



Senate

Office of the Secretary

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

'22 AUG -3 A11 :15

SENATE
S. B. No. 997

RECEIVED BY: _____

Introduced by Senator SONNY ANGARA

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"

EXPLANATORY NOTE

Legislative investigations or inquiries is among the methods where Congress exercises its oversight powers which form part of the elaborate system of checks and balances enshrined in our Constitution.

In order to ensure that Congress is able to acquire information and not prejudice investigations due to non-participation of witnesses, this bill seeks to expand the protection and security provided under Republic Act (R.A.) No. 6981, otherwise known as the "Witness Protection, Security and Benefit Act" for witnesses who attend legislative investigations, in aid of legislation, conducted by the Congress of the Philippines. Specifically, the bill proposes the creation of a separate program for witnesses in legislative inquiries, to be administered by the Senate of the Philippines or the House of Representatives, as the case may be. For further protection of the witnesses, the bill likewise proposes to empower the Secretary of Justice, to order the change of name of covered witnesses without need for a separate judicial order.

To guarantee the truthfulness of the witness' testimony, safeguards in the form of prerequisites for admission to the program were added, such as: 1) prohibition from communicating or entering into amicable settlement with any adverse party; and 2)

compliance with such other conditions deemed proper for the successful investigation or prosecution of the case.

The bill further amends R.A. No. 6981 by entitling witnesses admitted into the program to the following benefits: 1) hospitalization benefits while in the safehouse, regardless of cause and; 2) free public education to minor or dependent children, even during the lifetime of the parent-witness.

Finally, to ensure that testimony given by a witness/resource person, especially during legislative investigations may be appropriately preserved, the bill seeks to institutionalize the perpetuation of testimonies of witnesses admitted to the program, in accordance with Rule 134 of the Revised Rules of Court.

In view of the foregoing, the approval of this bill is earnestly sought.



SONNY ANGARA





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

1 Section 1. Section 3 of Republic Act No. 6981, otherwise known as the "Witness
2 Protection, Security and Benefit Act", is hereby amended to read as follows:

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

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

11 "b) [~~His~~] **THE** testimony can be substantially corroborated in its
12 material points;

13 "c) [~~He~~] **THE WITNESS** or any member of [~~his~~] **THE WITNESS'**
14 family within the second [~~civil~~] degree of consanguinity or affinity is
15 subjected to threats to [~~his~~] life or bodily injury or there is a
16 likelihood that [~~he~~] **THE WITNESS** will be killed, forced,

1 intimidated, harassed or corrupted ~~[to prevent him]~~ **SO AS TO BE**
2 **PREVENTED** from testifying, or to testify falsely or evasively,
3 because or on account of ~~[his]~~ **THE** testimony **GIVEN**; and
4 "d) ~~[He]~~ **THE WITNESS** is not a law enforcement officer, ~~[even if~~
5 ~~he would be testifying]~~ **UNLESS THE TESTIMONY TO BE GIVEN**
6 **WILL BE** against other law enforcement officer(s). ~~[In such a case,~~
7 ~~only the immediate members of his family may avail themselves of~~
8 ~~the protection provided for under this Act.]~~

9 "If the Department, after examination of said applicant and other
10 relevant facts, is convinced that the requirements of this Act and its
11 implementing rules and regulations have been complied with, it shall
12 admit said applicant to the Program, require said witness to execute
13 a sworn statement detailing **THE WITNESS'** knowledge or
14 information on the commission of the crime, and thereafter issue the
15 proper certification. For purposes of this Act, any such person
16 admitted to the Program shall be known as the Witness."

17 Sec 2. Section 4 of Republic Act No. 6981, otherwise known as the "Witness
18 Protection, Security and Benefit Act", is hereby amended to read as follows:

19 "Sec. 4. *Witness in Legislative Investigations.* – In case of legislative
20 investigations in aid of legislation, ~~[a witness,~~ **THE SENATE OF**
21 **THE PHILIPPINES OR THE HOUSE OF REPRESENTATIVES, AS**
22 **THE CASE MAY BE, MAY PROVIDE FOR A SEPARATE**
23 **'WITNESS PROTECTION, SECURITY AND BENEFIT**
24 **PROGRAM' FOR ITS RESOURCE PERSONS AND/OR**
25 **WITNESSES. THE WITNESS AND/OR RESOURCE PERSON,**
26 ~~[with his express consent,~~ may be admitted into the Program upon
27 **THE WRITTEN APPLICATION AND** the recommendation of the
28 legislative committee where ~~[his]~~ **THE** testimony is needed when in
29 its judgment there is a pressing necessity ~~[therefore]~~ **FOR THE**
30 **WITNESS' TESTIMONY OR THE PRODUCTION OF**
31 **DOCUMENTS OR EVIDENCE IN POSSESSION OR CUSTODY**
32 **OF THE WITNESS:** *Provided,* That such recommendation is

1 approved by the President of the Senate or the Speaker of the House
2 of Representatives, as the case may be.

