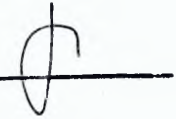


**NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES**
First Regular Session

)
) **22 JUL 28 P 5 :05**
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RECEIVED BY: _____



SENATE

S. B. NO. 929

Introduced by **SENATOR JOEL VILLANUEVA**

**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 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 must be amended to further strengthen the protection provided to witnesses under the Program.

Among others, this bill proposes to amend certain sections of Republic Act No. 6981, by extending the protection for potential witnesses even during the initial stages of investigation prior to the filing of a case in court. This aims to encourage potential witnesses and provide assistance to law enforcement agencies in securing crucial testimonies and strengthen the cases filed in court.

This bill also aims to provide more benefits to witnesses and their family members, such as increasing the educational benefits given to the children of the witness. Furthermore, in case of temporary work disruption or termination of employment due to the performance of witness duties, a witness shall be entitled to allowances as reparation for the loss of source of income. This benefit aims to encourage witnesses to speak out the truth in vital investigations and in the pursuit of justice without fear of being unable to provide for his or her family.

Additionally, this bill increases the penalties against witnesses who unjustly fail to cooperate in testifying in investigations, by compelling them to reimburse all expenses spent on his/her 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.

Lastly, stiffer penalties are provided in cases of harassment of, or attempts to hinder, delay, prevent, or dissuade, the witness from complying with his or her duties under the Program.

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

Thus, in view of the immediate passage of this bill is earnestly sought.


SENATOR JOEL VILLANUEVA




Senate

Office of the Secretary

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"WITNESS PROTECTION, SECURITY AND BENEFIT ACT,"
APPROPRIATING FUNDS THEREFOR
AND FOR OTHER PURPOSES**

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

- 1 **SECTION 1. *Short Title.*** – This Act shall be known as the "*Enhanced*
- 2 *Witness Protection Act.*"
- 3
- 4 **SEC. 2.** Sections 3, 5, 6, 7 and 8 of Republic Act No. 6981, otherwise
- 5 known as the "*Witness Protection, Security and Benefit Act,*" are hereby
- 6 amended to read as follows:
- 7
- 8 **"SEC. 3. *Admission into the Program.*** - Any person who has
- 9 witnessed or has knowledge or information on the commission of
- 10 a crime and has testified or is testifying or about to testify before
- 11 any judicial or quasi-judicial body, or before any investigating
- 12 authority, may be admitted into the Program:
- 13
- 14 *Provided, That:*
- 15
- 16 a) The offense [in] FOR which [his] THE testimony will be used is
- 17 a grave felony as defined under the Revised Penal Code, or its
- 18 equivalent under special laws;
- 19
- 20 b) [his] THE testimony can be substantially corroborated in its
- 21 material points;
- 22

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

9 d) [he] THE WITNESS is not a law enforcement officer, [even if
10 he would be testifying] UNLESS THE TESTIMONY TO BE
11 GIVEN WILL BE against other law enforcement officer(s). [In
12 such a case, only the immediate members of his family may avail
13 themselves of the protection provided for under this Act.]
14

15 IF, UPON THE DETERMINATION OF LAW ENFORCERS,
16 THERE IS A NECESSITY TO PROVIDE PROTECTION TO A
17 POTENTIAL WITNESS DURING THE INITIAL STAGES OF
18 INVESTIGATION, THE LAW ENFORCEMENT AGENCY MAY
19 RECOMMEND TO THE DEPARTMENT THE TEMPORARY
20 ADMISSION OF SUCH POTENTIAL WITNESS.
21

22 If the Department, after examination of said applicant and other
23 relevant facts, is convinced that the requirements of this Act and
24 its implementing rules and regulations have been complied with,
25 it shall admit said applicant to the Program, require said witness
26 to execute a sworn statement detailing [his] THE WITNESS'
27 knowledge or information on the commission of the crime, and
28 thereafter issue the proper certification. For purposes of this Act,
29 any such person admitted to the Program shall be known as the
30 Witness.
31

