case of a prolonged absence due to transfer or permanent relocation under this Act or R. A 6891.

SECTION 15. ***Security and Protection of a whistleblower***. – When determined to be necessary and appropriate by the Office of the Ombudsman, a whistleblower, even if the disclosure is made in confidence, shall be entitle to personal security. Should, at any time, the identity of the informant be revealed, or his anonymity compromised, the whistleblower shall, in addition to the other benefits under this Act, and when warranted, be entitled to the benefits of R. A. 6981.

SECTION 16. ***Confidentiality of the Proceeding***. – All proceedings involving application and /or enjoyment of the benefits under this Act, under the Office of 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 provided such disclosure shall not endanger the life of a qualified whistleblower.

SECTION 17. ***Financial Rewards for informant.*** – The whistleblower shall be entitled to a corresponding monetary reward in accordance with the provision of this Act and the implementing Rules and Regulations.

The informant shall receive an amount in accordance with the following schedule:

Stages	**If case is capable of pecuniary estimation**	**If case is not capable of pecuniary estimation**
Upon admission into the program	P400,000.00	P300,000.00
Upon filing of the case with the Office of the Ombudsman	P300,000.00	P200,000.00
Upon completion of the testimony of the whistleblower	P300,000.0	P200,000.00

Upon being qualified as a whistleblower and whistleblower and admitted to the Office of Ombudsman, fifty percent (50%) shall be given prior to the filing of a case in a proper court.

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

During the pendency of the case, however, a whistleblower shall be advanced the amount equivalent to not less than twenty five percent (25%) of the additional reward of then total award 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.

SECTION 18. ***Abstract.*** – All government agencies, offices, bureau and local government units, including government-owned or controlled corporations, whether or not with original charters and the different local government units, shall conspicuously display an abstract of this Act and the rights and protections of whistleblowers, including the obligations of employers under this Act. Such abstract shall be provided in the Rules and Regulations.

These entities are likewise required to put in place internal procedures for filing with whistleblowers, consistent with the provisions of this Act and the Rules and Regulations. Said internal procedure shall be widely disseminated to all employees.

SECTION 19. ***Credibility of an Informant***. – In all cases, the fact of the entitlement of the qualified whistleblower or informant to the protection and benefits provided in this Act shall not be admissible in evidence to diminish or affect his credibility.

SECTION 20. ***Penalty for Retaliatory Acts Against a Whistleblower***. – Any person who commits any if the retaliatory acts as defined in this Act against a qualified whistleblower or informant and/or hinders, delays, prevents or dissuades said whistleblower from:

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

(b) Reporting to a law enforcement officer of judge the commission or possible commission of an offense, or a violation of conditions of 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 of probation;

(e) Performing and enjoying the rights and benefits under this Act or attempt to do so.

Shall be fined not more than One Hundred Thousand Pesos (Php 150,000.00) 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 or employee.

SECTION 21. ***Penalty for Violation of Confidentiality***. - The penalty of imprisonment of not less than six (6) months but not more than six (6) years shall be imposed upon any person who shall violate the protection of confidentiality of a protected disclosure under Sections 10, 11, 12 and 15 of this Act. The penalty of dismissal from the service and the accessory penalty of temporary absolute disqualification from holding public office shall also be imposed upon an offender who is a public officer or employee. In addition, the offender shall be civilly liable to indemnify the whistleblower or informant in such amount of damages as may be awarded and deemed reasonable by a competent court.

SECTION 22. ***Penalty for Reprisal in the Workplace***. – Any person who shall commit any retaliatory act in a workplace as defined in this Act against an employee who is a whistleblower or an informant or believed or suspected to be one, shall be

guilty of an offense and shall suffer the penalty of not more than Six (6) months imprisonment with the accessory penalty of suspension of the right to hold office in case of a public officer of employee, and shall be civilly liable to indemnify a whistleblower of damages as may awarded by a competent court.