3 **THE SENATE OF THE PHILIPPINES OR THE HOUSE OF**
4 **REPRESENTATIVES, AS THE CASE MAY BE, SHALL HAVE**
5 **PRIMARY JURISDICTION IN THE ADMINISTRATION AND**
6 **IMPLEMENTATION OF THE LEGISLATIVE WITNESS**
7 **PROTECTION, SECURITY AND BENEFIT PROGRAM.**
8 **CONGRESS MAY REQUEST THE NECESSARY ASSISTANCE**
9 **FROM ANY DEPARTMENT, BUREAU, OFFICE OR ANY OTHER**
10 **EXECUTIVE AGENCY TO ASSIST IN THE IMPLEMENTATION**
11 **OF THE PROGRAM: *PROVIDED*, THAT IN THE EVENT THAT A**
12 **CRIMINAL CASE HAS BEEN INSTITUTED, FOR PRELIMINARY**
13 **INVESTIGATION OR TRIAL IN THE COURT, IN RELATION TO**
14 **THE SUBJECT OF THE LEGISLATIVE INQUIRY, ANY WITNESS**
15 **TO THE CRIMINAL CASE COVERED BY THE LEGISLATIVE**
16 **WITNESS PROTECTION, SECURITY AND BENEFIT PROGRAM**
17 **SHALL UPON THE RECOMMENDATION OF THE LEGISLATIVE**
18 **COMMITTEE CONCERNED, BE TURNED OVER TO THE**
19 **WITNESS PROTECTION, SECURITY AND BENEFIT PROGRAM**
20 **ADMINISTERED BY THE DEPARTMENT OF JUSTICE:**
21 ***PROVIDED, FURTHER*, THAT ANY WITNESS TO A CRIMINAL**
22 **CASE WHO IS COVERED BY THE PROGRAM ADMINISTERED**
23 **BY THE DEPARTMENT OF JUSTICE SHALL CONTINUE TO BE**
24 **COVERED AND SHALL REMAIN UNDER SUCH PROGRAM**
25 **NOTWITHSTANDING ANY LEGISLATIVE INQUIRY THAT MAY**
26 **BE INITIATED THEREAFTER WHERE SUCH WITNESS MAY BE**
27 **CALLED UPON TO TESTIFY AS A RESOURCE PERSON.**
28 **"ANY WITNESS COVERED BY THE LEGISLATIVE WITNESS**
29 **PROTECTION, SECURITY AND BENEFIT PROGRAM SHALL**
30 **ENJOY THE SAME RIGHTS AND BENEFITS, BEAR THE SAME**
31 **RESPONSIBILITIES AND SHALL BE SUBJECT TO THE SAME**
32 **CONDITIONS AS PROVIDED FOR IN THIS ACT.**

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

6 Sec. 3. Section 5 of Republic Act No. 6981, otherwise known as the "Witness
7 Protection, Security and Benefit Act", is hereby amended to read as follows:

8 "Sec. 5. *Memorandum of Agreement (MOA) with the Person to be*
9 *Protected.* – [~~Before a person is provided~~] **AS A PREREQUISITE**
10 **TO THE AVAILMENT OF THE** protection under this Act, [~~he shall~~
11 ~~first execute~~] **THE WITNESS SHALL ENTER INTO** a memorandum
12 of agreement **WITH THE DEPARTMENT**, which shall set forth [~~his~~]
13 **CERTAIN** responsibilities including:

14 "a) To testify before and provide information to all appropriate law
15 enforcement officials concerning all appropriate proceedings in
16 connection with or arising from the activities involved in the offense
17 charged;

18 "b) To avoid the commission of a crime;

19 "c) To take all necessary precautions to avoid detection by others of
20 the facts concerning the protection provided [~~him~~] under this Act;

21 "d) To comply with legal obligations and civil judgments against
22 [~~him~~] **ONE'S PERSON;**

23 "e) To cooperate with respect to all reasonable requests of officers
24 and employees of the Government who are providing protection
25 under this Act; [~~and~~]