32 **SEC. 5. Memorandum of Agreement (MOA) with the Person**
33 **to be Protected.** - Before a [person is provided] WITNESS CAN
34 AVAIL OF THE protection under this Act, he/SHE shall [first
35 execute] ENTER INTO a memorandum of agreement WITH THE
36 DEPARTMENT, which shall set forth his/HER SPECIFIC
37 responsibilities including:
38

39 a) To testify before and provide information to all appropriate law
40 enforcement officials concerning all appropriate proceedings in
41 connection with or arising from the activities involved in the
42 offense charged;
43

44 b) To avoid the commission of a crime;
45

46 c) To take all necessary precautions to avoid detection by others
47 of the facts concerning the protection provided under this Act;
48

49 d) To comply with legal obligations and civil judgments against
50 him/HER;

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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/HER current activities and address;

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

H) TO COMPLY WITH SUCH OTHER CONDITIONS AS THE SECRETARY OF JUSTICE 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 Agreement. - Substantial breach of the memorandum of agreement shall be a ground for the IMMEDIATE termination of the BENEFITS AND protection provided under this Act [;Provided, however, That before terminating such protection]. The Secretary of Justice shall send a WRITTEN 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 [into] AND COVERAGE UNDER the Program [and the action taken thereon] shall be confidential in nature, INCLUDING, BUT NOT LIMITED TO, THE WITNESS IDENTIFY, SUBJECT MATTER OF DISCLOSURE, AND PERSON TO WHOM SUCH DISCLOSURE IS MADE. No information or documents [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] THIS PROVISION shall, upon conviction, be punished with imprisonment of not less than [one (1) year] 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 DEPARTMENT.

SEC. 8. Rights and Benefits. - The Witness shall have the

1 RIGHTS TO SECURITY AND PROTECTION AS WELL AS THE
2 following [rights and] benefits:
3

4 a) To have a secure housing facility until [he] THE WITNESS has
5 testified or until the threat, intimidation or harassment disappears
6 or is reduced to a manageable or tolerable level. When the
7 circumstances warrant, the Witness shall be entitled to relocation
8 and/or change of personal identity at the expense of the Program.
9 This right TO A SECURE HOUSING FACILITY AND
10 RELOCATION may be extended to any member of the family of
11 the Witness within the second [civil] degree of consanguinity or
12 affinity UPON SATISFACTION OF THE REASONABLE
13 CONDITIONS THE DEPARTMENT SHALL SET FORTH IN THE
14 IMPLEMENTING RULES AND REGULATIONS OF THIS ACT.
15

16 b) TO HAVE A CHANGE OF PERSONAL IDENTITY, WHICH
17 MAY INCLUDE A CHANGE IN PHYSIOLOGICAL
18 APPEARANCE OR CHANGE OF NAME. THE DEPARTMENT,
19 UPON APPLICATION OF THE WITNESS COVERED UNDER
20 THE PROGRAM AND IN ACCORDANCE WITH THE RULES
21 WHICH THE DEPARTMENT SHALL HEREAFTER
22 PROMULGATE, MAY ORDER A CHANGE OF THE FIRST
23 NAME, MIDDLE NAME, AND/OR FAMILY NAME OF THE
24 WITNESS COVERED, WITHOUT NEED OF A SEPARATE
25 JUDICIAL ORDER OR ADMINISTRATIVE PROCEEDING,
26 WITH PROPER COORDINATION WITH CONCERNED
27 GOVERNMENT AGENCIES. PURSUANT TO SUCH ORDER,
28 THE DEPARTMENT MAY DIRECT ALL CONCERNED
29 AGENCIES OF THE GOVERNMENT TO MAKE THE
30 NECESSARY ENTRIES IN SUCH A MANNER THAT ENSURES
31 THE CONFIDENTIALITY OF THE PROCEEDINGS AND AVOID
32 A DISCLOSURE OF THE IDENTITY OF THE WITNESS.
33

34 c) The Department shall, whenever practicable, assist the
35 Witness in obtaining a means of livelihood. The Witness
36 relocated pursuant to this Act shall be entitled to a financial
37 assistance from the Program for his/HER support and that of
38 his/HER family in such amount and for such duration as the
39 Department shall determine.
40