Toward this end, the aggrieved whistleblower 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 whistleblower's disclosure.

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

SECTION 23. ***Discriminatory Hiring.*** – Any person, firm, corporation, office or employer who shall deny a qualified applicant for employment, or who shall reject his application for employment due to knowledge, belief or suspicion that the applicant is a whistleblower or informant for the State, shall be guilty of an offense and shall suffer the penalty of not more than Six (6) months of imprisonment with the accessory of suspension of the right to hold public office in case of a public officer or employee, and shall be civilly liable to indemnify the informant of damages as may be awarded by a competent court.

SECTION 24. ***Failure of an Employer to Post Abstract***. – The failure to post an Abstract required under Section 18 of this Act shall constitute an offense and shall be penalized with a fine in the amount of One Hundred Thousand Pesos (Php 100,000.00) for the first offense., The amount shall be doubled for every succeeding offense, and shall suffer an imprisonment of not more than Six (6) months at the discretion of the court with the accessory penalty of suspension of the right to hold public office in case if a public officer or employee. For this purpose, the president, manager, or head of office, bureau
or agency shall be held responsible.

SECTION 25. ***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 of two (2) months, 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 to not more than Fifty Thousand Pesos (Php 100,000.00).

SECTION 26. ***False and Misleading Disclosures***. — Any person who deliberately and voluntarily gives false or misleading information in connection with conduct constituting graft and corruption under this Act shall, in addition to penalties under other laws, be guilty of an offense and shall suffer the penalty of imprisonment of not more than twelve (12) years and shall also suffer the penalty of perpetual absolute disqualification from holding public office in case of public officer or employee, in addition to other criminal and civil liability he may incur under existing laws.

SECTION 27. *Powers and Functions of the Ombudsman*. - In addition to its 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.

© Evaluate the qualification of whistleblowers or informants 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 whistleblowers or informants 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, the protection and benefits of whistleblowers 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;

(h) Grant immunity in accordance with the provisions of this Act and its implementing rules and regulation.

SECTION 28. *Legislative Whistleblower Program* — In order to encourage witnesses of acts constituting graft and corruption to testify before any legislative investigations in aid of legislation, the Senate and/or the House of Representatives may establish a joint or separate program for the benefit and protection of a whistleblower. Consistent with the provisions of this Act, the Senate and the House of Representatives1 shall promulgate the necessary rules and regulations for the proper implementation of the program; Provided, That, the whistleblower or informant may only be admitted to the program upon the recommendation of the Committee where his/her testimony is needed and upon approval of the Senate President or the Speaker of the House of Representatives, as the case may be; Provided, Further, That, the admission in the legislative whistleblower program shall not be a bar for admission to the program for whistleblowers of the Office of the Ombudsman with the same rights and privileges including the right to the monetary reward provided for therein; Provided, Finally, That, the grant of monetary reward by either the Congress or the

Ombudsman will prevent the whistleblower from recovering the said monetary reward twice.

SECTION 29. ***Implementing Rules and Regulations***. - The Office of the Ombudsman shall promulgate such Rules and Regulations as maybe necessary to implement the intent and purposes of this Act. Said Rules and Regulations shall be published in two (2) newspapers of general circulation.

SECTION 30. ***Funding.*** - The amount of One Hundred Million Pesos (Php 100,000,000.00) is hereby authorized to be appropriated out of any funds in the National Treasury not otherwise appropriated to carry into effect the purpose of this Other funding schemes or sources, subject to the limitation, shall be allowed in furtherance hereof

SECTION 31. ***Repealing Clause***. - All laws, decrees, executive issuances, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 32. ***Separability Clause***. - The declaration of unconstitutionality or invalidity of any provision of this Act shall not affect the other provision hereof.

SECTION 33. ***Effectivity Date***. - This Act shall take effect after fifteen (15) days following its publication in two (2) newspapers of general circulation.

Approved,