26 "f) To regularly inform the appropriate program official of [~~his~~]
27 current activities and address[~~-~~];

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

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

6 Sec. 4. Section 6 of Republic Act No. 6981, otherwise known as the "Witness
7 Protection, Security and Benefit Act", is hereby amended to read as follows:

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

16 Sec. 5. Section 7 of Republic Act No. 6981, otherwise known as the "Witness
17 Protection, Security and Benefit Act", is hereby amended to read as follows:

18 "Sec. 7. *Confidentiality [of Proceedings].* – All ~~[proceedings]~~
19 **MATTERS** involving ~~[application for]~~ admission **AND COVERAGE**
20 ~~[into]~~ **UNDER** the Program ~~[and the action taken thereon]~~ shall be
21 confidential in nature~~[-]~~ **AND [N]No** information or documents
22 ~~[given or submitted in support thereof]~~ **RELATIVE THERETO** shall
23 be released except upon written order of the Department or the
24 proper court.

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

30 **"NO INJUNCTION OR TEMPORARY RESTRAINING ORDER**
31 **SHALL BE ISSUED BY ANY COURT ENJOINING THE**

1 **ADMISSION OF THE WITNESS IN THE PROGRAM BY THE**
2 **DEPARTMENT."**

3 Sec. 6. Section 8 of Republic Act No. 6981, otherwise known as the "Witness
4 Protection, Security and Benefit Act", is hereby amended to read as follows:

5 "Sec. 8. *Rights and Benefits.* – The Witness shall have the **RIGHT**
6 **TO SECURITY AND PROTECTION AS WELL AS THE** following
7 [~~rights and~~] benefits:

8 "a) To have a secure housing facility until [~~he~~] **THE WITNESS** has
9 testified or until the threat, intimidation or harassment disappears or
10 is reduced to a manageable or tolerable level. When the
11 circumstances warrant, the Witness shall be entitled to relocation
12 and/or change of personal identity at the expense of the Program.

13 This right **TO A SECURE HOUSING FACILITY AND**
14 **RELOCATION** may be extended to any member of the family of the
15 Witness within the second [~~civil~~] degree of consanguinity or affinity.

16 **"A CHANGE OF PERSONAL IDENTITY MAY INCLUDE A**
17 **CHANGE IN PHYSICAL APPEARANCE OR CHANGE OF NAME.**
18 **THE SECRETARY OF JUSTICE, UPON APPLICATION OF THE**
19 **WITNESS COVERED UNDER THE PROGRAM AND IN**
20 **ACCORDANCE WITH THE RULES WHICH THE DEPARTMENT**
21 **SHALL HEREAFTER PROMULGATE, MAY ORDER A CHANGE**
22 **OF THE FIRST NAME, MIDDLE NAME AND/OR FAMILY NAME**
23 **OF THE WITNESS COVERED, WITHOUT NEED OF A**
24 **SEPARATE JUDICIAL ORDER OR ADMINISTRATIVE**
25 **PROCEEDINGS. PURSUANT TO SUCH ORDER, THE**
26 **SECRETARY OF JUSTICE MAY DIRECT ALL CONCERNED**
27 **AGENCIES OF THE GOVERNMENT TO MAKE THE NECESSARY**
28 **ENTRIES IN THEIR RESPECTIVE REGISTRIES IN SUCH A**
29 **MANNER THAT ENSURE THE CONFIDENTIALITY OF THE**
30 **PROCEEDINGS AND AVOID A DISCLOSURE OF THE**
31 **IDENTITY OF THE WITNESS."**

1 "b) The Department shall, whenever practicable, assist the Witness
2 in obtaining a means of livelihood. The Witness relocated pursuant
3 to this Act shall be entitled to a financial assistance from the Program
4 ~~[for his support and that of his family]~~ in such amount and for such
5 duration as the Department shall determine.

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

18 "Any Witness who failed to report for work because of witness duty
19 shall be paid **[his] BY ONE'S EMPLOYER THE** equivalent salaries
20 or wages corresponding to the number of days of absence
21 occasioned by the Program. For purposes of this Act, any fraction of
22 a day shall constitute a full day salary or wage. This provision shall
23 be applicable to both government and private employees.

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

30 "e) To be provided with **NECESSARY** free medical **ATTENTION**,
31 treatment, hospitalization and medicines **PARTICULARLY** for any
32 injury, ~~[or]~~ illness, **OR ANYOTHER MEDICAL CONDITION**

1 incurred or suffered by ~~[him because of]~~ **THE WITNESS OR BY**
2 **THE SPOUSE AND MINOR OR DEPENDENT CHILDREN WHILE**
3 **ON** witness duty **OR WHILE IN THE TEMPORARY SHELTER**
4 **PROVIDED BY THE PROGRAM** in any ~~[private or]~~ public hospital,
5 clinic, or at any such institution at the expense of the Program.