41 d) In no case shall the Witness be removed from or demoted in
42 work because or on account of [his] THE WITNESS' absences
43 due to [his] attendance before any judicial or quasi-judicial body
44 or investigating authority, including legislative investigations in
45 aid of legislation, in going thereto and in coming therefrom:
46 *Provided*, That [his] THE WITNESS' employer is notified through
47 a certification issued by the Department, within a period of thirty
48 (30) days from the date when the Witness last reported for work:
49 *Provided, further*, That in the case of prolonged transfer or
50 permanent relocation, the employer shall have the option to

1 remove the Witness from employment after securing clearance
2 from the Department, upon the recommendation of the
3 Department of Labor and Employment (DOLE).
4

5 Any Witness who failed to report for work because of witness duty
6 shall be [paid his] GIVEN AN ALLOWANCE BY THE
7 DEPARTMENT equivalent TO THE WITNESS' salaries or wages
8 corresponding to the number of THE WITNESS' days of absence
9 FROM WORK occasioned by the Program. IF THE EMPLOYER
10 REMOVES THE WITNESS FROM EMPLOYMENT UPON
11 SECURING A CLEARANCE FROM THE DEPARTMENT DUE
12 TO PROLONGED TRANSFER OR PERMANENT
13 RELOCATION, THE DEPARTMENT SHALL GIVE AN
14 ADDITIONAL ALLOWANCE EQUIVALENT TO ONE (1) MONTH
15 PAY OR ONE (1) MONTH FOR EVERY YEAR OF SERVICE,
16 WHICHEVER IS HIGHER. For purposes of this Act, any fraction
17 of a day shall constitute a full day [salary or wage]. This provision
18 shall be applicable to both government and private employees.
19

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

27 f) To be provided with NECESSARY free medical ATTENTION,
28 treatment, hospitalization and medicines, PARTICULARLY for
29 any injury, [or] illness OR ANY OTHER MEDICAL CONDITION
30 incurred or suffered by [him because of] THE WITNESS OR BY
31 HIS/HER SPOUSE AND MINOR OR DEPENDENT CHILDREN
32 WHILE ON witness duty OR WHILE IN THE TEMPORARY
33 SHELTER PROVIDED BY THE PROGRAM in any private or
34 public hospital, clinic, or at any such institution at the expense of
35 the Program.
36

37 WITNESS DUTY SHALL INCLUDE THE ATTENDANCE OF THE
38 WITNESS IN THE COURT, BODY OR AUTHORITY WHERE
39 THE TESTIMONY IS REQUIRED, AS WELL AS
40 CONFERENCES, INTERVIEWS, AND/OR INVESTIGATIONS
41 WITH PROSECUTORS OR INVESTIGATING OFFICERS. A
42 WITNESS WHO IS RELOCATED TO AN ACCREDITED
43 WITNESS PROTECTION, SECURITY AND BENEFIT
44 PROGRAM TEMPORARY SHELTER SHALL BE CONSIDERED
45 TO BE UNDER WITNESS DUTY FOR THE DURATION OF
46 HIS/HER STAY IN SAID TEMPORARY SHELTER.
47

48 g) If a Witness is killed[,] because of participation in the Program,
49 [his] THE WITNESS' heirs shall be entitled to a burial benefit of
50 not less than [Ten Thousand pesos (P10,000.00)] FIVE

1 HUNDRED THOUSAND PESOS (P500,000.00) from the
2 Program exclusive of any other similar benefits [he] THE
3 WITNESS may be entitled to under other existing laws.
4

5 h) [In case of death or permanent incapacity, his] THE WITNESS'
6 minor or dependent children shall be entitled to free education
7 AND/OR EDUCATIONAL ASSISTANCE, from primary to college
8 level in any state, or private school, college or university [as may
9 be determined by the Department,] as long as they shall have
10 qualified thereto. THE EDUCATIONAL BENEFITS HEREIN
11 PROVIDED CAN BE AVAILED OF BY THE WITNESS' MINOR
12 OR DEPENDENT CHILDREN FOR PRIMARY, SECONDARY
13 AND TERTIARY EDUCATION; *PROVIDED*, THAT FOR
14 TERTIARY EDUCATION, THE EDUCATIONAL ASSISTANCE
15 SHALL IN NO CASE EXCEED FIVE (5) YEARS."
16

17 i) IN CASE THE WITNESS IS A SENIOR CITIZEN OR A
18 PERSON WITH DISABILITY, THE DEPARTMENT, IN
19 COORDINATION WITH THE NATIONAL COMMISSION OF
20 SENIOR CITIZENS AND OTHER RELEVANT AGENCIES,
21 SHALL PROVIDE SPECIAL ACCOMMODATIONS THAT
22 ADDRESS THEIR NEEDS, AS APPROPRIATE, INCLUDING,
23 BUT NOT LIMITED TO, MEDICAL CARE AND ASSISTANCE
24 AND PALLIATIVE CARE.
25

26 THE DEPARTMENT SHALL ASSESS AND EVALUATE, ON AN
27 ANNUAL BASIS, THE PROGRAM, AND SHALL DEVELOP AND
28 ESTABLISH PROCESSES AND PROCEDURES FOR
29 WITNESS PROTECTION AND SECURITY IN ACCORDANCE
30 WITH INTERNATIONALLY RECOGNIZED BEST PRACTICES.
31

32 **SEC. 3.** Sections 10 and 12 of the same Act are hereby amended to
33 read as follows:
34

35 **"SEC. 10. [State Witness] ADMISSION OF OFFENDERS.** - Any
36 person who has participated in the commission of a crime and
37 desires to be a witness for the State, can apply and, if qualified
38 as determined in this Act and by the Department, shall be
39 admitted into the Program whenever the following circumstances
40 are present:
41

42 a) The offense in which [his] THE testimony will be used is a
43 grave felony as defined under the Revised Penal Code or its
44 equivalent under special laws;
45

46 b) There is absolute necessity for [his] THE testimony;
47

48 c) There is no other direct evidence available for the proper
49 prosecution of the offense committed;
50

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

3
4 e) [he] THE PERSON does not appear to be most guilty; and

5
6 f) [he] THE PERSON has not at any time been convicted of any
7 crime involving moral turpitude.

8
9 FOR THE AVOIDANCE OF DOUBT, THE ADMISSION OF A
10 PERSON TO THE PROGRAM IS SEPARATE AND DISTINCT
11 FROM THE DISCHARGE OF AN ACCUSED FROM AN
12 INFORMATION OR CRIMINAL COMPLAINT BY THE COURT IN
13 ORDER THAT SAID ACCUSED MAY BE A STATE WITNESS,
14 PURSUANT TO SECTION 17 OF RULE 119 OF THE REVISED
15 RULES OF COURT.

16
17 An accused discharged from an information or criminal complaint
18 by the court in order that [he] THE ACCUSED may be a State
19 Witness pursuant to [Section 9 and 10] SECTION 17 of Rule 119
20 of the Revised Rules of Court may, upon [his] petition, be
21 admitted to the Program [if he complies] UPON COMPLIANCE
22 with the other requirements of this Act. Nothing in this Act shall
23 prevent the discharge of an accused QUALIFIED TO ACT as a
24 State Witness under SECTION 17, Rule 119 of the Revised Rules
25 of Court.”

26
27 **“SEC. 12. *Effect of Admission of a Witness into the Program.***

28 - The certification of admission into the Program by the
29 Department shall be given full faith and credit by the provincial or
30 city prosecutor who is required not to include the Witness in the
31 criminal complaint or information and if included therein, to
32 petition the court for [his] THE discharge PURSUANT TO THIS
33 ACT in order that he/SHE can be utilized as a State Witness. The
34 Court shall order the discharge and exclusion of the said accused
35 from the information.

36
37 Admission into the Program shall AUTOMATICALLY entitle such
38 State Witness to immunity from criminal prosecution for the
39 offense or offenses in which [his] THE testimony will be given or
40 used and all the rights and benefits provided under Section 8
41 hereof.”