6 **"WITNESS DUTY SHALL INCLUDE THE ATTENDANCE OF THE**
7 **WITNESS IN THE COURT, BODY OR AUTHORITY WHERE THE**
8 **TESTIMONY IS REQUIRED AS WELL AS CONFERENCES AND**
9 **INTERVIEWS WITH PROSECUTORS OR INVESTIGATING**
10 **OFFICERS. A WITNESS WHO IS RELOCATED TO AN**
11 **ACCREDITED WITNESS PROTECTION, SECURITY AND**
12 **BENEFIT PROGRAM TEMPORARY SHELTER SHALL BE**
13 **CONSIDERED TO BE UNDER WITNESS DUTY FOR THE**
14 **DURATION OF STAY IN SAID TEMPORARY SHELTER."**

15 "f) If a Witness is killed, because of ~~[his]~~ participation in the
16 Program, ~~[his]~~ **THE WITNESS'** heirs shall be entitled to a burial
17 benefit of not less than Ten thousand pesos (P10,000.00) from the
18 Program exclusive of any other similar benefits ~~[he]~~ **THE WITNESS**
19 may be entitled to under other existing laws.

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

30 Sec. 7. Section 10 of Republic Act No. 6981, otherwise known as the "Witness
31 Protection, Security and Benefit Act", is hereby amended to read as follows:

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

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

10 "b) There is absolute necessity for ~~[his]~~ **THE** testimony;

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

13 "d) ~~[His]~~ **THE** testimony can be substantially corroborated on its
14 material points;

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

16 "f) ~~[He]~~ **THE PERSON** has not at any time been convicted of any
17 crime involving moral turpitude.

18 **"THE ADMISSION OF A PERSON TO THE PROGRAM IS**
19 **DISTINCT AND SEPARATE FROM A DISCHARGE OF AN**
20 **ACCUSED FROM AN INFORMATION OR CRIMINAL**
21 **COMPLAINT BY THE COURT IN ORDER THAT SAID ACCUSED**
22 **MAY BE A STATE WITNESS PURSUANT TO SECTION 17 OF**
23 **RULE 119 OF THE REVISED RULES OF COURT.**

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

1 Sec. 8. Section 12 of Republic Act No. 6981, otherwise known as the "Witness
2 Protection, Security and Benefit Act", is hereby amended to read as follows:

3 "Sec. 12. *Effect of Admission of a [State] Witness into the Program.*

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

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

19 Sec. 9. A new Section shall be inserted between Section 12 and Section 13 of
20 Republic Act No. 6981, which shall read as follows:

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

25 Sec. 10. Section 13 of Republic Act No. 6981, otherwise known as the "Witness
26 Protection, Security and Benefit Act", is hereby amended to read as follows:

27 "Sec. 13. *Failure or Refusal of the Witness to **COOPERATE OR***
28 *Testify.* – ~~[Any Witness registered in the Program who fails or refuses~~
29 ~~to testify or to continue to testify without just cause when lawfully~~
30 ~~obliged to do so, shall be prosecuted for contempt. If he testifies~~
31 ~~falsely or evasively, he shall be liable to prosecution for perjury. If a~~
32 ~~State Witness fails or refuses to testify, or testifies falsely or~~

1 ~~evasively, or violates any condition accompanying such immunity~~
2 ~~without just cause as determined in a hearing by the proper court,~~
3 ~~his immunity shall be removed and he shall be subject to contempt~~
4 ~~or criminal prosecution. Moreover, the enjoyment of all rights and~~
5 ~~benefits under this Act shall be deemed terminated.]~~

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

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

19 Sec. 11. Section 14 of Republic Act No. 6981, otherwise known as the "Witness
20 Protection, Security and Benefit Act", is hereby amended to read as follows:

21 "Sec. 14. *Compelled Testimony.* – Any Witness admitted into the
22 Program pursuant to Sections 3 and 10 of this Act cannot refuse to
23 testify or give evidence or produce books, documents, records or
24 writings necessary for the prosecution of the offense or offenses for
25 which ~~[he]~~ **ONE** has been admitted into the Program on the ground
26 of the constitutional right against self-incrimination. ~~[but he]~~ **THE**
27 **WITNESS** shall enjoy immunity from criminal prosecution and
28 ~~[cannot]~~ **SHALL NOT** be subjected to any penalty or forfeiture for
29 any transaction, matter or thing concerning his compelled testimony
30 or books, documents, records or writings produced.