42
43 **SEC. 4.** A new Section 12-A is hereby inserted to read as follows:

44
45 **“SEC. 12-A. PERPETUATION OF TESTIMONY. - A WITNESS,**
46 **ONCE ADMITTED INTO THE PROGRAM, SHALL**
47 **PERPETUATE HIS/HER TESTIMONY PURSUANT TO RULE**
48 **134 OF THE REVISED RULES OF COURT.”**

49
50 **SEC. 5.** Sections 13 of the same Act is hereby deleted in its entirety and

1 replace with the following new Section 13:
2

3 **"SEC. 13. FAILURE OR REFUSAL OF THE WITNESS TO**
4 **COOPERATE OR TESTIFY.** - A WITNESS COVERED UNDER
5 THE PROGRAM WHO UNJUSTLY FAILS OR REFUSES TO
6 COOPERATE OR TESTIFY IN THE INVESTIGATION OR
7 PROSECUTION OF A CASE OR WHO GIVES FALSE OR
8 MISLEADING TESTIMONY SHALL BE CRIMINALLY
9 PROSECUTED AND SHALL, UPON CONVICTION, SUFFER
10 THE PENALTY OF IMPRISONMENT OF NOT LESS THAN
11 FOUR (4) YEARS BUT NOT EXCEEDING SIX (6) YEARS. THE
12 WITNESS SHALL ALSO BE REQUIRED TO RESTITUTE ALL
13 THE EXPENSES INCURRED RELATIVE TO HIS/HER AND
14 HIS/HER FAMILY'S COVERAGE UNDER THE PROGRAM,
15 WITHOUT PREJUDICE TO PROSECUTION FOR CONTEMPT
16 AND OTHER CRIMES UNDER EXISTING LAWS."
17

18 **SEC. 6.** Section 17 of the same Act is hereby amended to read as
19 follows:
20

21 "SEC. 17. Penalty for Harassment of Witness. - Any person who
22 harasses a Witness [and thereby hinders, delays, prevents or
23 dissuades a] BY REASON OF THE SWORN STATEMENT OR
24 TESTIMONY GIVEN BY THE LATTER, OR ATTEMPTS TO
25 HINDER, DELAY, PREVENT OR DISSUADE THE Witness from:
26

27 a) Attending or testifying before any judicial or quasi-judicial body
28 or investigating authority;
29

30 b) Reporting to a law enforcement officer or judge the commission
31 or possible commission of an offense, or a violation of conditions
32 or probation, parole, or release pending judicial proceedings;
33

34 c) Seeking the arrest of another person in connection with the
35 offense;
36

37 d) Causing a criminal prosecution, or a proceeding for the
38 revocation of a parole or probation; or
39

40 e) Performing and enjoying the rights and benefits under this Act,
41

42 shall be fined not more than [Three thousand pesos (P3,000.00)]
43 TWENTY THOUSAND PESOS (P20,000.00) or suffer
44 Imprisonment of not less [six (6) months] TWO (2) YEARS but
45 not more than [one (1) year] FOUR (4) YEARS, or both, and he
46 shall also suffer the penalty of perpetual disqualification from
47 holding public office in case of a public officer."
48

49 **SEC. 7.** A new Section 17-A is hereby inserted to read as follows:
50

1 **“SEC. 17-A. CONSTRUCTION OF PROVISIONS - IN CASE OF**
2 **DOUBT, THE PROVISIONS OF THIS ACT SHALL BE**
3 **CONSTRUED IN FAVOR OF THE ADMISSION OF THE**
4 **WITNESS INTO THE PROGRAM.”**

5
6 **SEC. 8. Appropriations.** – The amount necessary to carry out the
7 provisions of this Act shall be included in the annual General Appropriations
8 Act.

9
10 **SEC. 9. Implementing Rules and Regulations.** – Within sixty (60) days
11 from the effectivity of this Act, the Department of Justice, in consultation with
12 appropriate government agencies and other relevant stakeholders, shall
13 promulgate the necessary rules and regulations to effectively implement the
14 provisions of this Act.

15
16 **SEC. 10. Separability Clause.** – If any section or provision of this Act
17 shall be declared unconstitutional or invalid, such shall not invalidate any other
18 section of this Act.

19
20 **SEC. 11. Repealing Clause.** – All laws, decrees, orders, rules,
21 regulations, ordinances or parts thereof which are inconsistent with this Act are
22 hereby repealed or modified accordingly.

23
24 **SEC. 12. Effectivity Clause.** – This Act shall take effect fifteen (15) days
25 after its publication in the Official Gazette or in at least two (2) newspapers of
26 general circulation.

27
28 Approved,
29