31 "In case of refusal of ~~[said]~~ **THE** Witness to testify or give evidence
32 or produce books, documents, records, or writings, on the ground of

1 the right against self-incrimination, and the [state] **PUBLIC**
2 prosecutor or investigator believes that such evidence is absolutely
3 necessary for a successful prosecution of the offense or offenses
4 charged or under investigation, he, with the prior approval of the
5 Department, shall file a petition with the appropriate court for the
6 issuance of an order requiring said Witness to testify, give evidence
7 or produce the books, documents, records, and writings described,
8 and the court shall issue the proper order.

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

14 Sec. 12. Section 15 of Republic Act No. 6981, otherwise known as the "Witness
15 Protection, Security and Benefit Act", is hereby amended to read as follows:

16 "Sec. 15. ~~[Perjury or]~~ *Contempt.* – No Witness shall be exempt from
17 prosecution for ~~[perjury or]~~ contempt committed while giving
18 testimony or producing evidence under compulsion pursuant to this
19 Act. ~~[The penalty next higher in degree shall be imposed in case of~~
20 ~~conviction for perjury.]~~ The procedure prescribed under Rule 71 of
21 the Rules of Court shall be followed in contempt proceedings but the
22 penalty to be imposed shall not be less than one (1) month but not
23 more than one (1) year imprisonment. **PROVIDED, THAT**
24 **WITNESSES IN INQUIRIES IN AID OF LEGISLATION MAY BE**
25 **IMPRISONED UNTIL THE TERMINATION OF THE**
26 **LEGISLATIVE INQUIRY."**

27 Sec. 13. Section 17 of Republic Act No. 6981, otherwise known as the "Witness
28 Protection, Security and Benefit Act", is hereby amended to read as follows:

29 "Sec. 17. *Penalty for Harassment of Witness.* – Any person who
30 harasses a Witness ~~[and thereby hinders, delays, prevents or~~
31 ~~dissuades a Witness]~~ **BY REASON OF THE SWORN STATEMENT**
32 **OR TESTIMONY GIVEN BY THE LATTER, OR WHO ATTEMPTS**

1 **TO HINDER, DELAY, PREVENT OR DISSUADE THE WITNESS**

2 from:

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

5 "b) reporting to a law enforcement officer or judge the commission
6 or possible commission of an offense, or a violation of conditions or
7 probation, parole, or release pending judicial proceedings;

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

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

12 "e) performing and enjoying the rights and benefits under this Act
13 [~~or attempts to do so,~~] shall be fined not more than [~~Three thousand~~
14 ~~pesos (P3,000.00)] **TWENTY THOUSAND PESOS (P20,000.00)**
15 or suffer imprisonment of not less than [~~six (6) months~~] **TWO (2)**
16 **YEARS** but not more than [~~one (1) year,~~] **FOUR (4) YEARS,** or
17 both [~~, and he shall also suffer the penalty of perpetual~~
18 ~~disqualification from holding public office in case of a public officer].~~~~

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

23 Sec. 14. A new Section (Section 17-A) shall be inserted between Section 17 and
24 Section 18 of Republic Act No. 6981, which shall read as follows:

25 **"SEC. 17-A. CONSTRUCTION OF PROVISIONS. – IN CASE OF**
26 **DOUBT, ANY PROVISION OF THIS ACT SHALL BE**
27 **CONSTRUED IN FAVOR OF THE ADMISSION OF THE**
28 **WITNESS."**

29 Sec. 15. *Appropriations.* – The amount necessary to carry out the provisions
30 of this Act shall be included in the annual General Appropriations Act.

1 *Sec. 16. Implementing Rules and Regulations.* – The Department of Justice shall
2 promulgate the necessary Implementing Rules and Regulations within six (6) months
3 from the effectivity of this Act.

4 *Sec. 17. Separability Clause.* – If any section or provision of this Act shall
5 be declared unconstitutional or invalid, such shall not invalidate any other section
6 of this Act.

7 *Sec. 18. Repealing Clause.* – All laws, decrees, orders, rules, regulations,
8 ordinances or parts thereof which are inconsistent with this Act are hereby repealed
9 or modified accordingly.

10 *Sec. 19. Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
11 complete publication in at least two (2) general newspapers of national circulation.

Approved,